



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPE19-0062
DATE: July 9, 2020
TIME: 1:20 pm
STAFF: Marina Herrera, Project Planner

SUMMARY

Property Owner: Elizabeth Blanchard Hanlein Trust, et al.
Applicant: Epic Wireless Group, dba AT&T Mobility LLC
Address: 5651 Bohemian Highway, Camp Meeker
Supervisory District(s): Fifth District
APN: 075-030-011
Description: Request for a Use Permit for a Major Freestanding Commercial Telecommunications Facility, including a 135-foot high faux tree monopole (mono-pine), associated ground equipment cabinet, and a 30KW generator with 190-gallon diesel fuel tank for the purpose of backup emergency power, located within a 900 square foot lease area, enclosed by a six foot high fence on a 311 acre parcel.
CEQA Review: Categorical Exemption, Section 15303, New Construction of a Small Structure
General Plan Land Use: Land Extensive Agriculture (LEA – 120 acre density) & Resources and Rural Development (RRD – 120 acre density)
Specific/Area Plan Land Use: Not applicable
Ordinance Reference: Section 26-88-130. Telecommunication Facilities
Zoning: Split Zoned: Land Extensive Agriculture (LEA – 120 acre density) Resources and Rural Development (RRD – 120 acre density) Accessory Dwelling Unit Exclusionary Zone (Z) Biotic Habitat (BH) Riparian Corridor (RC50/50, 50 foot setback) Scenic Resource (SR – Scenic Corridor)



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the requested Use Permit to allow for a Major Freestanding Telecommunications Facility.

EXECUTIVE SUMMARY

The proposed project is for a new major freestanding telecommunications facility, including a 135-foot high faux tree monopine design on a 311 acre parcel split zoned Land Extensive Agriculture and Resources and Rural Development at 5651 Bohemian Highway in Camp Meeker.

Staff's recommendation for approval is based on: 1) the tower is consistent with the General Plan and Zoning Code, 2) the tower design is compatible with surrounding landscape features, and 3) the project site is located outside of the adjacent Scenic Corridor.

A project alternatives analysis, photo simulations, radio frequency report, biological assessment, and noise assessment were prepared to assess potential impacts of the development. Potential impacts associated with the telecommunications tower have been addressed in the project Conditions of Approval, which include ongoing maintenance of the faux pine materials to ensure it remains consistent with its original state.

Due to federal regulations, telecommunication projects are subject to processing deadlines known as the "shot clock." Failure to make a final decision within the shot clock time frames can result in deemed approval of a project. The current deadline for this project is July 31, 2020.

PROJECT SITE AND CONTEXT

Federal Law

Federal law preserves local authority over land use decisions for wireless facilities, but sets forth specific limitations on that authority. Notably, federal law prohibits local governments from regulating telecommunication facility siting based on exposure to radio frequency emissions. Specifically, the Telecommunications Act of 1996 (the "Act") states:

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." 47 U.S.C. Section 332(c)(7)(B)(iv).

Thus, if an applicant demonstrates compliance with the federal radio frequency (RF) standards, the County cannot deny or modify the project based on "environmental effects of radio frequency emissions."

Here, the applicant has submitted an RF emissions report prepared by Waterford Consultants, LLC dated August 15, 2019, which analyzes the project's radiofrequency emissions. For this facility, the worst-case maximum exposure would be 0.3898% of the federal RF limit at ground level, which is well within federal exposure limits. Therefore, this Board has no authority to deny or modify the proposed project based on concerns related to radiofrequency emissions.



In addition to barring local government from regulating the placement, construction, or modification of wireless facilities on the basis of the environmental effects of radio frequency emissions, the Act provides that local government regulation *"shall not prohibit or have the effect of prohibiting the provision of personal wireless services" (i.e., prevent a carrier from closing a significant gap in service coverage), or "unreasonably discriminate" between wireless carriers (i.e., approve a carrier at one site and then turn down another carrier at the same approximate location). See 47 U.S.C. Section 332(c)(7)(B)(i).*

Finally, the Act provides that any decision to deny a facility *"shall be in writing and supported by substantial evidence contained in a written record."* 47 U.S.C. Section 332(c)(7)(B)(iii).

