



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

AGENDA TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR 2 SOUTH GREEN STREET October 21, 2020 6:00 PM

48 Yaney Avenue, Sonora
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www.tuolumnecounty.ca.gov

PUBLIC PARTICIPATION PROCEDURES

- In order to protect public health and the safety of Tuolumne County citizens, the Tuolumne County Planning Commission Meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in the meeting, follow the instructions below. For detailed Zoom instructions go to the Agenda Packet <https://www.tuolumnecounty.ca.gov/AgendaCenter/Tuolumne-County-Planning-Commission-8>. if you need swift special assistance during the Planning Commission meeting, please call **209-770-5423**.

- 1) Use the link to join the webinar: <https://us02web.zoom.us/j/81543592161> (Webinar ID: 815 4359 2161)
- 2) During the public comment period you will have the option to “*raise your hand*” if you would like to comment on a project or during the public comment portion of the meeting.

If participating by computer:

- After clicking the “*raise your hand*” option, please wait until a staff member unmutes your microphone.
- Once staff has unmuted your microphone you will be asked to provide comments.
- A staff member will notify to you when you have 30 seconds remaining and again when your time is up.
- Once your allotted time is up, a staff member will mute your microphone and “*lower your hand*”.

If participating by smartphone:

- If you are participating from your smartphone, you will also have a “*raise your hand*” feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment. Staff will assist as described above.

If participating by telephone:

- If you are participating via telephone call, you will need to press *9 (star 9) to “*raise your hand*”, and when you are unmuted you will hear “*you are unmuted*” allowing you to provide public comment. Staff will assist as described above.

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (QYaley@co.tuolumne.ca.us) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the Community Development Department Director no later than 9:00 AM on the morning of the noticed meeting.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. COVID- 19 Public Comment Procedures
2. Reports
 - a. Commissioners and Staff
 - b. Board of Supervisors Planning Committee Representative
 - c. Agricultural Advisory Committee Representative

3. Minutes of the Meeting of September 2, 2020

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

1. **COLDSPRINGS WATER CO.**, Conditional Use Permit CUP20-008 to allow the development of a new 120-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 14.5 foot by 14.5 foot fenced area. The project site is a 0.67± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 29384 Old Mono Road in the community of Cold Springs, approximately 1,200± feet southwest of the intersection of State Highway 108 and Old Mono Road. Within a portion of Section 36, Township 4 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-330-003.

2. **ROMANO**, Conditional Use Permit CUP20-009 to allow the development of a new 150-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 20 foot by 20 foot fenced area. The project site is a 1.52± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 26411 Long Barn Court in the Community of Long Barn, approximately 200 feet east of the intersection of Long Barn Road and Long Barn Court. Within a portion of Section 20, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-200-043.

3. **STUTZMAN**, Conditional Use Permit CUP20-013 to allow the development of a new 70-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 14.5 foot by 14.5 foot fenced area. The project site is a 37.65± acre parcel zoned M-U:D:PD:MX:AIR (Mixed Use: Design Control Combining: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport Combining), RE-1:PD:MX:AIR (Residential Estate, One Acre Minimum: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport combining), O:PD:AIR (Open Space: Planned Unit Development Combining: Airport Combining) and RE-1 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located east of the intersection of State Highway 49 and Parrotts Ferry Road in the community of Columbia. Within a portion of Section 24, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-010-073.

4. **VETESY**, Conditional Use Permit CUP20-015 to allow the development of a new 150-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 20 foot by 20 foot fenced area. The project site is a 48.28± acre parcel zoned K (General Recreational) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located on Leland Meadow Road in the community of Strawberry, approximately 6,900± feet northeast of the intersection of State Highway 108 and Leland Meadow Road. Within a portion of Section 3, Township 4 North, Range 18 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 024-420-01.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda, or other materials provided by the County to the Planning Commission prior to the meeting are available for review online at www.tuolumnecounty.ca.gov.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

IMPORTANT PUBLIC NOTICE: Under the Governor's Executive Order N-25-20, this meeting will allow members of the Planning Commissioners to participate by teleconference; and under Order N-29-20, Accessibility Requirements.

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

August 17, 2020

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TO: Committee and Commission Members
FROM: Quincy Yaley, AICP Community Development Department Director
RE: Public Hearing Procedures

In light of current COVID 19 Health Orders, all committee and commission meetings being held via the Zoom Platform.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Chair may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each committee and commission member to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.

COLD SPRINGS WATER CO.

SURFACE/MINERAL

RIGHTS OWNER: Cold Springs Water Co.

APPLICANT: Cal.net c/o Wayne Collins

DATE: October 6, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP20-008 to allow the development of a new 120-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 14.5 foot by 14.5 foot fenced area. The project site is a 0.67± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION:

The project site is located at 29384 Old Mono Road in the community of Cold Springs, approximately 1,200± feet southwest of the intersection of State Highway 108 and Old Mono Road. Within a portion of Section 36, Township 4 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-330-003.

GENERAL PLAN:

The project site is designated Low Density Residential (LDR) by the General Plan land use diagrams. Table 1.3 of Volume II of the 2018 General Plan indicates that the R-1 zoning district is compatible with the LDR designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Conditional Use Permit CUP20-008 based upon the following findings and subject to attached conditions 1 through 35.
 - A. The proposed project is consistent with the Tuolumne County General Plan.
 - B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
 - C. The proposed project will not overburden existing municipal facilities.
 - D. The size and terrain of the project site are suitable for the proposed use.
 - E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed

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use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
- G. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

GENERAL INFORMATION

Site Description

- 1. The project site is currently developed with water tanks which are used by the Cold Springs Water Company. There is an access road which provides access to the site from Old Mono Road. The elevation of the site is approximately 5,768± feet above mean sea level. Vegetation on site consists of incense cedar, ponderosa pine, sugar pine, and white fir. Pacific Gas and Electric Company (PG&E) provides electricity to the site.

Project Description

- 2. On February 19, 2020, an application was submitted for Conditional Use Permit CUP20-008 for the construction of a wireless communications facility including a 120± foot tall internet service tower and associated equipment within a 14.5± foot by 14.5± foot fenced area. This facility would be used by Cal.net to provide high-speed internet to meet the needs of a service gap in the area and would serve approximately 600 customers. The tower is proposed to be constructed approximately 11± feet from the northeastern property boundary and approximately 47± feet to the northern property boundary (Attachment 2). There is an existing access driveway which will be utilized to provide access to the facility.

General Plan

- 3. The project site is designated Low Density Residential by the 2018 Tuolumne County General Plan land use diagrams. The LDR designation provides for family-oriented neighborhoods that feature single-family, detached homes on individual parcels. Table 1.3 of Volume II of the 2018 General Plan indicates that the R-1 zoning district is compatible with the LDR designation. Therefore, the proposed project may be found to be consistent with the Tuolumne County General Plan.

- 4. The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

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Approval of CUP20-009 would allow the construction of a wireless communications facility to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

Tuolumne County Zoning Ordinance

5. The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
<u>Section 17.18.010</u> - The purpose of the R-1 district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life.	A wireless tower is an appropriate development within the R-1 zoning district. The tower would provide wireless internet service to single-family residences in the vicinity.
<u>Section 17.53(B)(3)</u> - A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the director.	The applicant has submitted visual simulations of the proposed facility. (Attachment 3)
<u>Section 17.53.050(B)(5) and 17.53.050(B)(10)</u> - A map shall be submitted with the application that identifies all related facilities within a five mile radius of the project site that are part of the same network of coverage as the proposed facility and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.	The applicant has submitted the required maps (Attachments 4).
<u>Section 17.53.050(B)(9)</u> - Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.	The application materials indicate that the tower will be fenced with a 6-foot high chain link fence to discourage trespassing. There is an existing access road to the site.
<u>Section 17.53.050(B)(11)</u> - A plan identifying the source of power to the wireless communications facility shall be provided.	PG&E provides electrical service to the project site. The application materials indicate that power will be extended underground approximately 65' west of the facility to the location of power.
<u>Section 17.53.050(B)(12)</u> - A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.	The project proposes to utilize the existing natural vegetation on site as landscaping. The site is sufficiently screened with existing vegetation and a separate landscaping plan was not required.

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<p>Sections 17.53.050(B)(15) and (16) - A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC) and a copy of the FCC National Environmental Policy Act (NEPA) Checklist for all service providers that will be using the facility shall be provided.</p>	<p>The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The County has completed a NEPA Checklist for the file.</p>
<p>Section 17.53.140 – Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.</p>	<p>The application materials do not propose any lighting. An on-going condition will be added stating that any lighting shall be manually operated or manned remote-operated lights which shall be kept off except when personnel are present.</p>
<p>Section 17.53.210(C) - Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services</p>	<p>The project will be conditioned to make unused space available for colocation.</p>

Service Gap

6. Section 17.53.040 of the TCOC states that major wireless communication facilities are conditional uses and require the issuance of use permits in all zoning districts, except such facilities shall be prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.53.100. Section 17.53.090 of the TCOC requires that Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1. The proposed tower would be located on a parcel zone R-1 and would be approximately 11± feet from the northeastern property boundary and approximately 47± feet to the southern property boundary, which would not meet the 110% setback.

7. Section 17.53.100 states the following regarding service gaps:

Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the applicant establishes that the facility is necessary to comply will federal law or will fill an existing significant gap in the ability of remote users to access the applicant's communication service, that there is no alternative to the proposed location, and that the manner in which it proposes to fill the gap complies in all other respects with this chapter unless an applicant has established that an inability to comply with any other provision would prevent the facility from being constructed at that location.

The applicant indicated in their application materials that this location has been identified by the California Public Utilities Commission (CPUC) as being an underserved census block. The alternative site analysis below determined that the currently proposed site is the only feasible location to be able to provide service to the designated area. The project is consistent with all other applicable sections of Chapter 17.53, as indicated in the chart

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above. Therefore, the proposed project may be found to be consistent with the location and setback requirements for Chapter 17.53 of the TCOC because it has been determined to meet the requirements for the service gap provision.

Historically, the Community Development Department has required a Variance when the setbacks could not be achieved. Consultation with County Counsel during the processing of this application led to a determination that based on the Ordinance Code language, if a tower meets the requirements in 17.53.100, then a separate variance entitlement is not required.

Alternative Site Analysis

8. Tuolumne County Ordinance Code requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site.

The following alternative sites were considered:

- A. 29987 Mariposa Drive, APN: 023-360-010. This site was originally considered. However, after discussions had initiated, the property owner indicated that they were not interested in pursuing the project.
- B. APN 023-330-02. This site was originally considered but was ultimately rejected because there was an insufficient power source near the proposed location of the facility.

Cal.net has been awarded grant funding to provide service to specific unserved census blocks within the County. The currently proposed site was ultimately chosen because it has appropriate line of sight that is required to provide signal and was the least visible option. The two other sites that were investigated would have required taller towers and would have been more visible.

Visual Quality

9. The majority of towers that have been approved and constructed in Tuolumne County are designed as a “stealth” facility. However, the Tuolumne County Ordinance Code does not require that a wireless communications facility to be designed as a stealth facility or otherwise blend with the surrounding landscape if evidence is submitted to and accepted by the Planning Commission and a finding is made that locating it on a less visible site is infeasible.

A CPUC grant has provided Cal.net with the funding to provide underserved areas in Tuolumne County with high speed internet. The applicant has stated that the funding structure of the grant limits construction to a lattice design, because the cost to utilize a monopole tower (stealth design) is much higher than the cost for a lattice tower, and therefore fewer towers could be constructed if they were required to be a monopole, which would not meet the requirements and goals of the grant.

In addition, a lattice design allows for light and background landscape to be viewed through the lattice features. In contrast, a monopole design obscures the view of the landscape and

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is thicker and wider than a lattice tower. Stealth towers, such as those that mimic a tree, require a large monopole structure to handle the weight of the branches or other stealth design features. The towers utilized by Cal.net are much thinner than a monopole and are therefore less visible, and blend into the landscape or sky at a distance.

Additionally, the applicant has indicated that the lattice design allows for technicians to safely climb the tower to service the site once it has been constructed. The monopole towers are difficult to climb, and in many cases require lift equipment to climb the tower, which can cause noise impacts to the surrounding parcels. In the event of an outage, this would add additional time that the service is down by requiring the securement of a lift to the site.

Evidence for why the tower cannot be located on a less visible site can be found in the alternative site analysis prepared for the project. The currently proposed site was chosen because it located in an area which has sufficient line of site to be able to serve the area identified by the CPUC grant. The currently proposed site was the only site with appropriate line of site to able to serve the identified area that had property owners willing to move forward with the project. Therefore, placement of the tower in an alternative location was not feasible.

Depending on the location of a tower and the type of equipment to be installed on the tower, it may be more practical for a company to use a monopole or a lattice type tower. In this situation, given the project location and the type of equipment required for the project, and the context of the project funding, Staff supports the proposed lattice design.

Traffic, Access and Parking

10. The proposed major wireless communication facility would generate approximately one or two vehicle trips per month for technicians to maintain the facility. Additional vehicle trips should be anticipated in the event of a service outage. This amount of vehicle trips is considered negligible and accessory to the existing uses on the project site. Therefore, no Traffic Impact Mitigation Fee is required to be paid for this project pursuant to Chapter 3.54 of the Ordinance Code.
11. The project site is accessed via Old Mono Road. Access to the site of the wireless communication facility will be provided via an existing driveway. No additional grading or work is required for access to the proposed tower site.

Airport Land Use Commission

12. Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040 of the TCOC require the Tuolumne County Airport Land Use Commission (ALUC) to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. This project was considered by the ALUC on August 6, 2020 where it was determined to be consistent with the Tuolumne County Airport Land Use Compatibility Plan with the addition of Condition #17 below.

Biological Resources

13. The Tuolumne County Wildlife Maps indicate that the montane hardwood conifer (mhc)

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habitat is present on site. The mhc habitat is considered a third priority habitat, which are common habitats that are of considerable value to wildlife. No trees will be removed for the proposed project; therefore, no tree protection plan was required. The California Natural Diversity Database (CNDDDB) maps were consulted for the known locations of special status plant and animal species. No special plant or animal species have been known to occur within the vicinity of the project site. No mitigation for cumulative impacts to wildlife is needed.

