

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	December 1, 2021
Item No.	4.a.
Staff:	Bianca Dinkler

CONDITIONAL USE PERMIT REVISION

FILE NUMBER: CUP-R21-0025/AT&T FirstNet Wireless Cell Tower Revision

APPLICANT: AT&T FirstNet c/o Peek Site-Com/Frank Schabarum

PROPERTY OWNER: Wally Cheplick

REQUEST: Conditional Use Permit Revision to an existing wireless communication facility with two (2) lattice towers of 35-feet height each. The revision would modify the North Tower to remove the existing AT&T antenna mounts, three (3) antennas, and associated equipment; and modify the South Tower by increasing the height from 35-feet to 45-feet and installing the three (3) antennas from the North Tower plus four (4) new antennas, for a total of seven (7) antennas located at the 41-foot centerline.

LOCATION: On the east side of Morrison Road, approximately 0.2 mile east of the intersection with Hollow Oak Drive, in the El Dorado Hills area, Supervisorial District 1 (Exhibits A, B).

APN: 119-090-021 (Exhibit C)

ACREAGE: 10.0 acres

GENERAL PLAN: Adopted Plan (Bass Lake Hills Specific Plan) (AP) (Exhibit D)

ZONING: Estate Residential, Ten-acre (RE-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommending the Zoning Administrator take the following actions:

1. Find the project Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. Approve Conditional Use Permit Revision CUP-R21-0025 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Conditional Use Permit Revision would allow for modifications to an existing wireless communication facility with two (2) existing lattice towers of 35-foot height each. The revision would modify the North Tower to remove the existing AT&T antenna mounts, three (3) antennas, and associated equipment; and modify the South Tower by increasing the height from 35-foot to 45-foot and installing the three (3) antennas from the North Tower plus four (4) new antennas, for a total of seven (7) antennas located at the 41-foot centerline. There would be no additional ground disturbance as a result of this facility modification. Staff has determined that the proposed project is consistent with the El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

BACKGROUND

The original Special Use Permit, S90-0057, was approved by the Planning Commission on June 27, 1991 to allow two (2) 35-foot tall cellular communication towers. In 2005, a revision to the permit under S90-0057R was approved by the Zoning Administrator on October 19, 2005 to allow removal of antenna and co-location of six (6) cellular antennas mounted at 32.5-ft level of a 35-ft tower with installation of a 200-sq. ft. prefabricated equipment shelter and power generator within the existing lease area. The current application submitted in 2021 would allow further modifications to the site as discussed in the project description below.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The ten-acre parcel is flat to gently sloping with slopes under 10%. Vegetation is predominantly grasslands, rock outcrops, and several oak trees on-site however no oak trees would be removed or impacted as a result of the proposed lattice tower modifications. Access would be from the existing driveway for the two (2) adjacent water storage tanks, which is a non-County maintained roadway. Within the fenced lease area are two lattice towers with associated support equipment, including an AT&T generator and a Verizon generator, which supports the existing co-locations on the lattice towers.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	Estate Residential, Ten-acre (RE-10)	Adopted Plan (AP) Bass Lake Hills Specific Plan	Residential/Existing Wireless Cell Tower (2 Lattice Towers)
North	Estate Residential, Ten-acre (RE-10)	Adopted Plan (AP) Bass Lake Hills Specific Plan	Residential/Single-unit residence
South	Estate Residential, Ten-Acre (RE-10)	Adopted Plan (AP) Bass Lake Hills Specific Plan	Residential/Single-unit residence
East	Single-unit Residential (R1)	Adopted Plan (AP) Bass Lake Hills Specific Plan	Two Water Tanks
West	Estate Residential, Ten-acre (RE-10)	Adopted Plan (AP) Bass Lake Hills Specific Plan	Residential/Single-unit residence

