



## Legislation Details (With Text)

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**Title:** HEARING - To consider a request submitted by AT&T Mobility appealing the Planning Commission's July 26, 2018, denial of Site 1-Cool of Conditional Use Permit S17-0016/AT&T CAF4 to allow the construction and operation of a new 122-foot tall stealth monopine tower on property identified by Assessor's Parcel Number 071-032-15, consisting of 25 acres, in the Cool area; and staff recommending the Board adopt one of two options:  
**OPTION 1:**  
 1) Deny the project, thereby upholding the denial by the Planning Commission on July 26, 2018, based on the Findings for Denial (Attachment C); or  
**OPTION 2:**  
 1) Approve the project, thereby approving the appeal by AT&T Mobility based on the Findings for Approval (Attachment E) and subject to the Conditions of Approval (Attachment F), including the changes identified in the Staff Memo dated July 24, 2018 (Attachment J); and  
 2) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff (Attachment H) (Supervisory District 4 ) (Est. Time: 30 Min.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Appeal Form-Site 1, 2. B - Site 1-Cool Planning Commission Minute Order 07-26-18, 3. C - Site 1-Cool Findings for Denial Letter 08-01-18, 4. D - Staff Report, 5. E - Findings for Approval, 6. F - Conditions of Approval, 7. G - Site 1-Staff Report Exhibits A-J, 8. H - Staff Report Exhibit K-Proposed Mitigated Negative Declaration and Initial Study, 9. I - Site 1-Staff Report Exhibit K-Attachments 1-6, 10. J - Staff Memo 07-24-18, 11. K - Site 1-Staff Report Exhibit J-Alternative Site, 12. L - Site 1-Cool Notification Map, 13. M - Proof of Publication-Mountain Democrat, 14. N - Proof of Publication-Georgetown Gazette, 15. Public Comment Rcvd 8-28-18 BOS 8-28-18, 16. FINAL Findings, 17. FINAL Conditions of Approval, 18. APPROVED STAMPED Exhibits-Site 1 Cool, 19. ADOPTED Mitigated Negative Declaration-Site 1 Cool, 20. RECEIPT Notice of Determination-Site 1 Cool, 21. FILED Notice of Determination-Site 1 Cool

Date	Ver.	Action By	Action	Result
8/28/2018	1	Board of Supervisors	Approved	Pass

HEARING - To consider a request submitted by AT&T Mobility appealing the Planning Commission's July 26, 2018, denial of Site 1-Cool of Conditional Use Permit S17-0016/AT&T CAF4 to allow the construction and operation of a new 122-foot tall stealth monopine tower on property identified by Assessor's Parcel Number 071-032-15, consisting of 25 acres, in the Cool area; and staff recommending the Board adopt one of two options:

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### **DISCUSSION / BACKGROUND**

This is a request submitted by AT&T Mobility appealing the Planning Commission's July 26, 2018, denial of Site 1-Cool of Conditional Use Permit S17-0016/AT&T CAF4 ("Project") to allow the construction and operation of a wireless telecommunication facility. The property, identified by Assessor's Parcel Number 071-032-15, consisting of 25 acres, is located on the south side of Triple Seven Road, approximately 1,200 feet south of the intersection with Highway 193, in the Cool area, Supervisory District 4. (County Planner: Evan Mattes) (Mitigated Negative Declaration prepared)

The Project is proposed as a new 122-foot tall stealth monopine tower, with one 15KW DC Diesel Generator with a 54-gallon Belly Tank, one 1-ton HVAC unit, and one equipment shelter, located upon a 1,260 square foot leased space of a 25 acre parcel in the Cool area. The site is zoned Residential Estate Five-Acres (RE-5) with a General Plan Land Use Designation of Low Density Residential (LDR). In order to construct and operate a new communication tower or monopole within a residential zone, a Conditional Use Permit is required by the El Dorado County Zoning Ordinance. The Conditional Use Permit (S17-0016, Site 1-Cool) is required to comply with the California Environmental Quality Act (CEQA) and all other adopted rules, regulations, and ordinances.