Area Context and Surrounding Land Uses

The 311 acre parcel is presently vacant and utilized for cattle grazing. The parcel consists of densely forested areas and large pockets of open areas. The project site is situated 1.59 miles northwest of Occidental and .53 miles north from the center of Camp Meeker.

Direction	Land Uses
North	Resources and Rural Development (RRD, B6 120), Land Extensive Agriculture (LEA, B6 120)
South	Resources and Rural Development (RRD, B6 120)
East	Land Extensive Agriculture (LEA, B6 120), Diverse Agriculture (DA, B6 40)
West	Resources and Rural Development (RRD B6 120)

Significant Applications Nearby

There are no nearby applications which would have a significant effect on the project’s analysis or approval.

Access

The project parcel is accessed from Bohemian Highway, which is a County-maintained highway. AT&T has proposed a 15’ non-exclusive access and utility easement, utilizing an existing roadway, to provide for access from Bohemian Highway to the proposed facility lease area.

Wildfire Risk

The project parcel is located within a State Responsibility Area for fire protection and is currently served by the Occidental Community Service District. The development includes a 30KW generator powered by a 190-gallon diesel tank. The Generac diesel generator unit is compliant with National Fire Protection Association (NFPA) code sections, specifically the following sections 37, Standards for Stationary Combustion Engines, 70 Electrical, 99 Use in Critical Health Care facilities, and 110 Fire Standards for Emergency and Standby Power Systems. The purpose of the diesel-powered generator is to supply power to the telecommunications facility in the event of a loss of power, including a PG&E Public Safety Power Shutoff, and the generator contains the capacity to run the facility for a maximum of 48 hours.

Water/Wastewater/Utilities

The proposed project will not facilitate an increase in water demand and wastewater facilities as it is an unmanned commercial telecommunications facility.



Agricultural Conditions/Land Encumbrances/Contracts

The site is located within a Williamson Act Contract (WAC), recorded on February 18, 1970, in Book 2447 and Page 416 of the Official Records of Sonoma County. The Williamson Act Contract on file is a ‘non-prime’ contract and the agricultural use of the parcel is grazing. The Sonoma County Uniform Rules for Agriculture Preserves and Farmland Security Zones, as amended on November 7th, 2017 (Resolution No. 17-0438) define non-prime agricultural lands as ‘non-prime agricultural land includes land used for grazing, hay production, rotational crops such as seasonal or year round row crops, ornamental trees or flowers, and dry farming.’

The property owner was required to submit a Landowners Statement of Compliance with the Williamson Act to allow staff to determine consistency of the proposed project with the existing use of the parcel. As the lease area is 900 square feet of the 311 acre parcel, the proposed telecommunication facilities shall have no effect on the present agricultural use of grazing.

Other Environmental Conditions

Environmental conditions of the project site are further addressed below within the Zoning analysis.

PROJECT DESCRIPTION

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
8/30/2019	Application
9/11/2019	Early Neighborhood Notification
9/19/2019	Notice of Incompleteness
12/2/2019	Completeness
3/31/2020	Shot clock deadline (extended to July 31, 2020 by agreement with the applicant)
12/5/2019	Referral to prominent agencies
2/21/2020	Courtesy Notice posted onsite for DRC Hearing
3/4/2020	Design Review Committee Hearing
6/26/2020	Legal Notice posted onsite for BZA Hearing

Prior Review

The Table below summarizes prior actions undertaken for the Project.

Date	Authority	Action Taken
03/04/2020	Design Review Committee	Preliminary Approval of Mono-pine Design

General Plan and Area Plans

The following General Plan and Area Plan policies are applicable to the project:



Policy PF-2u: Review proposals for public and private telecommunication facilities for consistency with General Plan policies and adopted siting and design criteria. In order for a public telecommunication facility to be found consistent with this plan, it must meet the standards and siting and design criteria of the applicable zoning district.

The Resources and Rural Development General Plan Land Use designation allows for Major Freestanding Commercial Telecommunication Facilities where a service coverage study shows that there is no other suitable location for the facility. A large service gap presently exists for the unincorporated area of Camp Meeker, the purpose of the proposed facility will close the gap in service for those residents. In order to properly service this area, AT&T began with eight potential sites. However, because the proposed site had the only willing property owner, there is no other suitable alternative. The project site is appropriate as topography and vegetation of the area will screen the development and the project meets standards and siting criteria for the Resources and Rural zoning district.