PROJECT DESCRIPTION

The project proposes the installation of for the purpose of providing wireless high-speed internet and enhanced wireless network coverage. The modification to the site would include FirstNet Technology, a joint venture network development effort by AT&T and the FCC to deploy, operate, maintain, and improve the first high-speed nationwide wireless broadband network dedicated to the first responder and public safety agencies providing public safety response to the public. To meet this goal the following development activities are proposed: modifications to the two (2) existing lattice towers which are currently 35-feet height each. The revision would modify the North Tower to remove the existing AT&T antenna mounts, three (3) antennas, and associated equipment; and modify the South Tower by increasing the height from 35-feet to 45-feet and installing the three (3) antennas from the North Tower plus four (4) new antennas, for a total of seven (7) antennas located at the 41-ft centerline. There would be no additional ground disturbance as a result of this facility modification. Access would be from the existing driveway for the two (2) adjacent water storage tanks, which is a non-County maintained roadway. The increase in height is not negligible in terms of visual impacts given the remote location, existing vegetation screening, and setbacks from property lines. AT&T is operating commercial wireless communication services off of the existing north tower. Service is limited to just one sector of antennas. All existing antennas and mounts on the north tower at the 26-ft centerline would be removed so that AT&T can re-establish commercial wireless service and first responder wireless services on the south tower at the 41-ft centerline over three sectors of antennas.

AT&T currently has ground space lease rights to 336 square feet for placement of an equipment shelter and an additional 4-ft x 10-ft (40 square feet) for an installed backup diesel generator that was permitted by the County earlier this year (Eligibility Request, CUP-R21-0028). There would now be changes to these primary lease area improvements. Lease area rights came with certain space on the north tower where AT&T could install its antennas and other equipment and certain areas on the ground between the shelter and north tower to install conduits, wires, cables and cable trays. The lease area is changing by relocating tower lease rights from the north tower to the south tower and redirecting the existing conduits, wires, cables and cable trays from the shelter to the north tower to the south tower and shelter. (Exhibit F).

Existing/Proposed Tower Improvements:

Site Facility Improvement	Existing		Proposed	
	North Tower	South Tower	North Tower	South Tower
Access	No Change		No Change	
Lattice Tower Height	35'	35'	35'	45'
Quantity of Antennas	3	0'	0	7

STAFF ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2 (Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (Compatibility with Adjoining Land Uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (Adequacy of Public Services and Utilities), Policy 5.2.1.2 (Adequate Quantity and Quality of Water for all Uses, Including Fire Protection), and Policy 6.2.3.2 (Adequate Access for Emergencies).

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project Parcel is zoned Residential Estate, Ten-acre (RE-10) and the project has been analyzed in accordance with all applicable development standards for this zone district. The site plan identifies the lease area boundaries and contains no development proposal which will encroach beyond the allowed buildable area.

The proposal meets the required development standards as illustrated in the table below and described in the Findings. Further, the project as proposed meets the standards for Communication Facilities as outlined within Section 130.40.130 of the County Zoning Ordinance. The Electromagnetic Energy (EME) Exposure Report conducted by OSC Engineering on October 20, 2021 (Exhibit K) shows that the proposed project is compliant with radio frequency radiation requirements as outlined within the Federal Communications Commission’s (FCC) radio frequency (RF) Safety Guidelines.

Table 130.24.030 (Residential Zones Development Standards):

Development Attribute	Zone District: RE	Proposed Towers
Height (in feet)	45'	North Tower (35')/ South Tower (45')
Setbacks (in feet) Front (N/W - Crystal View Dr.)	30'	30'
Secondary Front (S - Morrisson Rd.)	30'	30'
Side (S/E)	30'	30'
Rear (E)	30'	30'

APPLICABILITY OF PREVIOUS CONDITIONS OF APPROVAL (COA)

The Findings and Conditions of Approval (COA) from the original approved Conditional Use Permit (S90-0057) and subsequent revision (S90-0057R) are included for reference. The proposed revision would only be subject to the new COA contained within this Staff Report, which is based upon comments received from Agencies that have reviewed the current project; and from analysis by staff in accordance with current requirements. (Exhibits I, J).

AGENCY COMMENTS

The project was distributed to all applicable local, County and state agencies for review and comments. Comments were received from the El Dorado County Emergency Services Authority, El Dorado Hills Fire Department, Medical Health Operational Health Coordinator, County Department of Transportation (DOT), and County Air Quality Management District (AQMD). These Agencies have no issues or concerns with this project as proposed and all comments are included as conditions as applicable.