Cultural Resources

14. A cultural resource study was prepared by Solano Archaeological Services in June 2019. The study included a cultural resource records search, a request for a search of the Native American Heritage Commission (NAHC) Sacred Lands File, and a site investigation and survey. Six previous resources were located within a ½ mile of the project site and none had been previously recorded within the project site. The Sacred Lands search did not identify any resources. A survey of the project APE (area of potential effect), which included the area of the proposed communications facility and trenching for power, was conducted on May 23, 2019. No resources were identified during the survey. Therefore, no further study or mitigation is needed. Pursuant to Section 14.10.150 of the Ordinance Code, CUP20-008 will be conditioned to require protection of subsurface cultural resources unearthed during the construction process.

Adjoining Property Owners

15. Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on March 3, 2020 to the owners of 133 adjoining parcels. The County received nine response letters. One of the responses was in opposition, five were in support, and three were neutral with concerns or questions. The response letters raised the following concerns:

Health and Safety/Radiation

The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards.

Stealth Design/Visibility

Evidence as to why the tower is not required to utilize a stealth design is found in #9 above in this report.

Location

The site was chosen as it was the only site with appropriate line of sight that would be able to serve the identified area in which the property owners were willing to move forward with the project. The currently proposed site is the only feasible location which is able to serve this specified underserved area.

In addition, one of the response letters posed questions on the proposed project, which were answered by staff. The response has questions about the carrier and type of service that would be offered. They also had questions about the road access and development. These questions are answered throughout the report above. They also had questions about the impact of being able to utilize the Cold Springs Water Company for hiking. The fenced area is small enough and located adjacent to the existing water towers, so it would not impact the use of the property for hiking.

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Agency Responses

16. The proposed project has been reviewed by several State and County Agencies. The Tuolumne County Fire Prevention Division, the Engineering Division of the Department of Public Works, and the Building and Safety Division and Environmental Health Division of the Community Development Department provided comments for this project which are addressed in this report and the project conditions of approval. The Central Sierra Environmental Resource Center, Audubon Society, and Tuolumne Heritage Committee also response to the project. Their responses are outlined below.

Central Sierra Environmental Resource Center (CSERC)

CSERC responded to the proposed project and recommended that the facility should utilize sound proofing to minimize noise impacts, should be located in area buffered from residential structures, and that the tower should be a stealth design to minimize visual impacts. Evidence as to why the tower is not required to be stealth is discussed in #9 above in this report.

Tuolumne Heritage Committee

The Tuolumne Heritage Committee responded and recommended that a stealth design that blends with the landscape be utilized. Evidence as to why the tower is not required to be stealth is discussed in #9 above in this report..

Audubon Society

The Central Sierra Audubon Society responded to the project and requested that any lighting is used on the towers that they should be flashing instead of steady to mitigate impacts to birds. They also recommended that any cables used to support to the towers should be colored so as to avoid collisions by birds. They also addressed concerns of electromagnetic radiation on birds. Lighting is not required for the tower and was not included in the application submittal. Due to the lattice design utilized, cables are not required to support the tower. The tower would be compliant with the FCC standards related to electromagnetic radiation emissions.

Conditional Use Permit Findings

17. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff's response to each point:

A. The proposed project is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #3 and #4 above in this report.

B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Ordinance Code is discussed and demonstrated in #5, #6, #7, #8, #10 and #12 above in this report.

C. The proposed project will not overburden existing municipal facilities.

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The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The use of the facility is not expected to overburden electrical facilities.

D. The size and terrain of the project site are suitable for the proposed use.

The site topography is described in #1 of this report. The project site is suitable for the proposed wireless communications facility.

E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

F. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

Evidence to support this finding is discussed and demonstrated in #8 and #9 above in this report.

PREPARED BY: Natalie Rizzi, Land Use Coordinator

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COLD SPRINGS WATER CO.
CONDITIONS OF APPROVAL
COLD SPRINGS WATER CO.
CONDITIONAL USE PERMIT CUP20-008

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorneys fees and costs awards) arising out of, or in connection with the county's issuance of an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter including claims that the county acted negligently. (TCOC 17.53.250, Ord. 2667 § 14, 2005; Ord. 2506 § 13, (part), 2003).
2. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)
3. ED As applicable, secure a Road Encroachment Permit from the Engineering Division of the Department of Public Works for access onto and work within any County road right-of-way. (TCOC, Section 12.04.010)

Conditions to be met prior to issuance of a Building Permit:

4. BD/LU "Anti-climbing" features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.53.120(A)(4) and 17.53.120(A)(6))
5. LU An agreement to maintain the tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner or applicant and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)

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Conditions to be met during the construction phase of the communications facility:

6. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.53.190(A))
7. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)
8. ED The applicant shall submit an erosion control plan, if required by the Department of Public Works, for any construction to take place between October 15 and May 15 of any year. In the absence of such approved and implemented plan, all construction shall cease on or before October 15. (TCOC, Title 12)
9. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an

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evaluative survey to evaluate the significance of the cultural resource.

- D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.
- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

10. ED Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)
11. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
12. AG All equipment and material, including rock, gravel, road base, sand, and top soil, brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds (Food and Agriculture Code, Sections 5401, 6305, 6341 and 6461)

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13. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to the final building inspection for the communication facility:

14. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)
15. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and finished in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant. (TCOC, Section 17.68.150)
16. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))

The following conditions also shall apply to the project site:

17. LU/ALUC Provide notification to the FAA in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations at least thirty days prior to construction by filing a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. (Tuolumne County Airport Land Use Compatibility Plan, Policy 2.1.5.2(c)(1))
18. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
19. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be painted earth tones or finished to match the surrounding vegetation and the environment. (TCOC, Section 17.53.120(A)(4))
20. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the

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premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)

- 21. LU Any unused space shall be made available for collocation of other telecommunication facilities, if the tower is structurally capable of supporting other equipment. (TCOC, Section 17.53.210(C))
- 22. EH The use or storage of hazardous materials on-site shall be in compliance with the California Health and Safety Code and all Federal laws (CHSC, Section 25501 and CFR Section 370.20)
- 23. EH If any hazardous materials are used or stored on site a permit shall be obtained from the Environmental Health Division of the Community Development Department, Certified Unified Program Agency (CUPA) for the handling, use, or storage of hazardous materials and/or hazardous wastes of reportable quantities at the site. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)
- 24. AG The property owner shall maintain and implement an effective program for the monitoring and control of noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 5401 and 5402)
- 25. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)
- 26. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)
- 27. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.53.130)
- 28. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10,	50 Leq. (1 hour) ¹	45 Leq. (1 hour) ¹

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C-O, C-1, C-S, BP		
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¹L_{eq}. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.53.190(C))

29. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.53.190(D))
30. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
31. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)
32. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
33. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
34. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
35. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.53.120(A)(2))

A Notice of Action shall be recorded for Conditions 1 through 35 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints

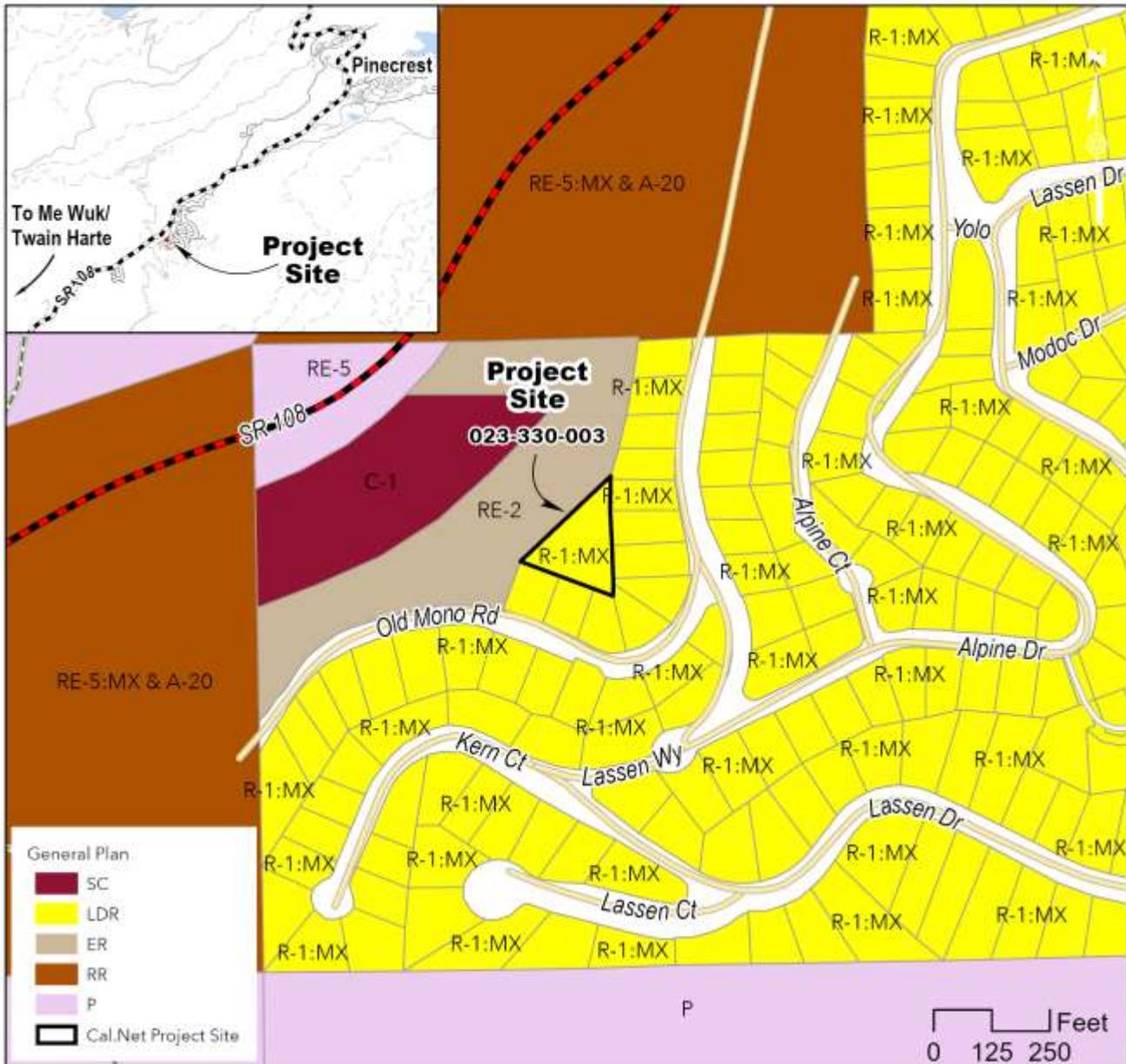
COLD SPRINGS WATER CO.

shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi

COLD SPRINGS WATER CO.

Attachment 1: Agenda Map



Project: CUP20-008

Owner: Cold Springs Water Co.

Applicant: Cal.Net

APN: 023-330-003

Acres: 0.67± acres

Current Zoning: R-1:MX

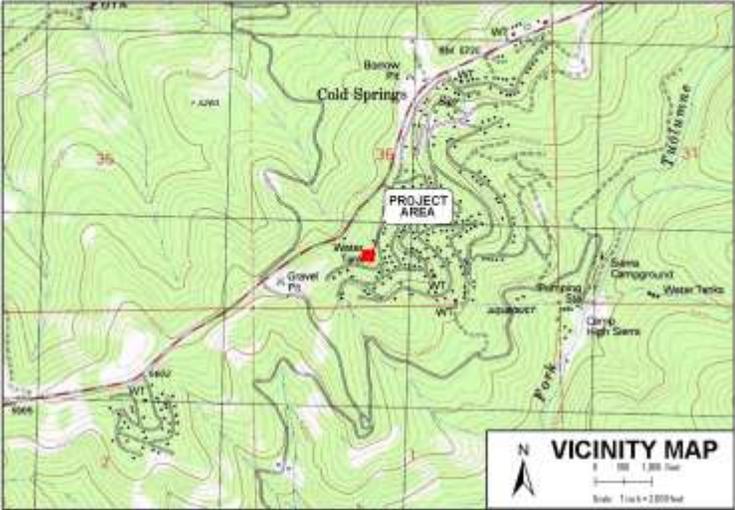
Current General Plan Designation: LDR

Project Description: Conditional Use Permit to allow development of a new wireless communications tower.

Supervisor District No. 3

COLD SPRINGS WATER CO.