The Planning Commission held a public hearing on July 26, 2018, and made a motion to approve the project based on the Findings and subject to the Conditions of Approval, including the changes identified in the Staff Memo dated July 24, 2018. Two Commissioners voted "aye" (Gary Miller and Brian Shinault), one Commissioner voted "nay" (Jon Vegna) and two Commissioners were absent (James Williams and Jeff Hansen). As a quorum of the three Planning Commissioners present, the Project did not receive a majority of the five Planning Commissioner's votes and the motion failed, therefore, the Project was denied (Attachment B). Planning staff was directed to make Findings for Denial in writing based upon the scope of the alternative site analysis and access to Triple Seven Road (Attachment C). Pursuant to the County Zoning Ordinance, there is an appeal period of 10 working days after approval. AT&T Mobility filed an appeal on August 2, 2018 (and \$239 appeal fee) within 10 working days. The County Zoning Ordinance provides that the appeal of a Planning Commission decision be decided at a public hearing with the Board of Supervisors.

### Appeal

The appeal (Attachment A) asserts that the Project Alternative Site Analysis is in compliance with the El Dorado County Zoning Ordinance, the Alternative Site Analysis clearly states why the alternative sites could not be used, that additional sites were considered but received no response from property owners, that the access route is adequate, and that the access rights are considered a civil matter. The appeal items are listed below in bold with County staff responses immediately following in italics.

### **1) The Alternative Site Analysis is in compliance with the El Dorado County Zoning Ordinance.**

*County Response: An updated Alternative Site Analysis (Attachment K) was submitted to Planning staff, which provides additional analysis into each of the potential sites considered. An Alternative Site Analysis is not an item that is required by the El Dorado County Zoning Ordinance. Section 130.40.130 of the El Dorado County Zoning Ordinance provides specific rules and regulations regarding the requirements for communication facilities. "Communication service providers are required to employ all reasonable measures to site their antennas on existing structures as facade mounts, roof mounts, or co-location on existing towers" and to "work with other service providers and*

the Department to co-locate where feasible". The Alternative Site Analysis did include an analysis of potential co-locations within the Project vicinity. The Alternative Site Analysis has been a practice requested by the Planning Commission, however, there is no ordinance requiring it.

**2) The Alternative Site Analysis states why the alternative sites would not suffice for AT&T's coverage needs and additional properties were reviewed but provide no response.**

*County Response: Planning Commissioner Vegna found that the Alternative Site Analysis (Attachment K) did not adequately analyze further potential sites within the Project vicinity. The Planning Commission's February 22, 2018, motion to continue the project, also directed the applicant to provide community outreach. While the notion of a more robust alternative site analysis was discussed, it was not carried over into the February 22, 2018, motion.*

**3) The access route is adequate for commercial activity and would be further reviewed and approved during the Building Permit process.**

*County Response: Planning Commissioner Vegna found that the access route leading to the Project site through Triple Seven Road is inadequate for construction equipment. Planning staff had recommended a new Condition of Approval identified in the Staff Memo dated July 24, 2018 (Attachment J), requiring evidence of the condition of Triple Seven Road prior to and after construction with any road damages occurring from construction activities to be repaired by the applicant prior to the finaling of permits. Furthermore, the Transportation Department did review the Project for adequate access off of State Route 193 and had conditioned the Project to obtain an encroachment permit and improve the encroachment onto Highway 193 (Attachment F). As part of the Project's initial distribution, it was sent to the El Dorado County Fire Protection District for comment of which none was received.*

**4) Access rights are available, however, they are considered to be a civil matter and not within County jurisdiction.**

*County Response: Access rights through private roads are considered to be a civil matter and are not included in the analysis for a new communication facility.*

**ALTERNATIVES**

Two options are being provided to the Board for consideration. Option 1 is to deny the project, thereby upholding the denial by the Planning Commission on July 26, 2018. Option 2 is to approve the project, thereby approving the appeal by AT&T Mobility.

**CONTACT**

Roger Trout, Director  
Community Development Services, Planning and Building Department