El Dorado County Emergency Services Authority: The El Dorado County Emergency Services Authority provided comments of support for the project as it is designed to support first responders. (Exhibit M).

El Dorado Hills Fire Department: The El Dorado Hills Fire Department reviewed the project and provided recommended conditions of approval. These conditions will ensure fire safety access to the cell tower site. (Exhibit N).

ENVIRONMENTAL REVIEW

Conditional Use Permit Revision CUP-R21-0025 has been found Categorical Exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, applying to projects which consist of construction and location of limited numbers of new, small facilities or structures, including accessory structures appurtenant to a primary structure. The project proposes minor modifications to an existing wireless cell tower facility alongside accessory structures appurtenant to the small cell tower facility. The project as proposed is consistent with the Section 15303 of the CEQA Guidelines and is therefore eligible for the categorical exemption, requiring no further CEQA review.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Aerial Map
Exhibit C.....	Assessor's Parcel Map
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibit F.....	Site Plans
Exhibit G.....	Site Photo Simulations
Exhibit H.....	Site Plan of Preferred Access Road and Photos of Gate
Exhibit I.....	Original S90-0057
Exhibit J.....	Revision S90-0057R
Exhibit K.....	Electromagnetic Energy (EME) Exposure Report
Exhibit L.....	PG&E Comments
Exhibit M.....	EDC Emergency Services Authority Comments
Exhibit N.....	El Dorado Hills Fire Department Comments
Exhibit O.....	Medical Health Operational Area Coordinator Comments
Exhibit P.....	Department of Transportation Comments
Exhibit Q.....	Air Quality Management District Comments

FINDINGS

Conditional Use Permit Revision CUP-R21-0025/AT&T FirstNet Wireless Cell Tower Zoning Administrator/December 1, 2021

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

- 1.1 The proposed Conditional Use Permit Revision, CUP-R21-0025, has been found to be Categorically Exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, applying to projects which consist of construction and location of limited numbers of new, small facilities or structures, including accessory structures appurtenant to a primary structure. The project proposes minor modifications to an existing wireless cell tower facility alongside accessory structures appurtenant to the small cell tower facility which is consistent with the Section 15303 of the CEQA Guidelines and is therefore eligible for the categorical exemption, and requires no further CEQA review.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Adopted Plan (AP) land use designation recognizes areas for which specific land use plans have been prepared and adopted. These plans (e.g., specific plan or community plan) are accepted and incorporated by this reference, and the respective land use map associated with each such plan.

Rationale: The proposed project to modify the two existing lattice cell towers and is a permitted use within the AP - Bass Lake Hills Specific Plan land use designation (Exhibit D). The lattice towers are located within an existing lease area and would provide the community with increased cellular access, specifically for first responders. The project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this General Plan Findings section which documents the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project would modify the two (2) existing lattice cell towers and would not be incompatible with adjoining land uses. All improvements associated with the modifications would occur within the existing lease area. No expansion of the lease area is proposed, only an increase in the height of the South Tower from 35-ft to 45-ft. The project is consistent with this policy.

2.4 The project is consistent with General Plan Policy TC-Xa.

(1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestions during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project will not create any new units or parcels of land. Therefore, this policy does not apply.

(2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voter's approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

(3) and (4) Intentionally blank as noted in the General Plan.

(5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

(6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five (5) or more units or parcels of land, the County shall make a finding that the project

complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would not create new units or parcels of land. Therefore, this policy does not apply.

2.5 The project is consistent with General Plan Policy TC-Xb.

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Study Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.6 The project is consistent with General Plan Policy TC-Xc.

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.7 The project is consistent with General Plan Policy TC-Xd.

LOS for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the County's Department of Transportation (DOT) which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak Hour traffic volumes.

Rationale: This project will not worsen LOS for any county-maintained road or state highway.

2.8 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, and C of this policy are not met.

2.9 The project is consistent with General Plan Policy TC-Xf.

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasting traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project will not create any new parcels nor worsen traffic on the County road system. Therefore, this policy does not apply.

2.10 The project is consistent with General Plan Policy TC-Xg.

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and

construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions.

2.11 The project is consistent with General Plan Policy TC-Xh.

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project is not proposing the subdivision of land; therefore this policy does not apply.