Attachment 2: Site Plan



Old Mono Project Site 13 - Site plan
 29384 Old Mono Rd.
 Long Barn, CA 95335

Cal.net

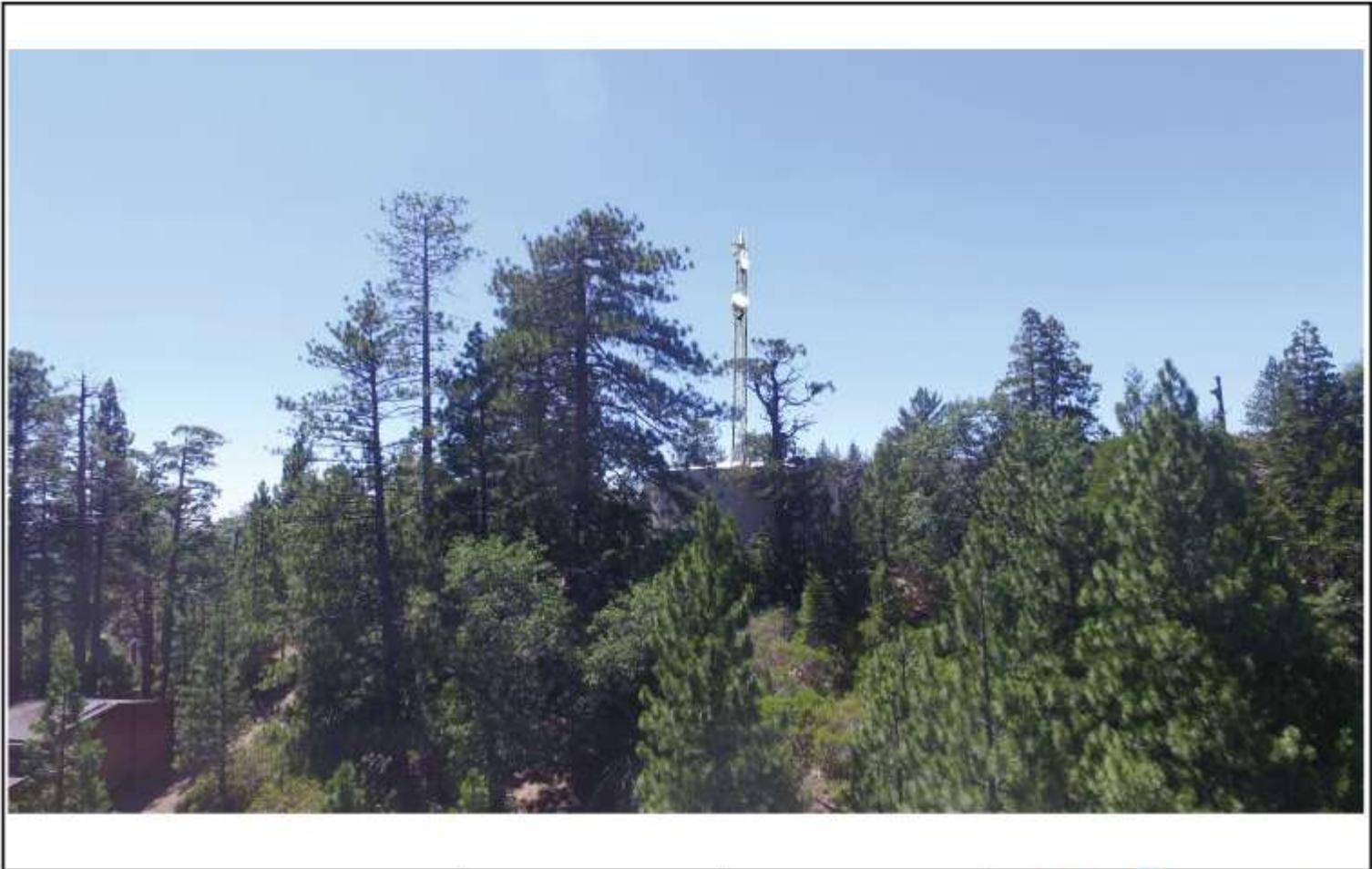
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Attachment 3: Visual Simulations



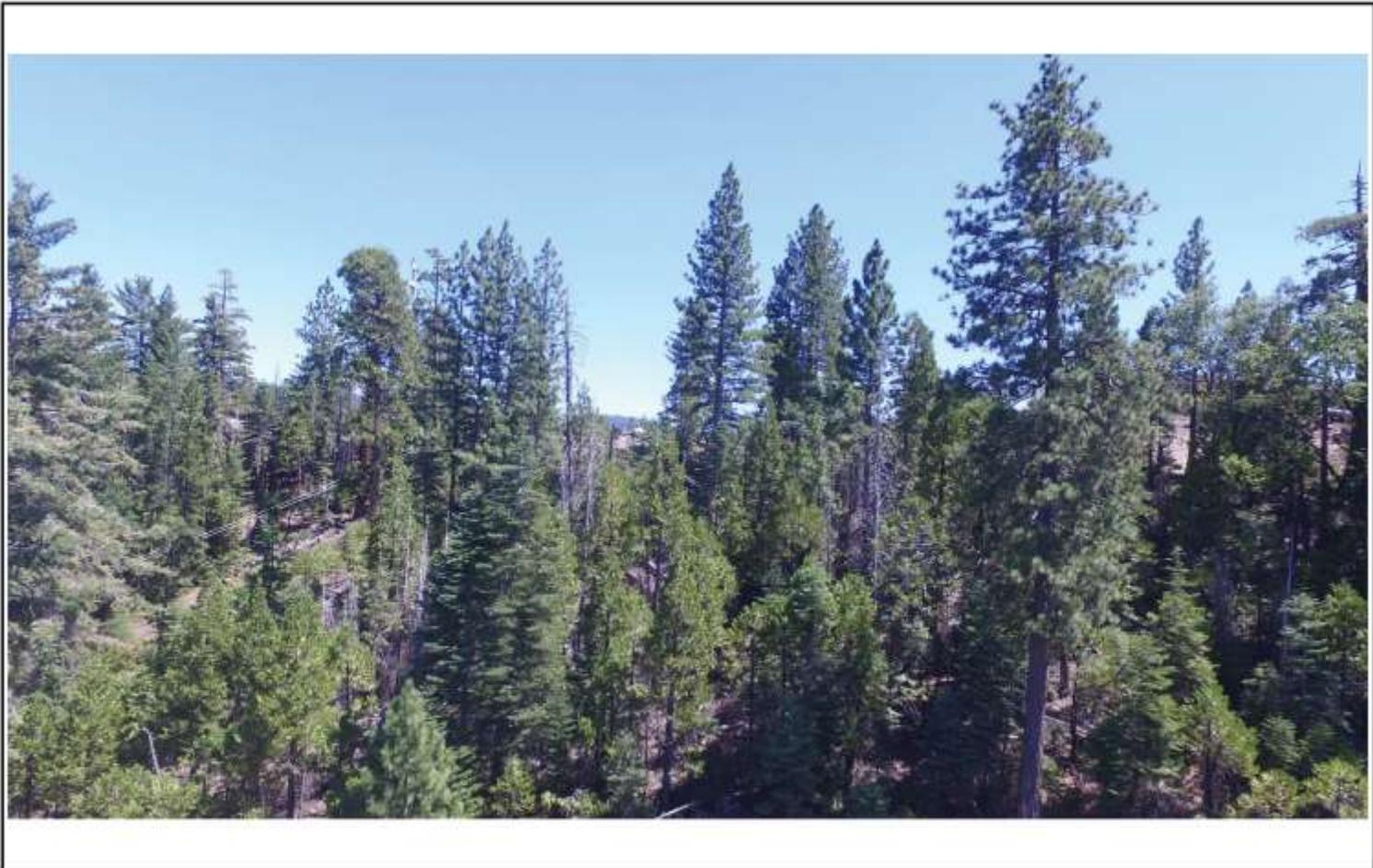
CUP20-008	GROUND	AUG 2020	 Photo Simulation
Ground view looking East up Hwy 120 towards the site. Image captured .5 Miles West of the site.			

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CUP20-008	DRONE	AUG 2020	
View looking West towards site from the East taken from drone.			

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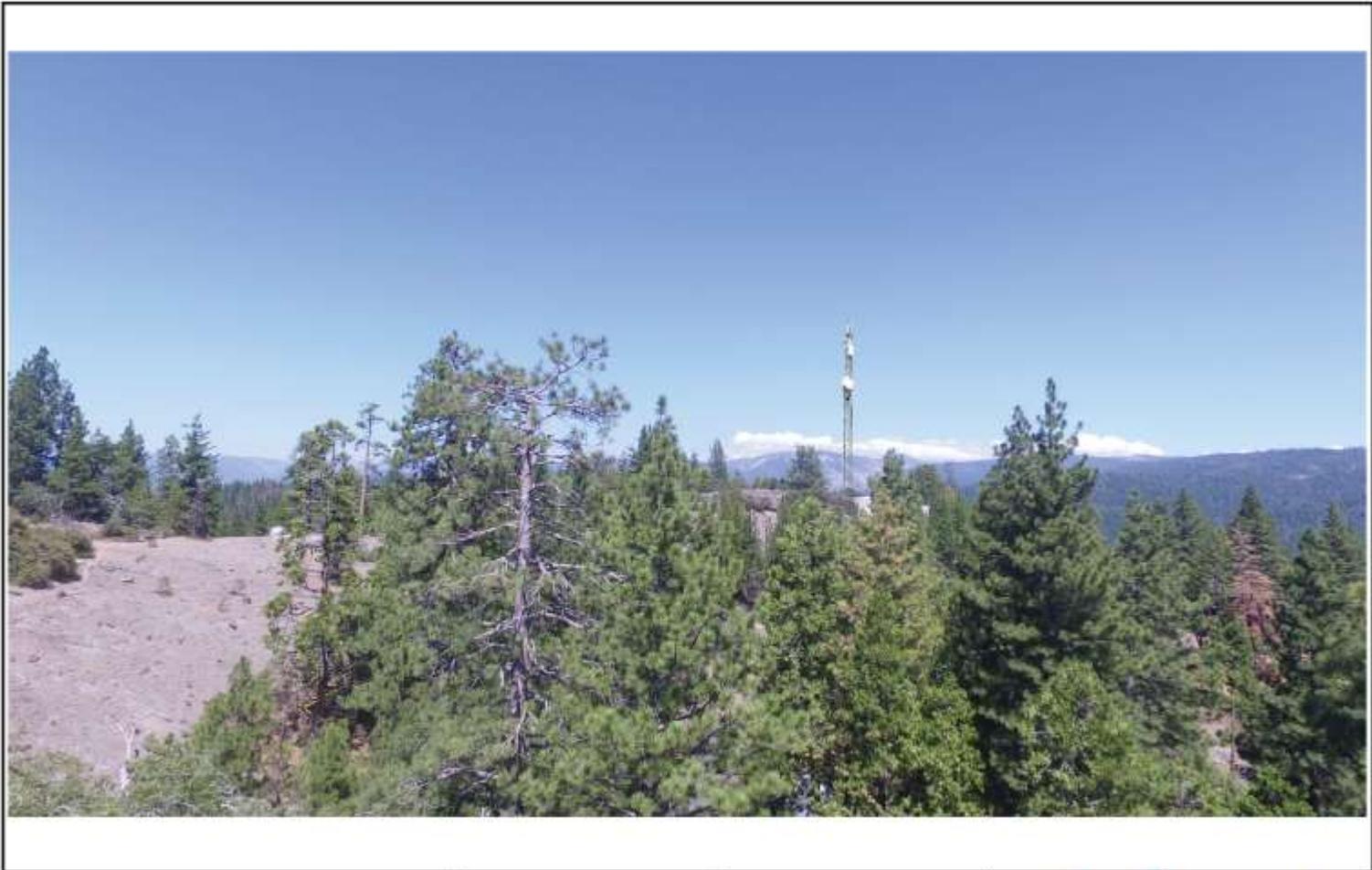


CUP20-008	DRONE	AUG 2020	
View looking South towards site from the North taken from drone.			

COLD SPRINGS WATER CO.

			
CUP20-008	DRONE	AUG 2020	
View looking North towards site from the South taken from drone.			

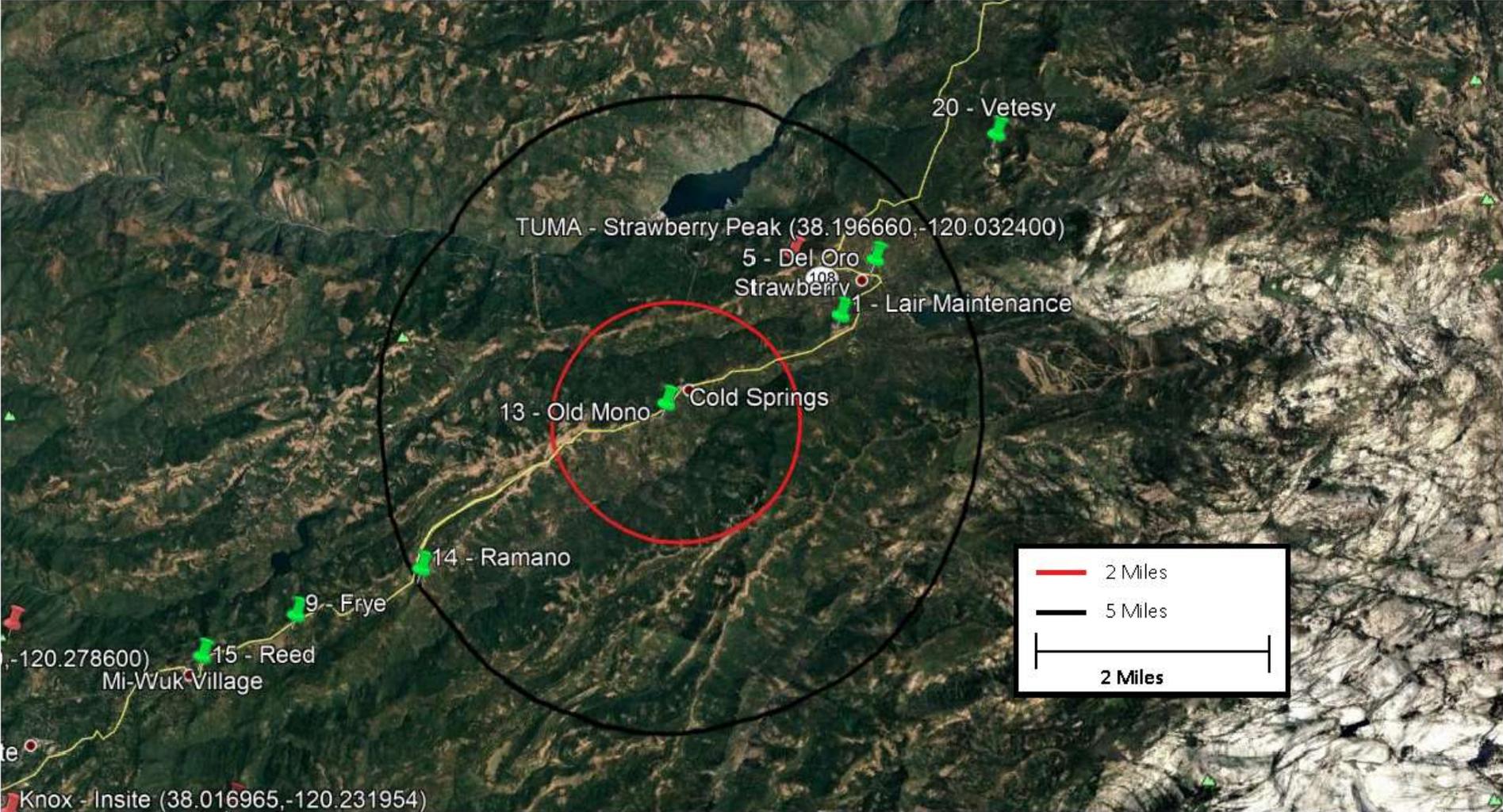
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CUP20-008	DRONE	AUG 2020	
View looking East towards site from the west taken from drone.			