Zoning

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, the existing and proposed development, and whether the project is consistent with the Zoning Ordinance.

Development of the proposed telecommunications facility is located within the Resources and Rural Development portion of the split-zoned project site.

Standard	Ordinance	Existing Condition	Proposed Project
Lot Area	120 acres	311.91 acre	No change proposed.
Base Zone	RRD 120	Agriculture	Major Commercial Telecommunication Facility
Residential Density	120 acres per unit	Not applicable.	Not applicable.
Front Setback	30'	Not applicable.	443'-6"
Side Setback	10'	Not applicable.	148'-6" 2,471'-0"
Rear Setback	20'	Not applicable.	4,184'-0"
Height	35 ft	Not applicable.	135 ft
Lot Coverage %	5% or 85,500 SF whichever is greater	Not applicable.	900 sf lease area
Parking Spaces	Not applicable.	Not applicable.	Not applicable.

The proposed tower is considered a Major Freestanding Commercial Telecommunication Facility pursuant to Zoning Code Section 26-02-140:

Major Facility: Such facility which involves a combination of towers and antennas greater than one hundred thirty feet (130') in height

The facility is considered to be a secondary use 'incidental and compatible with the primary use' because the leasehold area for the proposed telecommunication facility would not interfere with any future residential use

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on the vacant 311 acre property utilized for grazing. It is compatible in that it does not generate significant traffic or loud noises and the faux tree design blends with the vegetation and the topography on the property.

Combining Districts

Scenic Resource, Section 26-64-005-050

The project parcel has the combining zone of Scenic Resource due to its frontage along Bohemian Highway. Bohemian Highway is designated as a Scenic Corridor per the Sonoma County General Plan. The proposed facility is located 400+ feet from the frontage of the parcel located within the Scenic Corridor. The proposed mono-pine will be minimally visible from Bohemian Highway. Dense forested areas exist behind the proposed lease area which will allow the mono-pine to blend in with its surrounding environment utilizing topography and vegetation of the site. Due to the Scenic Resource overlay, the project was heard by the Design Review Committee on March 4, 2020 for preliminary approval of the facility's design. The Design Review Committee provided preliminary approval of the project on the basis that the proposed mono-pine's height and design blends in with existing site characteristics, vegetation and topography allowing minimal to no visibility from off-site public roads. The Design Review Committee record of action has been included as Exhibit I.

Biotic Habitat, Section 26-66-05-020

The project parcel has the combining zone of Biotic Habitat. This combining zone requires the applicant to submit a Biotic Resource Assessment to develop mitigation measures. A Biotic Assessment was prepared by Synthesis Planning in November of 2019 while the site visit was conducted on October 10, 2019. Three vegetation communities were observed within the study area and include the following, Festuca rubra Herbaceous Alliance, Quercus (agrifolia, douglasii, garryana, kelloggi, lobate wislizeni) Forest Alliance and ruderal-disturbed vegetation. Federally designated critical habitats and special status natural communities were not identified within the project site or buffer area. Findings per the completed Biological Assessment have identified that potential impacts to wildlife or plants can be avoided by Best Management Practices and construction conditions which have been included in the Conditions of Approval.

Riparian Corridor, Section 26-65-005-040

The subject property has two mapped creeks located onsite, Alder Creek and Grab Creek. The Riparian Corridor required setback for both creeks requires a 50 foot setback from edge of riparian vegetation. The proposed telecommunication facility does not propose an encroachment into this required setback. Alder Creek is closest to the proposed development, located an approximate 700 feet to the east of the proposed lease area. Grab Creek is located an approximate .57 of a mile north of the facility.