2.12 The project is consistent with General Plan Policy TC-Xi.

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is directed to the County to coordinate with other agencies.

2.13 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utility to be impacted by that development.

Rationale: The project was reviewed by DOT for adequate public services capacity. No issues or concerns were raised regarding the adequacy of public services and utilities which will serve this project. Therefore, this project is consistent with this policy.

2.14 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The El Dorado Hills Fire Department reviewed the project and provided comments (Exhibit N) which are included as Conditions of Approval which ensures adequate quantity and quality of water for all uses, including fire protection. As conditioned the project is consistent with this policy.

2.15 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Access to the site is provided by an existing private road in the upper north/east corner of the property adjacent to the two water storage tanks and there is clear ingress/egress to the lease area. DOT and the El Dorado Hills Fire Department reviewed the application and did not require additional site access or improvement to the existing roads. The site plans were reviewed for emergency ingress/egress capabilities and additionally building plans will be reviewed by the County Building Services, DOT, and the El Dorado Hills Fire Department prior to issuance of the building permit for compliance with County and fire codes during the plan check process. Further, the El Dorado County Emergency Services Authority and Medical Health Operational Health Coordinator reviewed the project and provided comments of support as the project is being developed for first responders. The project is consistent with this policy. (Exhibits M, N, O, P).

2.16 The project is consistent with General Plan Policy 6.5.1.2.

General Plan Policy 6.5.1.2 requires that when noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 6-1 or the performance standards of Table 6-2, an acoustical analysis shall be required.

Rationale: The proposed project includes a back-up generator to be used in instances of rolling power shut-offs. The noise generated by this generator will not be consistent and the noise impacts associated with the back-up generator will be during rolling black-outs and during short intermittently scheduled operational tests. The project is consistent with this policy.

2.17 The project is consistent with General Plan Policy 6.5.1.7.

General Plan Policy 6.5.1.7 requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Rationale: The proposed project includes a back-up generator which is not expected to exceed the noise level standards of Table 6-2 for noise-sensitive uses. The project is consistent with this policy.

2.18 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees are proposed to be removed as part of the proposed project. If oak trees were to be removed, an Oak Resource Technical Report and applicable oak mitigation in-lieu fees would be required. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130 of the County Zoning Ordinance.

The parcel is zoned Residential Estate, Ten-acre (RE-10). The project has been analyzed in accordance with Zoning Ordinance Section 130.24.020 (Residential Zone Use Matrix) for allowable uses and 130.24.030 (Residential Zone Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed project is consistent with the RE-10 (Exhibit E) zoning designation as communication facilities are allowed within the RE zone with the approval of a Conditional Use Permit. The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Residential Zone Development Standards) for height and building setbacks. Setbacks within the RE zoning designation are 30-ft for the front setback, 30-ft for the sides, and 30-ft of the rear. The maximum height is 45-ft. The project is consistent with this section.

3.2 The project is consistent with Chapter 130.34: Outdoor Lighting.

Chapter 130.34 of the Zoning Ordinance establishes outdoor lighting requirements for developments with additional standards found in the Community Design Standards.

Rationale: No new outdoor lighting is proposed. The project is consistent with the outdoor lighting standards.

3.3 The project is consistent with Section 130.40.130: Communication Facilities.

Section 130.40.130 requires that new Communication Facilities within residential zones shall be subject to Planning Commission approval of a Conditional Use Permit.

Rationale: The proposed project is not a new communication facility but a request for a Conditional Use Permit Revision. Although the original Special Use Permit, S90-0057, was approved by the Planning Commission on June 27, 1991 (Exhibit I), a subsequent revision, S90-0057R, was approved by the Zoning Administrator on October 19, 2005 (Exhibit J). Staff determined

the current revision could also be reviewed by the Zoning Administrator. The project is consistent with this section.

3.4 The project is consistent with Section 130.40.130(A).

Section 130.40.130.A minimizes the number of communication facilities by encouraging the joint use of towers and service providers to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and development of new sites that are multi-carrier.

Rationale: The proposed project is not a new cell tower, but a Conditional Use Permit Revision to allow modifications to the existing lattice towers which does allow for colocation of multiple carriers. The project is consistent with this section.