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Attachment 4: Facilities Map



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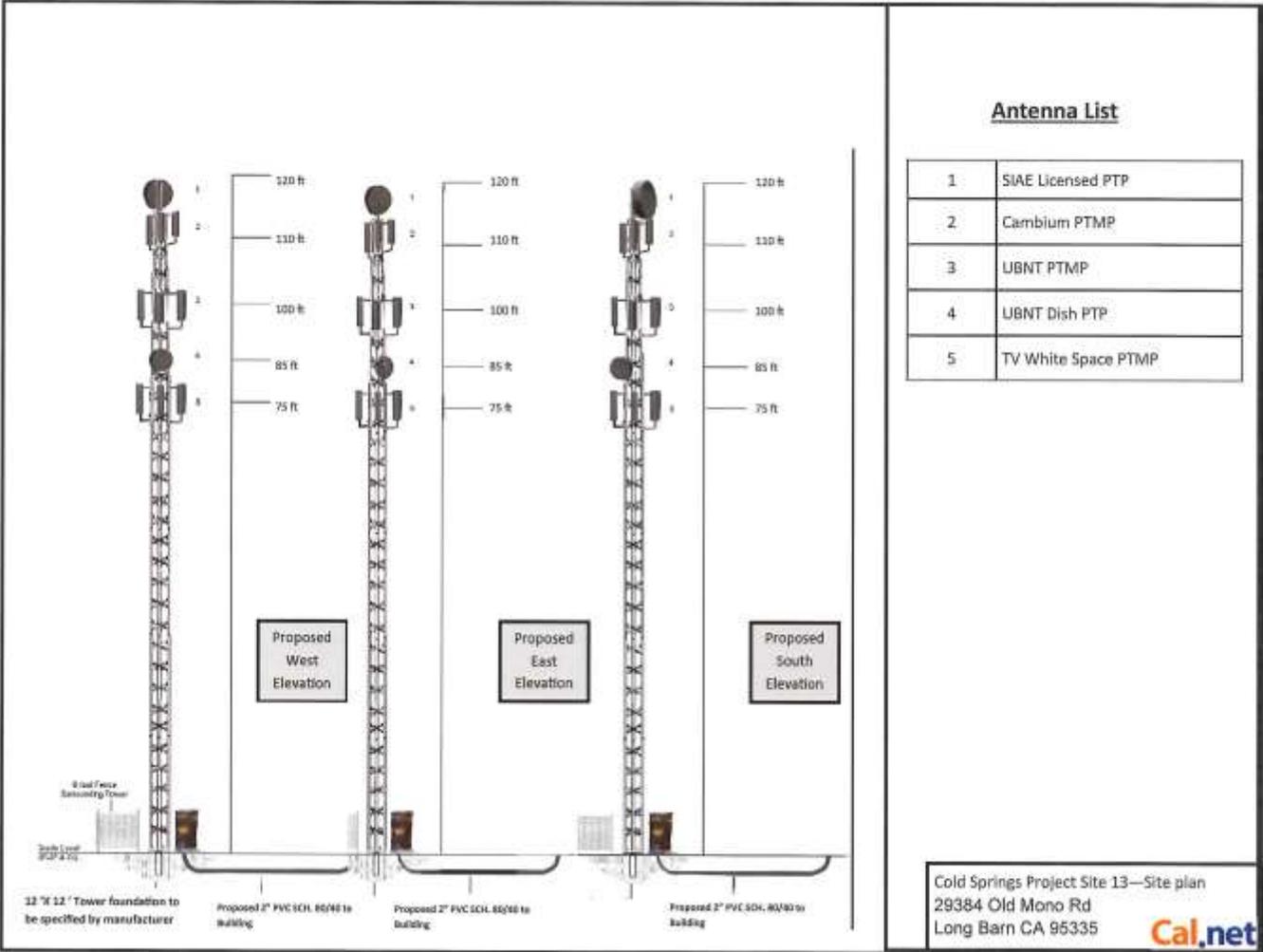
Attachment 5: Service Coverage Map

Site 13 Cold Springs



COLD SPRINGS WATER CO.

Attachment 6: Tower Design



Natalie Rizzi

From: David Sponseller <sponzz@icloud.com>
Sent: Saturday, March 07, 2020 10:35 AM
To: Natalie Rizzi
Subject: Conditional Use Permit CUP20-008; APN 023-330-003

Hello Natalie,

1. Having owned subject property for over 36 years I will emphatically state YES, this cell tower project will be beneficial to the Cold Springs area, and I wish that it had been installed many years ago.
2. I am no longer the owner of subject APN. If you will check with the Recorder's office you should find that ownership transferred on 10/31/19.

Sincerely,

David R. Sponseller
20635 Diane Dr.
Sonora, CA. 95370



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-008
Assessor's Parcel Number: 023-330-003

RECEIVED

MAR 10 2020

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-563
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – BHE)
www.tuolumnecounty.ca.gov

Community Development Department

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Cold Springs Water Co. Inc. for Conditional Use Permit CUP20-008 to allow the development of a new 120 foot tall wireless communications tower and related equipment within a 14.5 foot by 14.5 foot fenced area. The project site is a 0.67± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located at 29384 Old Mono Road in the community of Cold Springs, approximately 1,200± feet southwest of the intersection of State Highway 108 and Old Mono Road. Within a portion of Section 36, Township 4 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-330-003.

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

If the tower is visible from my residence 29443 Old Mono Road I object since it does not fit the town farm to see a cell tower.

Thanks Ron

R. L. Rizzi
Your Name(s)

29443 Old Mono Rd Cold Springs
Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

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To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-008
Assessor's Parcel Number: 023-330-003

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Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

yes!!! 😊

Bill Ash

3801 Sharon Ave

Your Name(s)

Mailing Address

Modesto CA 95355

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-008
Assessor's Parcel Number: 023-330-003

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Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

We have no objection to this tower, but as it will be in our line of sight we request that it is made to appear as a tree to fit in aesthetically within the mountain scape

Tim & Holley Coppetti
Your Name(s)

5023 Peach Blossom Ln Oakdale 95341
Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

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Assessor's Parcel Number: 023-330-003

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MAR 13 2020

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Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

We fully support the New Cell Tower being placed @ said location. We've needed this for a long time.
Sincerely Margie & Barry Maloney
29461 Alpine Court
Cold Springs, CA 95335

Your Name(s)

Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

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Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

RECEIVED

MAR 12 2020

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Assessor's Parcel Number: 023-330-003

**Community Development
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Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

Yes! let's about time!
We are very much in favor of this project

Cheryl & Harry Dobson *20323 Utah Dr. Cold Springs CA*
Your Name(s) Mailing Address *95335*

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

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MAR 17 2020
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(209) 533-563
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Cold Springs Water Co. Inc. for Conditional Use Permit CUP20-008 to allow the development of a new 120 foot tall wireless communications tower and related equipment within a 14.5 foot by 14.5 foot fenced area. The project site is a 0.67± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located at 29384 Old Mono Road in the community of Cold Springs, approximately 1,200± feet southwest of the intersection of State Highway 108 and Old Mono Road. Within a portion of Section 36, Township 4 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-330-003.

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

I am not happy about the location of this tower. If a family wants better phone reception or internet connectivity, I assume this will be great for them. I, personally, wish the tower would be placed far away from people, especially children... Radiation / Potential health effects.

M. PALAZUELOS
Your Name(s)

1205-A EDGEBROOK DRIVE, MODESTO 95354
Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.

Natalie Rizzi

From: Natalie Rizzi
Sent: Monday, March 09, 2020 7:33 AM
To: Andrew
Subject: RE: CUP20-008 Mailer response

Good morning Andrew,

We will hopefully be adding information to the County website this week. Our office is extremely busy right now, so we are just behind on a few things. I apologize for any delay.

The tower will be operated and managed by Cal.net to provide internet service to the area. Once the tower is up, they will be able to provide you and other users in the area with internet service. The applicant will be required to develop an access road so that vehicles can make it to the site to service and maintain the tower. I will be asking the applicant for additional site plan information to show the proposed access.

I went up to the site on Friday, and it appears that the area will still be able to be accessed by foot. They had orange flags showing the proposed location. The area is a 14.5' by 14.5' fenced area pushed up against the ridge, so there will still be room to hike in the area.

When you are ready to submit any comments, you may mail in a copy, email me and attach a word or PDF document, or just respond via email and type out your comments.

Don't hesitate to contact me with any additional questions.

Thank you,

Natalie Rizzi

Land Use Coordinator
Community Development Department
Tuolumne County
Office: (209) 533-5936
Fax: (209) 533-5616
Email: nrizzi@co.tuolumne.ca.us

From: Andrew <andrewjvsr@gmail.com>
Sent: Friday, March 06, 2020 2:30 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: CUP20-008 Mailer response

Hi Natalie,

I was unable to obtain further information regarding the wireless tower proposal @ 29384 Old Mono Road via the county web site. I was hoping you could provide more details regarding the purpose of the tower. Can you answer these questions?

- Is this for wireless cell phone connectivity?
 - o If so, what carrier?

- Will there be any road development along with the project to run cable/power/etc?
 - o If so, what roads?
- Is the wireless antenna meant to serve the community? If so, as a resident, what can I expect as it relates to new services previously unavailable?
- While the area is meant to be fenced, will it cut the path from the dirt road going up toward the water tower? Our family enjoys walking up that way and taking in the best views in cold springs.

Let me know, thank you!

Andrew Valentine
209-324-3769
andrewjvsr@gmail.com



**OFFICE OF
ENVIRONMENTAL COORDINATOR**

Quincy Yaley, AICP
Environmental Coordinator

NOTICE OF EXEMPTION

48 Yaley Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
209 533-5909 (fax – EHD)
www.tuolumnecounty.ca.gov

PROJECT TITLE: Conditional Use Permit CUP20-008

**PROJECT
PROPONENT:** Cal.net

LOCATION: The project site is located at 29384 Old Mono Road in the community of Cold Springs, approximately 1,200± feet southwest of the intersection of State Highway 108 and Old Mono Road. Within a portion of Section 36, Township 4 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-330-003.

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:** Conditional Use Permit CUP20-008 to allow the development of a new 120-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 14.5 foot by 14.5 foot fenced area. The project site is a 0.67± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

**APPROVING
AGENCY:** Tuolumne County

EXEMPT STATUS (check one)

- Ministerial (Sec. 21083, 21084; 15303(d))
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Categorical Exemption (Sec. 15303)
 Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____

SURFACE/MINERAL

RIGHTS OWNER: Donald and Peggy Romano

APPLICANT: Cal.net c/o Wayne Collins

DATE: September 28, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP20-009 to allow the development of a new 150-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 20 foot by 20 foot fenced area. The project site is a 1.52± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 26411 Long Barn Court in the Community of Long Barn, approximately 200 feet east of the intersection of Long Barn Road and Long Barn Court. Within a portion of Section 20, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-200-043.

GENERAL PLAN: The project site is designated Low Density Residential (LDR) by the General Plan land use diagrams. Table 1.3 of Volume II of the 2018 General Plan indicates that the R-1 zoning district is compatible with the LDR designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Conditional Use Permit CUP20-009 based upon the following findings and subject to attached conditions 1 through 35.
 - A. The proposed project is consistent with the Tuolumne County General Plan.
 - B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
 - C. The proposed project will not overburden existing municipal facilities.
 - D. The size and terrain of the project site are suitable for the proposed use.
 - E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed

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use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
- G. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

GENERAL INFORMATION

Site Description

- 1. The project site is currently developed with a single-family dwelling and a storage shed. There is a paved driveway which provides access to the site. The elevation of the site is approximately 5,160± feet above mean sea level. Vegetation on site consists of incense cedar, ponderosa pine, sugar pine, and white fir. Pacific Gas and Electric Company (PG&E) provides electricity to the site.

Project Description

- 2. On February 19, 2020, an application was submitted for Conditional Use Permit CUP20-009 for the construction of a wireless communications facility including a 150± foot tall wireless internet service tower and associated equipment within a 20± foot by 20± foot fenced area. This facility would be used by Cal.net to provide high-speed internet to meet the needs of a service gap in the area and would serve approximately 150 customers. The tower is proposed to be constructed approximately 41± feet from the eastern property boundary and approximately 52± feet to the northern property boundary (Attachment 2). There is an existing driveway which will be utilized to provide access to the facility.

General Plan

- 3. The project site is designated Low Density Residential by the 2018 Tuolumne County General Plan land use diagrams. The LDR designation provides for family-oriented neighborhoods that feature single-family, detached homes on individual parcels. Table 1.3 of Volume II of the 2018 General Plan indicates that the R-1 zoning district is compatible with the LDR designation. Therefore, the proposed project may be found to be consistent with the Tuolumne County General Plan.