Other Development Regulations or Guidelines

Section 26-88-130, Telecommunication Facilities

The Resources and Rural Development zoning designation allows for Major Telecommunications Facilities subject to obtaining a Use Permit and meeting all standard telecommunications ordinance (Sonoma County Zoning Regulations - Section 26-88-130) requirements for Intermediate Facilities. Due to its location in a resource and residential zoning district, the project is also subject to the following



specific criteria for Intermediate and Major Freestanding Commercial Telecommunication Facilities under Section 26-88-130(b)(1)(iii) of the Sonoma County Zoning Regulations:

- (A) Towers shall meet the setback standards of subsection (b)(1)(ii)(A) of this section.*
- (B) For any proposed major facility, an alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of subsection (a)(3)(xiv) of this section.*
- (C) A visual analysis*

ANALYSIS

Alternatives Analysis

The applicant has provided an alternatives analysis showing a gap in service for cellular phone users that are traveling (in transit) and indoors (Exhibit E). The alternatives analysis meets the requirements of Section 26-88-130(a)(3)(xiv) of the Telecommunication section of the Sonoma County Zoning Code. Before identifying potential locations within the designated search ring, Epic Wireless first begins with a search ring to identify potential co-location sites. Within a five-mile radius there is only one facility for potential colocation. However, due to the AT&T issued search ring of .3 miles, the existing facility which could provide for co-location would not provide coverage to the intended area of unincorporated Camp Meeker due to site distance and topography of the area. In total, Epic Wireless identified eight potential sites within the .3 mile search ring. Of the candidates investigated there were no willing landowners. The search ring for this project was situated above the town of Camp Meeker, overlooking Bohemian Highway to the south. Presently there is a large service gap to the residents of Camp Meeker, this facility has been sited with the intention to close that service gap. The proposed site location is a slightly sloped countryside which is going to require minimal grading. The selected site is considered to be the least intrusive location due to existing topography and vegetation in regards to visual impact

Noise

As designed, the project will not produce significant noise during normal operation. However, emergency power is provided by a backup diesel-powered generator to keep cell transmissions operating during outages. The backup generator would be located 443 feet from the nearest property line to the south. A noise study was prepared by Waterford Consultants, LLC on October 15, 2019, which demonstrates that the backup generator noise levels are compliant with County Standards. The backup generator would result in 37 dB at the nearest property line to the south, which is below the maximum allowed exterior noise exposures (50 Db during daytime and 45 dB during nighttime hours at 30 minute intervals in any hour).

Visual Analysis

Using the County's Visual Assessment Guidelines (included as Exhibit H), the project site's sensitivity is characterized as high, as it will be minimally visible from portions of a designated Scenic Corridor. The facility is to be located ± 243 feet outside of the Scenic Corridor which exists along the frontage of the project site, Bohemian Highway. The project's visual dominance can be characterized as subordinate as the proposed design, colors and materials are considered to be compatible with the project site and surrounding environment. Dense forested areas exist behind the proposed lease area which will allow the mono-pine to blend in with its surrounding environment utilizing topography and vegetation. The combination of high sensitivity and



subordinate dominance, determines that the project’s visual impact on scenic public views is considered to be less than significant. Photo simulations of the mono-pine have been included as Exhibit D.

Environmental Analysis

The project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, New Construction or Conversion of Small Structures as development will be limited to within a 900 square foot lease area. There are no facts or circumstances specific to this project that would support an exception to the categorical exemption.

NEIGHBORHOOD/PUBLIC COMMENTS

Early Neighborhood Notification was sent out on September 11, 2019 to property owners within a 300 foot radius of the project parcel. At that time staff received one request for application materials, which were provided to the interested parties. However, to date staff has not received any additional or written public comment regarding the proposed telecommunications facility.

RECOMMENDATIONS

Preceding Review Authority Recommendation

The project was heard by the Design Review Committee (DRC) on March 4, 2020. The project’s visual impact was assessed using the County’s Visual Assessment Guidelines (Exhibit H) for the purpose of the Design Review Committee’s review of the proposed mono-pine. The project site’s sensitivity is characterized as high, as it will be minimally visible from portions of a designated Scenic Corridor. The facility is to be located ±243 feet outside of the Scenic Corridor which exists along the frontage of the project site, Bohemian Highway. The project’s visual dominance can be characterized as subordinate as the proposed design, colors and materials are considered to be compatible with the project site and surrounding environment. Dense forested areas exist behind the proposed lease area which will allow the mono-pine to blend in with its surrounding environment utilizing topography and vegetation. The combination of high sensitivity and subordinate dominance, determines that the projects visual impact on scenic public views is considered to be less than significant. DRC recommended in favor of design approval as proposed as mono-pine height and design blends in with existing site characteristics, vegetation and topography, allowing minimal to no visibility from off-site public roads. DRC Record of Action has been included as Exhibit I.