3.5 The project is consistent with Section 130.40.130(B)6.

Section 130.40.130(B)6 requires that proposed towers or monopoles not located within commercial, industrial, or research and development zones; or where located adjacent to a state highway or designated scenic corridor; or within 500 feet of any residential zone, new towers or monopoles shall be subject to Planning Commission approval of a Conditional Use Permit.

Rationale: The project is a Conditional Use Permit revision to allow modifications to two existing lattice towers to improve cellular service for first responders. The project is consistent with this section.

3.6 The project is consistent with Section 130.40.130(C-H).

Section 130.40.130(C-H) of the Zoning Ordinance requires that in all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

C. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.

Rationale: Photo-simulations of the facility are provided with this Staff Report. These photos demonstrate how the added height to the South Tower will continue to blend with the existing surroundings as there is fencing, mature oak trees within the lease area, and two (2) existing water storage tanks adjacent to the lattice towers, all of which help to buffer the increase in height on the South Tower from 35-ft to 45-ft. (Exhibit G).

D. Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:

1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.

Rationale: The project has been designed to be consistent with the existing design and style of the existing two lattice towers. Associated ground equipment within the lease area is buffered from view by the existing fencing and mature oak trees within the lease area.

2. Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.

Rationale: The site is located within the RE-10 zone, which identifies 30-ft setbacks for front yards; 30-ft setbacks for side yards; and 30-ft for rear yard setbacks. The project lease area is located in the upper north/east portion of the approximately 10-acre parcel and meets all required setbacks for the RE-10 zone.

3. Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.

Rationale: Conditions of Approval are recommended to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations (Exhibits F, G, and H).

E. Radio Frequency (RF) Requirements. The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.

Rationale: The Electromagnetic Energy (EME) Exposure Report conducted by OSC Engineering on October 20, 2021 (Exhibit K) confirms compliance with the applicable Federal Communications Commission's (FCC) Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits).

F. *Availability. All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The existing wireless cell tower site currently hosts one other cell service provider, Verizon. Any separate future collocation would require a revision to this Conditional Use Permit and/or building permit, subject to review by the County.

G. *Unused Facilities. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Planning and Building Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.*

Rationale: The project has been conditioned to comply with this requirement in Condition of Approval #5.

H. *Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:*

1. *School District Notification. If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.*

Rationale: The proposed wireless facility is not located within 1,000 feet of a school. Therefore, this requirement is not applicable.

2. *Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to the property. Any that are identified shall be notified during the initial consultation.*

Rationale: The proposed wireless facility is not located on a property within an HOA. Therefore, this requirement is not applicable.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed telecommunications facility use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Findings 2.0 above.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The project is designed to support critical cellular communications for first responders and is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The back-up generator will create noise only when in use for emergencies. The Electromagnetic Energy (EME) Exposure Report conducted by OSC Engineering on October 20, 2021 (Exhibit K) states that radio frequency exposure levels are below the FCC's most stringent General Population Maximum Permissible Exposure Limits (MPE). The project is consistent with this Finding.

4.3 The proposed use is specifically permitted by Conditional Use Permit.

As discussed in Section 3.1 above, the proposed monopole use is specifically permitted in accordance with Zoning Ordinance Table 130.24.020 subject to approval of a Conditional Use Permit.

CONDITIONS OF APPROVAL

Conditional Use Permit Revision CUP-R21-0025/AT&T FirstNet Wireless Cell Tower Zoning Administrator/December 1, 2021

Planning Department

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F	Site Plans
Exhibit G	Site Photo Simulations
Exhibit H	Site Plan of Preferred Access Road and Photos of Gate
Exhibit K	Electromagnetic Energy (EME) Exposure Report

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The approval of this Conditional Use Permit Revision would allow for modifications to an existing wireless communication facility with two (2) existing lattice towers of 35-foot height each. The revision would modify the North Tower to remove the existing AT&T antenna mounts, three (3) antennas, and associated equipment; and modify the South Tower by increasing the height from 35-feet to 45-feet and installing the three (3) antennas from the North Tower plus four (4) new antennas, for a total of seven (7) antennas located at the 41-foot centerline. There would be no additional ground disturbance as a result of this facility modification.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below.