- 4. The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of CUP20-009 would allow the construction of a wireless communications facility to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

Tuolumne County Zoning Ordinance

5. The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
<p><u>Section 17.18.010</u> - The purpose of the R-1 district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life.</p>	<p>A wireless tower is as appropriate development within the R-1 zoning district. The tower would provide wireless internet service to single-family residences in the vicinity.</p>
<p><u>Section 17.53(B)(3)</u>- A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the director.</p>	<p>The applicant has submitted visual simulations of the proposed facility. (Attachment 3)</p>
<p><u>Section 17.53.050(B)(5) and 17.53.050(B)(10)</u> - A map shall be submitted with the application that identifies all related facilities within a five mile radius of the project site that are part of the same network of coverage as the proposed facility and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.</p>	<p>The applicant has submitted the required maps (Attachment 4).</p>
<p><u>Section 17.53.050(B)(9)</u> - Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.</p>	<p>The application materials indicate that the tower will be fenced with a 6-foot high chain link fence to discourage trespassing. The existing driveway will be utilized to provide access to the facility.</p>
<p><u>Section 17.53.050(B)(11)</u> - A plan identifying the source of power to the wireless communications facility shall be provided.</p>	<p>PG&E provides electrical service to the project site. The application materials indicate that power will be extended underground approximately 22' southeast from the location of the power to the facility.</p>
<p><u>Section 17.53.050(B)(12)</u> - A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.</p>	<p>The project proposes to utilize the existing natural vegetation on site as landscaping. The site is sufficiently screened with existing vegetation.</p>

<p>Sections 17.53.050(B)(15) and (16) - A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC) and a copy of the FCC National Environmental Policy Act (NEPA) Checklist for all service providers that will be using the facility shall be provided.</p>	<p>The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The County has completed a NEPA Checklist for the file.</p>
<p>Section 17.53.140 – Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.</p>	<p>The application materials do not propose any lighting. An on-going condition will be added stating that any lighting shall be manually operated or manned remote-operated lights which shall be kept off except when personnel are present.</p>
<p>Section 17.53.210(C) - Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services.</p>	<p>The project will be conditioned to make unused space available for colocation.</p>

Service Gap

6. Section 17.53.040 of the TCOC states that major wireless communication facilities are conditional uses and require the issuance of use permits in all zoning districts, except such facilities shall be prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.53.100. Section 17.53.090 of the TCOC requires that Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1. The proposed tower would be located on a parcel zoned R-1 and would be located approximately 41± feet from the eastern property boundary and approximately 52± feet from the northern property boundary, which would not meet the 110% setback. The property to the east is owned by the US Forest Service. They were notified of the proposed project but did not provide a response.

7. Section 17.53.100 states the following regarding service gaps:

Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the applicant establishes that the facility is necessary to comply will federal law or will fill an existing significant gap in the ability of remote users to access the applicant's communication service, that there is no alternative to the proposed location, and that the manner in which it proposes to fill the gap complies in all other respects with this chapter unless an applicant has established that an inability to comply with any other provision would prevent the facility from being constructed at that location.

The applicant indicated in their application materials that this location has been identified by the California Public Utilities Commission (CPUC) as being an underserved census block. The alternative site analysis below determined that the currently proposed site is the only

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feasible location to be able to provide service to the designated area. The project is consistent with all other applicable sections of Chapter 17.53, as indicated in the chart above. Therefore, the proposed project may be found to be consistent with the location and setback requirements for Chapter 17.53 of the TCOC because it has been determined to meet the requirements for the service gap provision.

Historically, the Community Development Department has required a Variance when the setbacks could not be achieved. Consultation with County Counsel during the processing of this application led to a determination that based on the Ordinance Code language, if a tower meets the requirements in 17.53.100, then a separate variance entitlement is not required.

Alternative Site Analysis

8. Tuolumne County Ordinance Code requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site.

The following alternative sites were considered:

- A. 26195 Janice Way, APN: 027-150-51. This site was originally considered. However, the property owner did not respond to any of the inquiries or communication attempts by Cal.net.
- B. 26175 Janice Way, APN: 027-150-18. This site was originally considered. However, the property owner did not respond to any of the inquiries or communication attempts by Cal.net.
- C. 26180 Slide Inn Street, APN: This site was originally considered, but was rejected because the ingress would be an issue.

Cal.net has been awarded grant funding to provide service to specific unserved census blocks within the County. The currently proposed site was ultimately chosen because it has appropriate line of sight that is required to provide signal. The area is located within a valley and has large trees, so there were few sites with appropriate line of sight that would be able to serve the specified area. Additionally, it was difficult to find a property owner that would support the project.

Visual Quality

9. The majority of towers that have been approved and constructed in Tuolumne County are designed as a "stealth" facility. However, the Tuolumne County Ordinance Code does not require that a wireless communications facility to be designed as a stealth facility or otherwise blend with the surrounding landscape if evidence is submitted to and accepted by the Planning Commission and a finding is made that locating it on a less visible site is infeasible.

A CPUC grant has provided Cal.net with the funding to provide underserved areas in Tuolumne County with high speed internet. The applicant has stated that the funding structure of the grant limits construction to a lattice design, because the cost to utilize a

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monopole tower (stealth design) is much higher than the cost for a lattice tower, and therefore fewer towers could be constructed if they were required to be a monopole, which would not meet the requirements and goals of the grant.

In addition, a lattice design allows for light and background landscape to be viewed through the lattice features. In contrast, a monopole design obscures the view of the landscape and is thicker and wider than a lattice tower. Stealth towers, such as those that mimic a tree, require a large monopole structure to handle the weight of the branches or other stealth design features. The towers utilized by Cal.net are much thinner than a monopole and are therefore less visible, and blend into the landscape or sky at a distance.

Additionally, the applicant has indicated that the lattice design allows for technicians to safely climb the tower to service the site once it has been constructed. The monopole towers are difficult to climb, and in many cases require lift equipment to climb the tower, which can cause noise impacts to the surrounding parcels. In the event of an outage, this would add additional time that the service is down by requiring the securement of a lift to the site.

Evidence for why the tower cannot be located on a less visible site can be found in the alternative site analysis prepared for the project. The currently proposed site was chosen because it located in an area which has sufficient line of site to be able to serve the area identified by the CPUC grant. The currently proposed site was the only site with appropriate line of site to able to serve the identified area that had property owners willing to move forward with the project. Therefore, placement of the tower in an alternative location was not feasible.

Depending on the location of a tower and the type of equipment to be installed on the tower, it may be more practical for a company to use a monopole or a lattice type tower. In this situation, given the project location and the type of equipment required for the project, and the context of the project funding, Staff supports the proposed lattice design.

Traffic, Access and Parking

10. The proposed major wireless communication facility would generate approximately one or two vehicle trips per month for technicians to maintain the facility. Additional vehicle trips should be anticipated in the event of a service outage. This amount of vehicle trips is considered negligible and accessory to the existing uses on the project site. Therefore, no Traffic Impact Mitigation Fee is required to be paid for this project pursuant to Chapter 3.54 of the Ordinance Code.
11. The project site is accessed via Long Barn Court. Access to the site of the wireless communication facility will be provided via an existing driveway. No additional grading or work is required for access to the proposed tower site.

Airport Land Use Commission

12. Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040 of the TCOC require the Tuolumne County Airport Land Use Commission (ALUC) to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. This project was considered by the ALUC on August 6, 2020 where it was determined to be consistent with the Tuolumne County Airport

Land Use Compatibility Plan with the addition of Condition #17 below.

Biological Resources

13. The Tuolumne County Wildlife Maps indicate that the sierran mixed conifer (smc) habitat type is present on site. The sierran mixed conifer habitat is considered a third priority habitat. Third priority habitats are common habitats that are of considerable value to wildlife. No trees will be removed for the proposed project; therefore, no tree protection plan was required. The California Natural Diversity Database (CNDDB) maps were consulted for the known locations of special status plant and animal species. No special plant or animal species have been known to occur within the vicinity of the project site. No mitigation for cumulative impacts to wildlife is needed.

Cultural Resources

14. A cultural resource study was prepared by Solano Archaeological Services in June 2019. The study included a cultural resource records search, a request for a search of the Native American Heritage Commission (NAHC) Sacred Lands File, and a site investigation and survey. Two previous resources were located within a ½ mile of the project site and none had been previously recorded within the project site. The Sacred Lands search did not identify any resources. A survey of the project APE (area of potential effect), which included the area of the proposed tower and trenching for power, was conducted on March 23, 2019. No resources were identified during the survey. Therefore, no further study or mitigation is needed. Pursuant to Section 14.10.150 of the Ordinance Code, CUP20-009 will be conditioned to require protection of subsurface cultural resources unearthed during the construction process.

Adjoining Property Owners

15. Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on March 3, 2020 to the owners of 55 adjoining parcels. The County received six response letters. Four of the responses were opposed, one was in support, and one was neutral. The letters in opposition raised the following concerns:

Health and Safety/Radiation

The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards.

Impact to Vacation Rentals

An impact to vacation rental potential would be considered an economic impact. Section 15064(e) of the California Environmental Quality Act states that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Additionally, it is possible that people renting out vacation properties would prefer a place that has reliable internet service.

Agency Responses

16. The proposed project has been reviewed by several State and County Agencies. The Tuolumne County Fire Prevention Division, the Engineering Division of the Department of Public Works, and the Building and Safety Division and Environmental Health Division of

the Community Development Department provided comments for this project which are addressed in this report and the project conditions of approval. The Central Sierra Environmental Resource Center, Audubon Society, and Tuolumne Heritage Committee also response to the project. Their responses are outlined below.

Central Sierra Environmental Resource Center (CSERC)

CSERC responded to the proposed project and recommended that the facility should utilize sound proofing to minimize noise impacts, should be located in area buffered from residential structures, and that the tower should be a stealth design to minimize visual impacts. Evidence as to why the tower is not required to utilize a stealth design is discussed in #9 above in this report.

Tuolumne Heritage Committee

The Tuolumne Heritage Committee responded and recommended that a stealth design that blends with the landscape be utilized. Evidence as to why the tower is not required to be stealth is discussed in #9 above in this report.

Audubon Society

The Central Sierra Audubon Society responded to the project and requested that any lighting is used on the towers that they should be flashing instead of steady to mitigate impacts to birds. They also recommended that any cables used to support to the towers should be colored so as to avoid collisions by birds. They also addressed concerns of electromagnetic radiation on birds. Lighting is not required for the tower and was not included in the application submittal. Due to the lattice design utilized, cables are not required to support the tower. The tower would be compliant with the FCC standards related to electromagnetic radiation emissions.

Conditional Use Permit Findings

17. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff's response to each point:

A. The proposed project is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #3 and #4 above in this report.

B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Ordinance Code is discussed and demonstrated in #5, #6, #7, #8, #10 and #11 above in this report.

C. The proposed project will not overburden existing municipal facilities.

The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The use of the facility is not expected to overburden electrical facilities.

D. The size and terrain of the project site are suitable for the proposed use.

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The site topography is described in #1 of this report. The project site is suitable for the proposed wireless communications facility.

- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.*

The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

- F. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.*

Evidence to support this finding is discussed and demonstrated in #8 and #9 above in this report.

PREPARED BY: Natalie Rizzi, Land Use Coordinator

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**CONDITIONS OF APPROVAL
ROMANO
CONDITIONAL USE PERMIT CUP20-009**

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorneys fees and costs awards) arising out of, or in connection with the county's issuance of an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter including claims that the county acted negligently. (TCOC 17.53.250, Ord. 2667 § 14, 2005; Ord. 2506 § 13, (part), 2003).
2. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)
3. ED As applicable, secure a Road Encroachment Permit from the Engineering Division of the Department of Public Works for access onto and work within any County road right-of-way. (TCOC, Section 12.04.010)

Conditions to be met prior to issuance of a Building Permit:

4. BD/LU "Anti-climbing" features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.53.120(A)(4) and 17.53.120(A)(6))
5. LU An agreement to maintain the tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner or applicant and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)

Conditions to be met during the construction phase of the communications facility:

- 6. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.53.190(A))

- 7. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)

- 8. ED The applicant shall submit an erosion control plan, if required by the Department of Public Works, for any construction to take place between October 15 and May 15 of any year. In the absence of such approved and implemented plan, all construction shall cease on or before October 15. (TCOC, Title 12)

- 9. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.

 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.

 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an

ROMANO

evaluative survey to evaluate the significance of the cultural resource.

- D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.
- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

- 10. ED Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)
- 11. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
- 12. AG All equipment and material, including rock, gravel, road base, sand, and top soil, brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds (Food and Agriculture Code, Sections 5401, 6305, 6341 and 6461)

- 13. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to the final building inspection for the communication facility:

- 14. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)
- 15. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and finished in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant. (TCOC, Section 17.68.150)
- 16. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))

The following conditions also shall apply to the project site:

- 17. LU/ALUC Provide notification to the FAA in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations at least thirty days prior to construction by filing a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. (Tuolumne County Airport Land Use Compatibility Plan, Policy 2.1.5.2(c)(1))
- 18. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
- 19. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be painted earth tones or finished to match the surrounding vegetation and the environment. (TCOC, Section 17.53.120(A)(4))
- 20. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the

ROMANO

premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)

- 21. LU Any unused space shall be made available for collocation of other telecommunication facilities, if the tower is structurally capable of supporting other equipment. (TCOC, Section 17.53.210(C))
- 22. EH The use or storage of hazardous materials on-site shall be in compliance with the California Health and Safety Code and all Federal laws (CHSC, Section 25501 and CFR Section 370.20)
- 23. EH If any hazardous materials are used or stored on site a permit shall be obtained from the Environmental Health Division of the Community Development Department, Certified Unified Program Agency (CUPA) for the handling, use, or storage of hazardous materials and/or hazardous wastes of reportable quantities at the site. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)
- 24. AG The property owner shall maintain and implement an effective program for the monitoring and control of noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 5401 and 5402)
- 25. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)
- 26. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)
- 27. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.53.130)
- 28. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10,	50 Leq. (1 hour) ¹	45 Leq. (1 hour) ¹

C-O, C-1, C-S, BP		
-------------------	--	--

¹L_{eq}. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.53.190(C))

- 29. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.53.190(D))
- 30. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
- 31. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)
- 32. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
- 33. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
- 34. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
- 35. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.53.120(A)(2))