Staff Recommendation

Staff recommends approval of the Use Permit subject to attached Conditions of Approval.

Findings for Recommended Action

1. The project is consistent with the General Plan land use designation of Resources and Rural Development, and General Plan Policies including, Policy PF-2u: “Review proposals for public and private telecommunication facilities for consistency with General Plan policies and adopted siting and design criteria.” The tower design of a mono-pine will help screen the proposed facility and antennas and blend in with existing vegetation and topography within the project vicinity. The site is mostly screened from public viewpoints by mountainous topography, natural vegetation, as well as sparse and winding public



roads that create few vantage points along Bohemian Highway. Grading will be limited and entirely within the 900 square foot lease area. Due to the dense, mature vegetation, site elevation and topography the project would not pose any significant visual impact. Provision of a telecommunications tower in this site will help to close gaps in wireless service for both people in transit or indoors.

2. The proposed project is consistent with the requirements for siting a telecommunications tower within the RRD (Resources and Rural Development) zoning designation, because the proposal has demonstrated through an alternatives site analysis which meets the requirements of Section 26.88.130(a)(3)(xiv) that there is no other technically feasible method of providing the needed service. The applicant has prepared a visual analysis utilizing photo simulations as required by Section 26-88-130 subsection (b)(1)(iii), which identifies the potential visual impacts at design capacity of the proposed facility and demonstrates that screening, siting and design as described above will result in acceptable visual impacts for the project.
3. The proposed project is consistent with the requirements for siting a telecommunications tower with an SR (Scenic Resources) zoning designation because the proposal has presented a visual analysis that meets the requirements of Section 26-64-040(c), based on the facts stated in findings 1 and 2 above, and an alternatives analysis that meets the requirements of Section 26-88-130(a)(3)(xiv).
4. The project is consistent with Section 26-88-130 (Telecommunication Facilities) of the Zoning Code in that the faux pine tree design minimizes visual impacts and is compatible with the neighborhood and character of the area because it utilizes the vegetation and topography of the site to blend the facility with the surrounding environment.
5. The project as conditioned will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area:
 - a) The antennas on the monopine cell tower will not exceed 135 feet in height;
 - b) The facility will operate without disruption and enhance public safety by providing improved telecommunications service, including during times of power outages;
 - c) Exterior lighting will be motion-sensored, low-mounted, downward casting and fully shielded to prevent glare. Lighting will not wash out structures or any portions of the site. Light fixtures will not be located at the periphery of the property and will not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. Additionally, lighting plans will be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24, effective October 2005;
 - d) The facility will operate below the maximum allowed exterior noise exposures of 50 dBA during daytime hours and 45 dBA during nighttime hours;
 - e) The facility will be operated in compliance with the most current standard governing the limitation of human exposure to nonionizing electromagnetic radiation (NIER) used by the Federal Communications Commission applicable to the facility;
 - f) The entire facility, including all equipment, towers, antennas, etc., must be removed and the site restored to its pre-construction condition or other authorized use on abandonment or termination of the use;
 - g) The applicant's Federal Communications Commission license requirements require the applicant to mitigate any interference with local television or radio reception caused by the facility;



- h) The facility must provide adequate warning of potential hazards as well as location and operator identification and a telephone number for public contact.

ATTACHMENTS

Exhibit A: Draft Conditions of Approval

Exhibit B: Land Use Maps

Exhibit C: Site Plan

Exhibit D: Photo Simulations

Exhibit E: Coverage Predictions & Alternatives Site Analysis

Exhibit F: Noise Study prepared by Waterford Consultants dated October 15, 2019

Exhibit G: Biologic Resource Assessment prepared by Geist Engineering & Environmental Group, Inc. dated November, 2019

Exhibit H: Sonoma County Visual Assessment Guidelines

EXHIBIT I: Design Review Committee Record of Action, March 4, 2020

Exhibit J: Draft Resolution