2. **Facility Maintenance and Visual Screening:** All improvements associated with the communication facility, including equipment shelters, cabinets, and other auxiliary structures shall be properly maintained at all times. Supporting equipment within the lease area shall be screened from view by fencing surrounding the lease area. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent. Planning Services shall verify the painting of the structures prior to final inspection and approval of the facility.
3. **Colocation Review:** For collocation purposes, although no new collocation is proposed with this Conditional Use Permit Revision, any future collocation requests would require further review by the Zoning Administrator.

4. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaints.
5. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
6. **Five Year Review:** Due to the ever-changing technology of wireless communication systems, this Conditional Use Permit shall be reviewed by the Zoning Administrator every five (5) years. At each five-year review, the permit holder shall provide the Planning Department with a status report on the then current use of the subject site and related equipment to include dated photos of the tower and equipment, and Electromagnetic Energy (EME) Exposure Report demonstrating compliance with current Federal Communications Commission (FCC) emission regulations. Planning Services shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to:
 - a. Allow the facility to continue to operate under all applicable conditions; or
 - b. Hold a public hearing to determine whether to modify the Conditions of Approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the conditional use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this Condition, it is the intent of the County to reserve the right to modify existing or add new Conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the conditional use permit. The applicant shall pay a fee as determined by the Planning and Building Department to cover the cost of processing a five-year review.

7. **Heritage Resources:** In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
8. **Discovery of Human Remains:** In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section

7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

9. **Compliance Responsibility:** Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable Conditions of Approval.
10. **Generator:** Any routine maintenance that requires running the generators or automatic recycling of the generator shall be performed between the hours of 9:00a.m. to 5:00p.m. Monday through Friday.
11. **Road Repair:** Prior to finaling of Building and/or Grading Permits the applicant shall provide evidence to Planning Services of the post-construction condition of the private access road. Any damage sustained to private access drive by construction activities shall be repaired by the project applicant.

El Dorado Hills Fire Department

12. **Structural Fire and Suppression Services:** Consistent with California Code of Regulations Title 14 § 1266.01, structural fire protection and suppression services will be available for this project by the El Dorado Hills Fire Protection Department (EDHFPD). The project is located within the service boundaries of the EDHFPD. The nearest staffed fire station is Station No. 86 located at 3670 Bass Lake Road. The average response time to the project site is from this fire station is approximately 6 minutes or less to 80% of the population in the area.
13. **Emergency Water supply:** The project area is currently provided with an adequate means of emergency water supply, storage, or conveyance facilities. Prior to new buildings or structures being placed on the project site the applicant will need to demonstrate that they can meet the required emergency water supply provisions found in the California Code of Regulations (CCR) Title 14 § 4290 and the California Fire Code, along with local ordinances and standards of EDHFPD.
14. **Roads and Driveways:** Roads and driveways, whether public or private, serving the project shall comply with California Code of Regulations (CCR) Title 14 § 4290 and the California Fire Code. The project roads shall provide for safe access for emergency fire equipment and civilian evacuation concurrently and must provide unobstructed traffic circulation during a wildfire emergency.

15. **Defensible Space:** The project is located within a CALFIRE designated Moderate Fire Hazard Safety Zone. All structures shall provide 100-foot defensible space in accordance with California Public Resource Code Section 4291 and the El Dorado County Code Chapter 8.09.
16. **New Buildings and Structures:** New buildings and structures placed on the parcel shall comply with all applicable fire safety regulations found in California Code of Regulations Title 14, 19, 24 and EDHFPD ordinances and regulations.

Air Quality Management District (AQMD)

17. **Fugitive Dust:** The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to the start of project construction if a Grading Permit is required from the Building Department pursuant to AQMD Rules 223 and 223.1.
18. **Paving:** The project may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
19. **Painting and Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215- Architectural Coatings.
20. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire pursuant to AQMD Rule 300- Open Burning.
21. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operation of each piece of equipment.
22. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment> Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.

23. **New Point Source:** Prior to construction/installation of any new point source emissions units, Authority to construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications, and emissions factors pursuant to AQMD Rules 501 and 523.