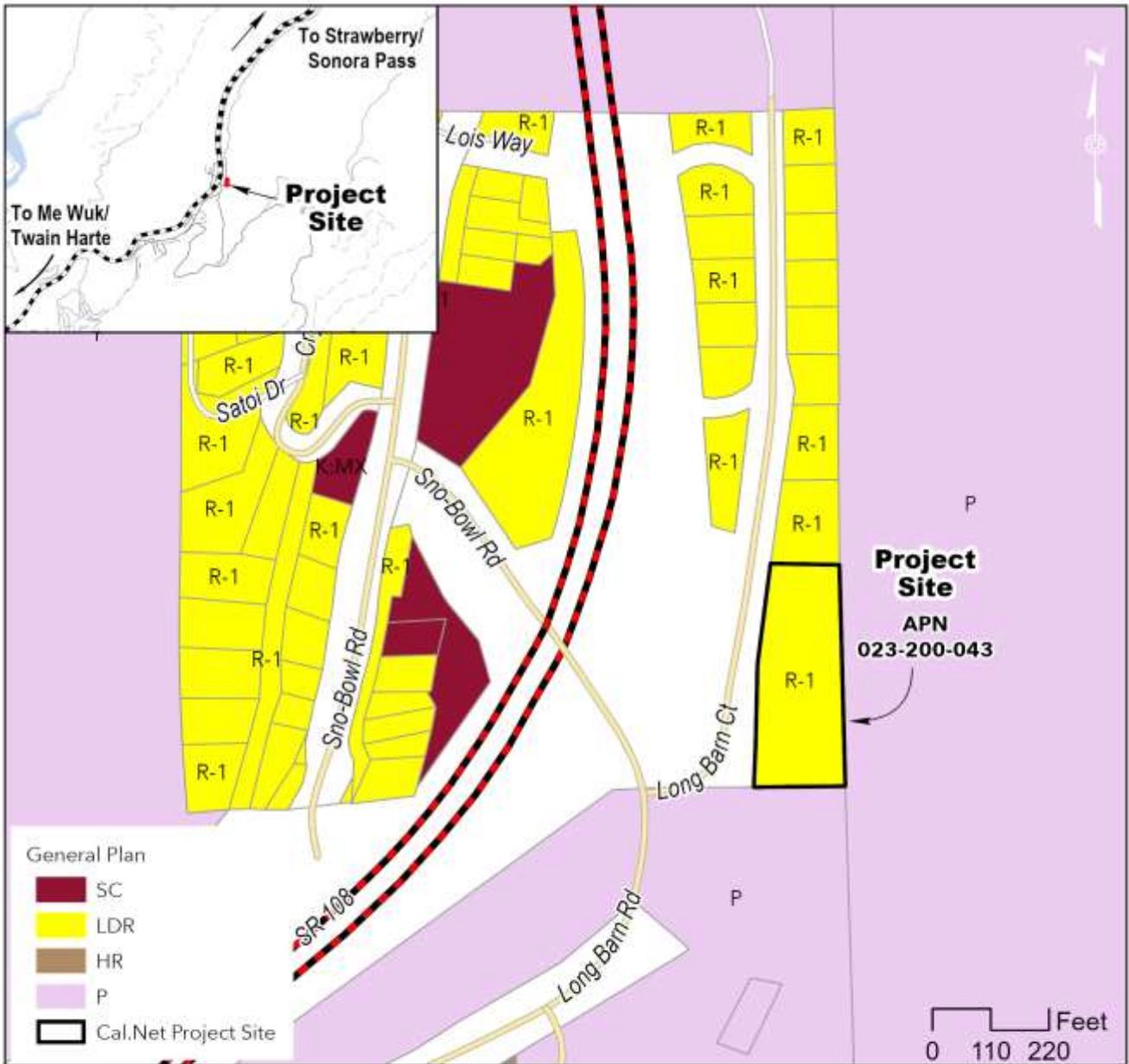
A Notice of Action shall be recorded for Conditions 1 through 35 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints

ROMANO

shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi

Attachment 1: Agenda Map



Project: CUP20-009

Owner: Donald and Peggy Romano

Applicant: Cal.Net

APN: 023-200-043

Acres: 1.52± acres

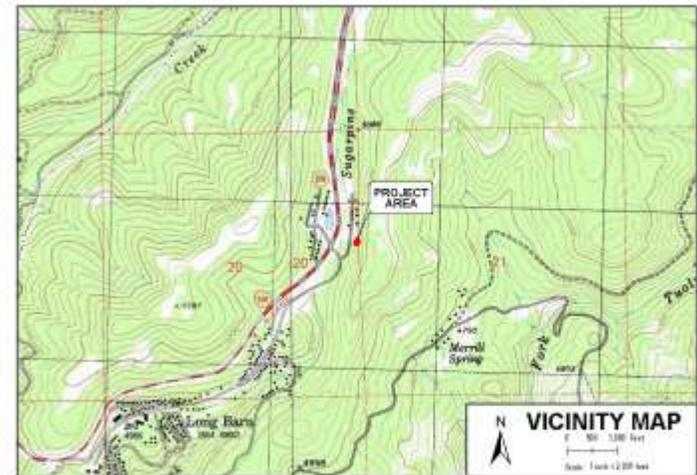
Current Zoning: R-1

Current General Plan Designation: LDR

Project Description: Conditional Use Permit to allow development of a new wireless communications tower.

Supervisor District No. 3

Attachment 2: Site Plan



Ramano Project Site 14 - Site plan
26441 Long Barn Ct.
Long Barn, CA 95335



I:\02\TUNA_Calnet_CADP_P1166-000000.dwg



CUP20-005

GROUND

AUG 2020

Ground view looking East towards the site. Image captured .25 Miles West of the site on Long Barn Rd.

Cal.net

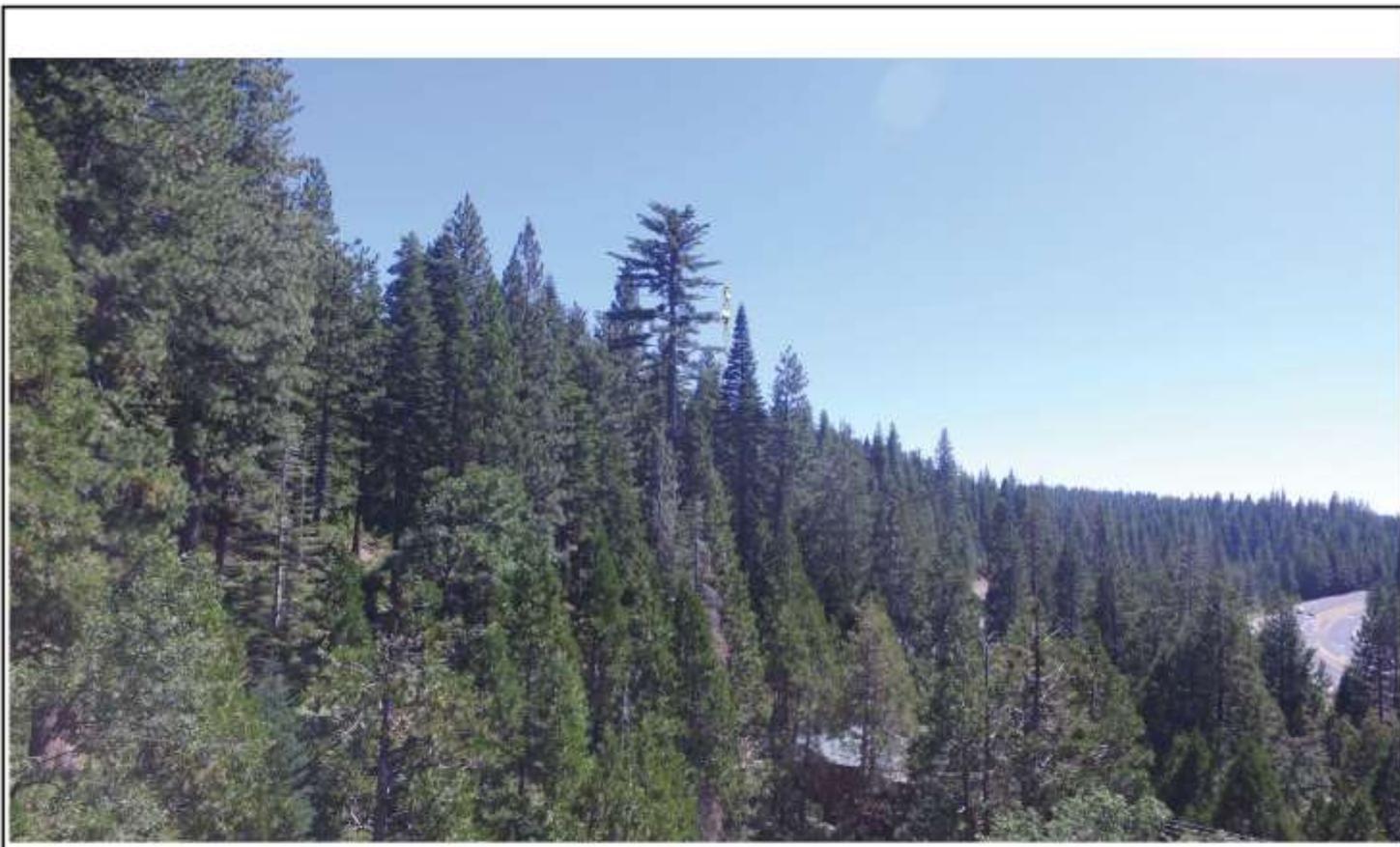
Photo Simulation



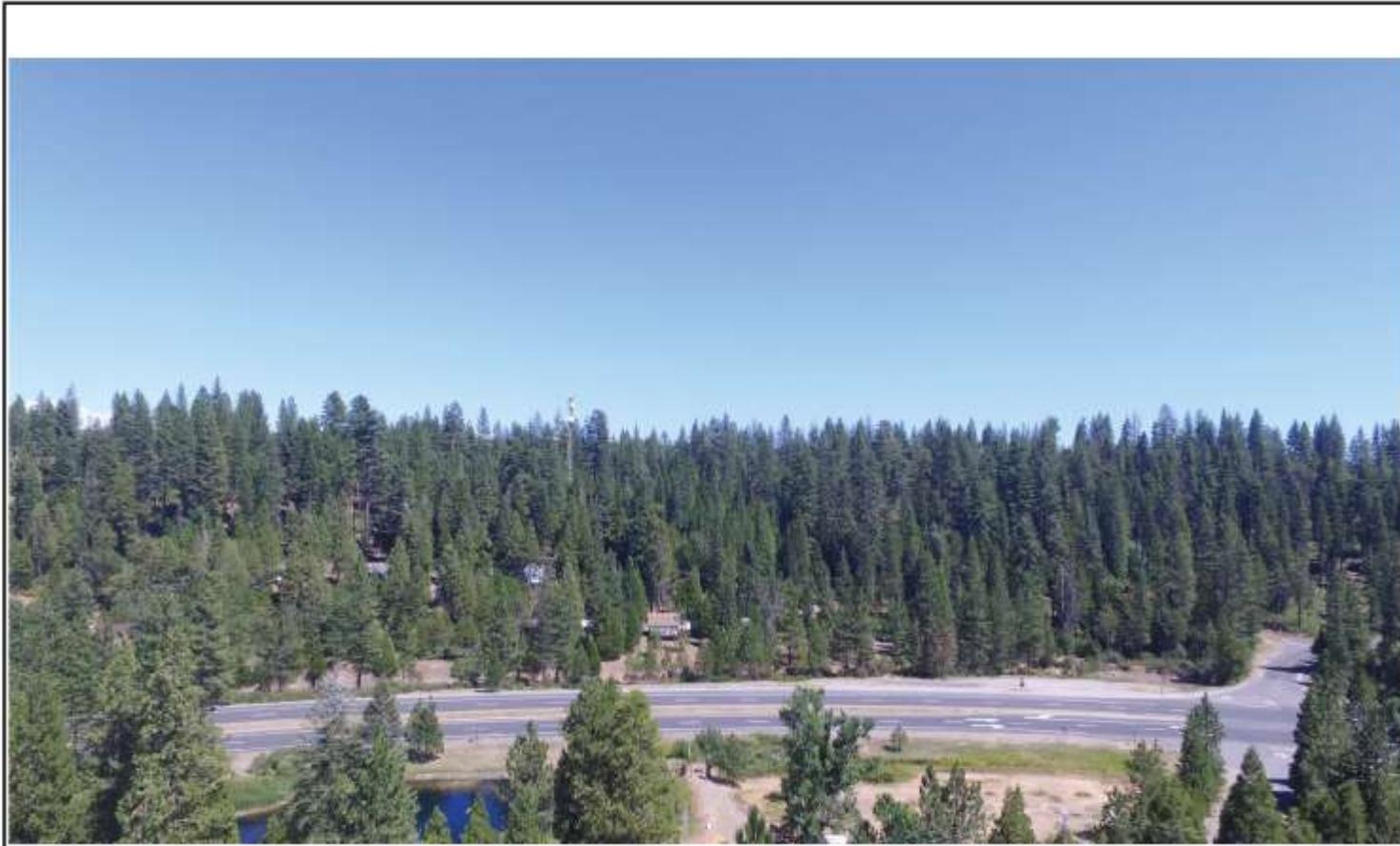
CUP20-005	GROUND	AUG 2020	 Photo Simulation
Ground view looking South towards the site. Image captured .10 Miles north of the site on Crystal Rd.			



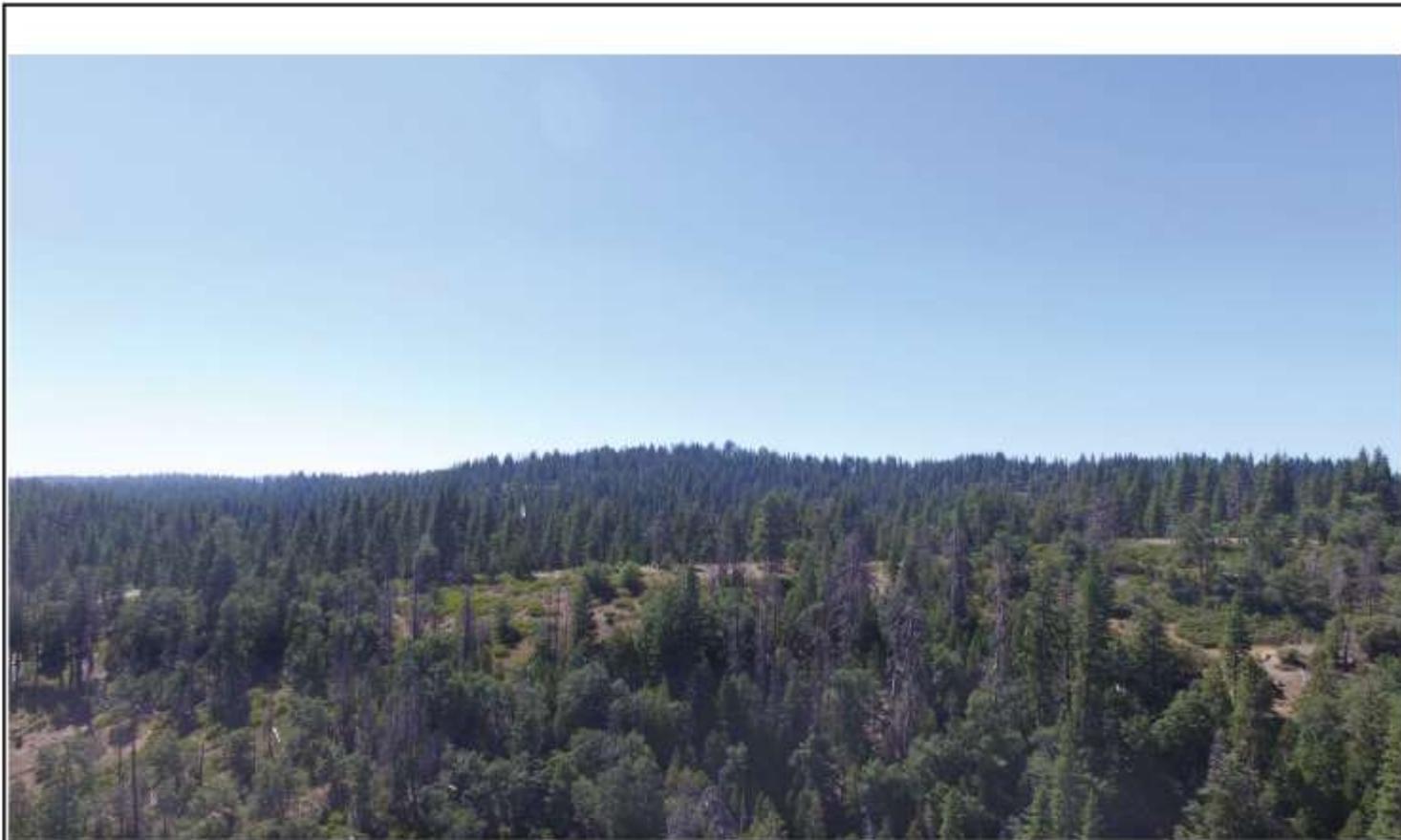
CUP20-005	GROUND	AUG 2020	
Ground view looking West towards the site. This tower will not be visible from most			



CUP20-005	DRONE	AUG 2020	
View looking West towards site from the East taken from drone.			



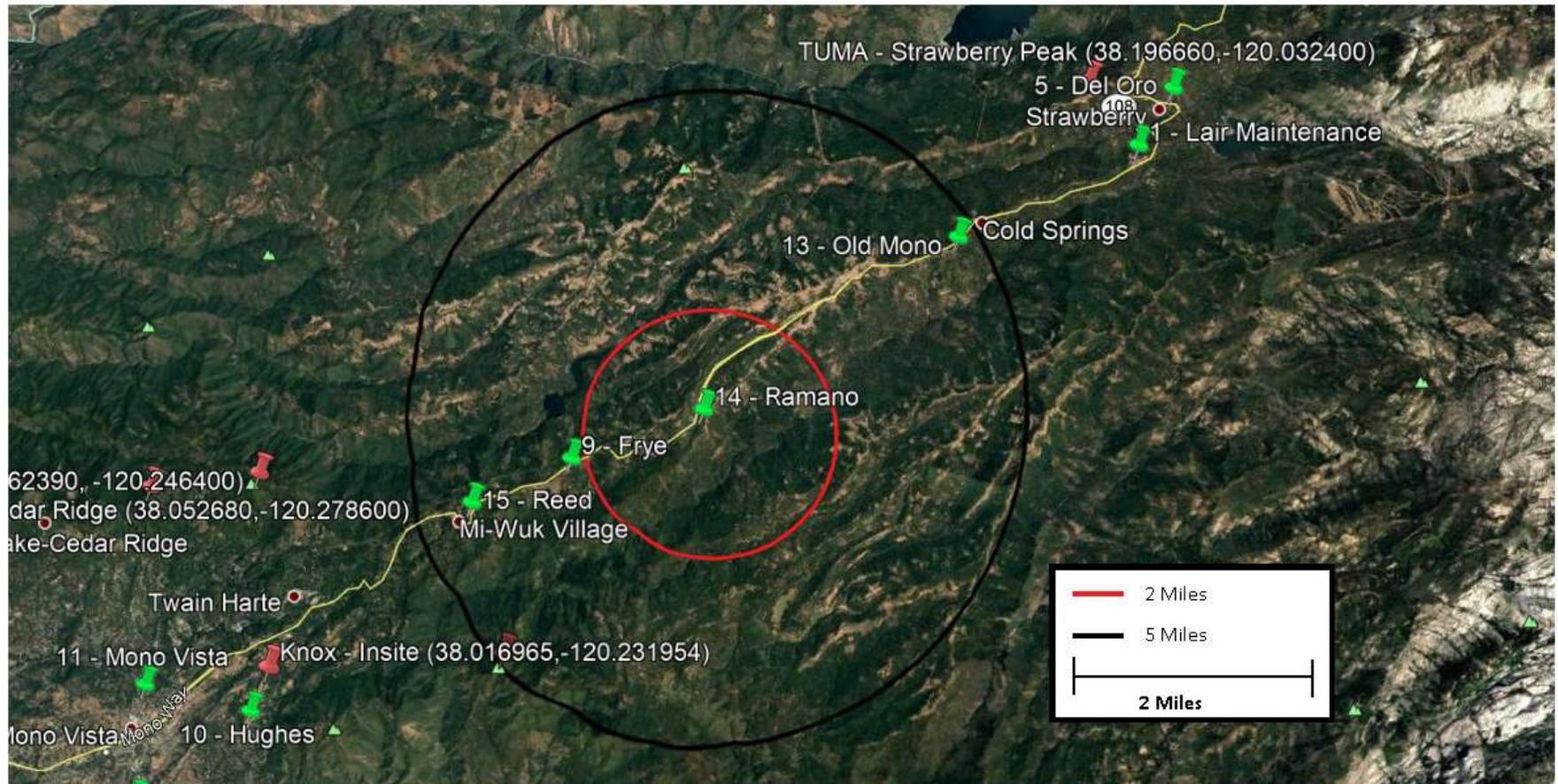
CUP20-005	DRONE	AUG 2020	
View looking South towards site from the North taken from drone.			



CUP20-005	DRONE	AUG 2020	
View looking North towards site from the South taken from drone.			

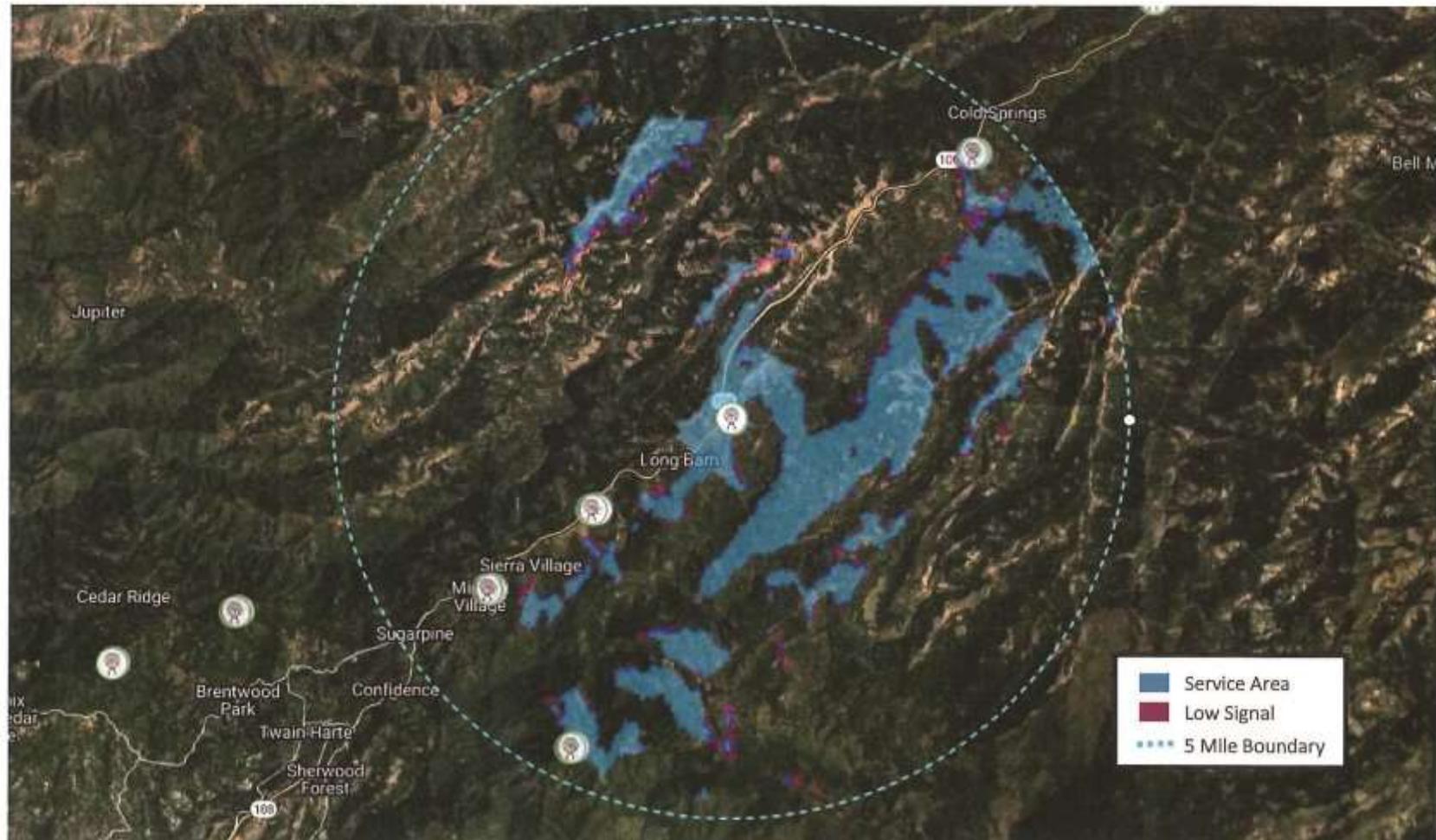
			
CUP20-005	DRONE	AUG 2020	
View looking East towards site from the West taken from drone.			

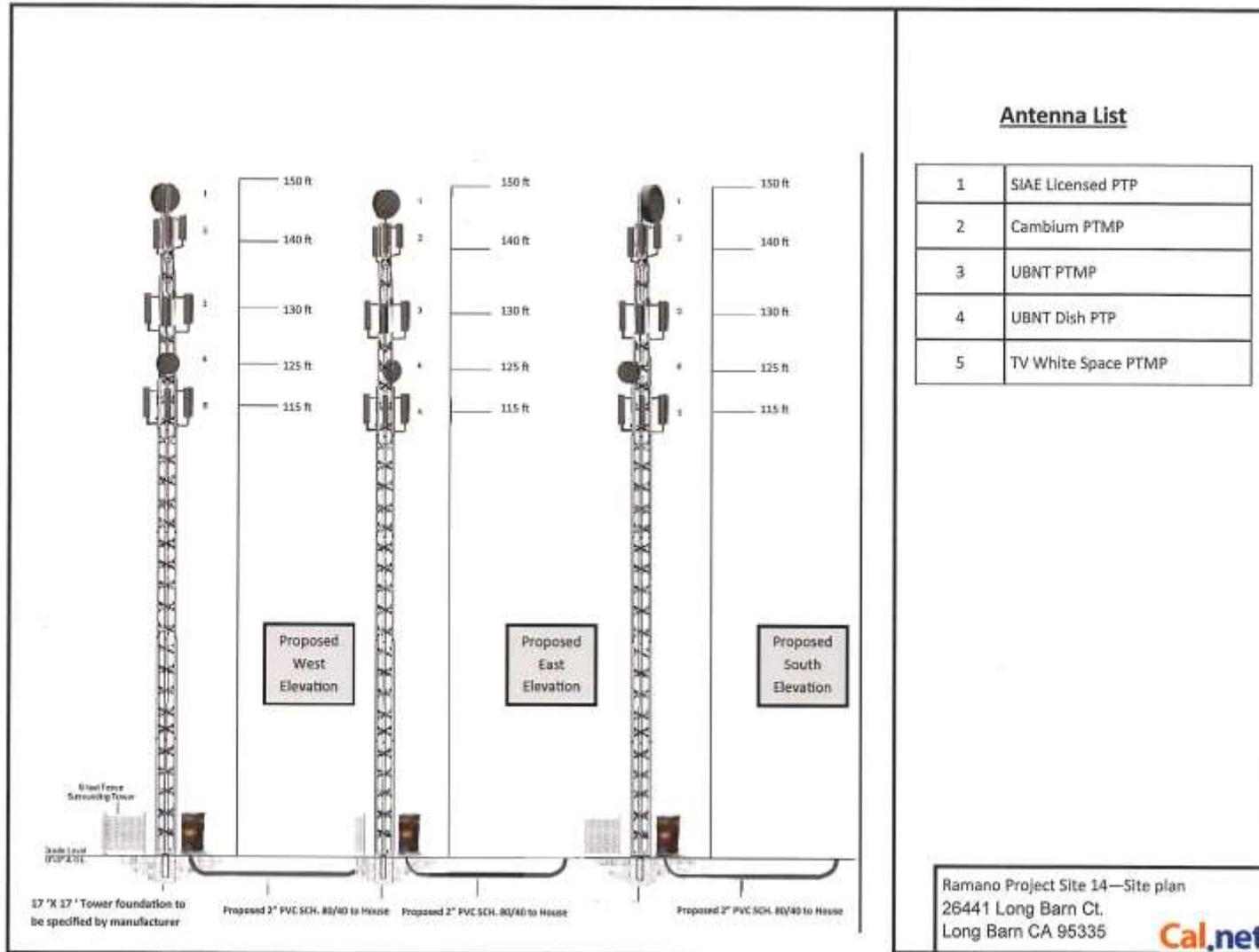
Attachment 4: Facilities Map



Attachment 5: Service Coverage Map

Site 14 Ramano







COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

RECEIVED

MAR 17 2020

Community Development Department

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-563
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-009
Assessor's Parcel Number: 023-200-043

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Donald Romano for Conditional Use Permit CUP20-009 to allow the development of a new 150 foot tall wireless communications tower and related equipment within a 20 foot by 20 foot fenced area. The project site is a 1.52± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located at 26411 Long Barn Court in the Community of Long Barn, approximately 200 feet east of the intersection of Long Barn Road and Long Barn Court. Within a portion of Section 20, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-200-043

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

GIVEN THE APPARENT DISTANCE FROM OUR PROPERTY AT 26500 LONG BARN COURT WE DON'T THINK IT WOULD PROVIDE MORE RADIATION THAN OUR MICROWAVE OVEN - AND CERTAINLY LESS RADIATION THAN THE SUN AT THAT ELEVATION, SO WE ARE NEUTRAL ON THIS PERMIT APPLICATION. AND IF THE TOWER IMPROVES OUR CELL PHONE RECEPTION UP THERE, THEN WE ARE SUPPORTERS.

STEVE & ALICE BANKHEAD 18 KILBURN STREET
Your Name(s) Mailing Address WATSONVILLE, CA
95076-4208

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

RECEIVED

MAR 10 2020

**Community Development
Department**

48 Yaney Avenue, Sonoma
Mailing: 2 S. Green Str
Sonoma, CA 954
(209) 533-5616 (F)
(209) 533-5909 (Fax – EF)
www.tuolumnecounty.ca.g

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-009
Assessor's Parcel Number: 023-200-043

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Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

WE HAVE NO OBJECTIONS

DON & PEGGY ROMANO 21522 PASEO DE LOS PORTALES
Your Name(s) Mailing Address 95370

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.

Natalie Rizzi

From: Nancy Bunnell <nebunnell@yahoo.com>
Sent: Monday, March 16, 2020 2:51 PM
Cc: Natalie Rizzi
Subject: Conditional use permit CUP20-009.

Sent from my iPhone. As owners of property at 26461 long barn ct we are totally against the development of a new 150 foot tall wireless communications tower and related equipment. Tim and Nancy Bunnell



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-009
Assessor's Parcel Number: 023-200-043

48 Yaley Avenue, Sonoma
Mailing: 2 S. Green Str
Sonoma, CA 953
(209) 533-56
(209) 533-5616 (F)
(209) 533-5909 (Fax - EH)
www.tuolumnecounty.ca.g

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Donald Romano for Conditional Use Permit CUP20-009 to allow the development of a new 150 foot tall wireless communications tower and related equipment within a 20 foot by 20 foot fenced area. The project site is a 1.52± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located at 26411 Long Barn Court in the Community of Long Barn, approximately 200 feet east of the intersection of Long Barn Road and Long Barn Court. Within a portion of Section 20, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-200-043

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

We are property owners at 26461 Longbarn Ct. We are totally against the development of this wireless tower at this location. We have seen many problems with wireless communications towers located by a school in Ripon where our family members attend school. Several children + a few teachers developed cancer - they are in the process of removing the tower. Do not go ahead with this project in our area! We will be forced to take legal action!

Ed + Lorie Machado *11708 E. Moncure Rd., Ripon, CA*
Your Name(s) Mailing Address *95366*

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

RECEIVED

APR 16 2020

**Community Development
Department**

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-563
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-009
Assessor's Parcel Number: 023-200-043

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Donald Romano for Conditional Use Permit CUP20-009 to allow the development of a new 150 foot tall wireless communications tower and related equipment within a 20 foot by 20 foot fenced area. The project site is a 1.52± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located at 26411 Long Barn Court in the Community of Long Barn, approximately 200 feet east of the intersection of Long Barn Road and Long Barn Court. Within a portion of Section 20, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-200-043

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

We object to this project due to the proximity to our home and to our vacation rental business. Most of our customers are educated and health conscious and would not be

happy with the additional EMF damaging microwaves in this rural area.

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

There is plenty of evidence that any proximity less than 1500 feet can cause health problems.

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.

Natalie Rizzi

From: Judith Magill <3bodhichitta@gmail.com>
Sent: Monday, April 06, 2020 1:16 PM
To: Natalie Rizzi
Subject: Cell tower

Follow Up Flag: Follow up
Flag Status: Flagged

Hello.

I'm a neighbor to this property that is proposing to receive a cell tower in Long Barn in the middle of this residential neighborhood. Parcel # 023-200-043.

I totally object to this plan.

We were offered a chance to have a cell tower built on our land several years ago but we felt it would be detrimental to our vacation rental business. We have 3 units that we rent out to vacationers through Airbnb. We do provide tax revenue to this county and we are a 5 star accommodation.

Because our customers are educated and health savvy people mainly from the Bay Area we knew they would not appreciate having a tower in close proximity. I am also educated and health conscious and do not want a cell tower so close to my own home.

I believe that this would damage our small business financially and reputationally. I know for sure that in our Guest Reviews there would be mention of a cell tower across the street in close proximity. Reviews are EVERYTHING to a business like ours and this would be very damaging. We would have losses.

I ask that you don't allow this tower to be built in this area. It should be far far away from residences of any kind. There are plenty of remote places it can go that wouldn't impact our neighborhood or any neighborhood. Put it out in the forest instead.

Sincerely, Judith Magill
26511 Sno-Bowl Rd.
Long Barn, CA 95335

--
Judith Magill
Long Barn, Ca.



**OFFICE OF
ENVIRONMENTAL COORDINATOR**

Quincy Yaley, AICP
Environmental Coordinator

NOTICE OF EXEMPTION

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
209 533-5909 (fax – EHD)
www.tuolumnecounty.ca.gov

PROJECT TITLE: Conditional Use Permit CUP20-009

**PROJECT
PROPONENT:** Cal.net

LOCATION: Conditional Use Permit CUP20-009 to allow the development of a new 150-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 20 foot by 20 foot fenced area. The project site is a 1.52± acre parcel zoned R-1 (Single Family Residential) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:** The project site is located at 26411 Long Barn Court in the Community of Long Barn, approximately 200 feet east of the intersection of Long Barn Road and Long Barn Court. Within a portion of Section 20, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 023-200-043.

**APPROVING
AGENCY:** Tuolumne County

EXEMPT STATUS (check one)

- Ministerial (Sec. 21083, 21084; 15303(d))
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Categorical Exemption (Sec. 15303)
 Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____

SURFACE/MINERAL

RIGHTS OWNER: Donald and Barbara Stutzman

APPLICANT: Cal.net c/o Wayne Collins

DATE: October 6, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP20-013 to allow the development of a new 70-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 14.5 foot by 14.5 foot fenced area. The project site is a 37.65± acre parcel zoned M-U:D:PD:MX:AIR (Mixed Use: Design Control Combining: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport Combining), RE-1:PD:MX:AIR (Residential Estate, One Acre Minimum: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport combining), O:PD:AIR (Open Space: Planned Unit Development Combining: Airport Combining) and RE-1 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located east of the intersection of State Highway 49 and Parrotts Ferry Road in the community of Columbia. Within a portion of Section 24, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-010-073.

GENERAL PLAN: The project site is designated Estate Residential (ER) and Mixed Use (MU) by the Tuolumne County General Plan land use diagrams. The existing zoning districts are consistent with these designations.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Conditional Use Permit CUP20-013 based upon the following findings and subject to attached conditions 1 through 35.
 - A. The proposed project is consistent with the Tuolumne County General Plan.
 - B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

- C. The proposed project will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
- G. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

GENERAL INFORMATION

Site Description

- 1. The project site is currently utilized for commercial weddings and events. The site is developed with structures which support this use. The elevation of the site is approximately 2,232± feet above mean sea level. Vegetation on site consists of live oaks, blue oaks, ponderosa pine, and gray pine. Pacific Gas and Electric Company (PG&E) provides electricity to the site. The site is accessed via Parrots Ferry Road.

Project Description

- 2. On February 19, 2020, an application was submitted for Conditional Use Permit CUP20-013 for the construction of a wireless communications facility including a 70± foot tall internet service tower and associated equipment within a 14.5± foot by 14.5± foot fenced area. This facility would be used by Cal.net to provide high-speed internet to meet the needs of a service gap in the area and would serve approximately 120 customers. The tower is proposed to be constructed approximately 14± feet from the eastern property boundary and approximately 596± feet to the southern property boundary (Attachment 3). There is an existing access road to provide access to the facility site.

General Plan

- 3. The project site is designated ER and MU by the 2018 Tuolumne County General Plan land use diagrams. Table 1.3 of the 2018 General Plan indicates that the MU designation is consistent with the M-U zoning district. In addition to the compatible zoning districts listed in the table above, less intensive residential and agricultural zoning districts are compatible with the residential land use designations. Therefore, the RE-1 zoning district is compatible with the ER General Plan land use designation. Open Space and all combining districts are compatible with all General Plan land use designations. Therefore, the existing zoning is consistent with the General Plan.
- 4. The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

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Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of CUP20-013 would allow the construction of a wireless communications facility to provide internet service to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

Tuolumne County Zoning Ordinance

5. The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
<u>Section 17.53(B)(3)</u> - A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the director.	The applicant has submitted visual simulations of the proposed facility. (Attachment 4)
<u>Section 17.53.050(B)(5) and 17.53.050(B)(10)</u> - A map shall be submitted with the application that identifies all related facilities within a five mile radius of the project site that are part of the same network of coverage as the proposed facility and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.	The applicant has submitted the required maps (Attachment 5).
<u>Section 17.53.050(B)(9)</u> - Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.	The application materials indicate that the tower will be fenced with a 6-foot high chain link fence to discourage trespassing. The existing access road is shown on the site plan.
<u>Section 17.53.050(B)(11)</u> - A plan identifying the source of power to the wireless communications facility shall be provided.	PG&E provides electrical service to the project site. The application materials indicate that power will be extended underground from the location of an equipment cabinet approximately 100 feet southeast of the site of the facility.
<u>Section 17.53.050(B)(12)</u> - A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.	The project proposes to utilize the existing natural vegetation on site as landscaping. The site is sufficiently screened with existing vegetation and a separate landscaping plan was not required.

<p>Sections 17.53.050(B)(15) and (16) - A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC) and a copy of the FCC National Environmental Policy Act (NEPA) Checklist for all service providers that will be using the facility shall be provided.</p>	<p>The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The County has completed a NEPA Checklist for the file.</p>
<p>Section 17.53.140 – Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.</p>	<p>The application materials do not propose any lighting. An on-going condition will be added stating that any lighting shall be manually operated or manned remote-operated lights which shall be kept off except when personnel are present.</p>
<p>Section 17.53.210(C) - Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services</p>	<p>The project will be conditioned to make unused space available for colocation.</p>

Service Gap

6. Section 17.53.040 of the TCOC states that major wireless communication facilities are conditional uses and require the issuance of use permits in all zoning districts, except such facilities shall be prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.53.100. Section 17.53.090 of the TCOC requires that Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1. The proposed tower would be located approximately 14± feet from the eastern property and does not meet these setback requirements. Additionally, the tower would be located on a parcel which contains the M-U, RE-1, and O zoning districts.

7. Section 17.53.100 states the following regarding service gaps:

Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the applicant establishes that the facility is necessary to comply will federal law or will fill an existing significant gap in the ability of remote users to access the applicant's communication service, that there is no alternative to the proposed location, and that the manner in which it proposes to fill the gap complies in all other respects with this chapter unless an applicant has established that an inability to comply with any other provision would prevent the facility from being constructed at that location.

The applicant indicated in their application materials that this location has been identified by the California Public Utilities Commission (CPUC) as being an underserved census block. The alternative site analysis below determined that the currently proposed site is the only feasible location with line of site to be able to provide service to the designated area. The

project is consistent with all other applicable sections of Chapter 17.53, as indicated in the table above. Therefore, the proposed project may be found to be consistent with the setback requirements for Chapter 17.53 of the TCOC because it has been determined to meet the requirements for the service gap provision.

Historically, the Community Development Department has required a Variance when the setbacks could not be achieved. Consultation with County Counsel during the processing of this application led to a determination that based on the Ordinance Code language, if a tower meets the requirements in 17.53.100, then a separate variance entitlement is not required.

Alternative Site Analysis

8. Tuolumne County Ordinance Code requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site.

The following alternative sites were considered:

- A. 21330 State Highway 49, APN: 035-020-23. Constructing a tower in this location would require a second tower to be built to be able to serve both identified census blocks that the currently proposed tower will serve.
- B. 21301 Old Sonora Columbia Road, APNs: 035-020-24 and 035-020-24. This site would not achieve the goals of the grant by providing service to the identified area.

Cal.net has been awarded grant funding to provide service to specific unserved census blocks within the County. The currently proposed tower would be able to serve two different census blocks to the North and South of the site. Placing the tower in a different location would have required construction of two towers; one to serve the census block to the north and one for the census block to the south. The currently proposed site is located in an area that has sufficient line of site that is able to serve two different census blocks as identified by the grant.

Visual Quality

9. The majority of towers that have been approved and constructed in Tuolumne County are designed as a “stealth” facility. However, the Tuolumne County Ordinance Code does not require that a wireless communications facility to be designed as a stealth facility or otherwise blend with the surrounding landscape if evidence is submitted to and accepted by the Planning Commission and a finding is made that locating it on a less visible site is infeasible.

A CPUC grant has provided Cal.net with the funding to provide underserved areas in Tuolumne County with high speed internet. The applicant has stated that the funding structure of the grant limits construction to a lattice design, because the cost to utilize a monopole tower (stealth design) is much higher than the cost for a lattice tower, and therefore fewer towers could be constructed if they were required to be a monopole, which would not meet the requirements and goals of the grant.

In addition, a lattice design allows for light and background landscape to be viewed through the lattice features. In contrast, a monopole design obscures the view of the landscape and is thicker and wider than a lattice tower. Stealth towers, such as those that mimic a tree, require a large monopole structure to handle the weight of the branches or other stealth design features. The towers utilized by Cal.net are much thinner than a monopole and are therefore less visible, and blend into the landscape or sky at a distance.

Additionally, the applicant has indicated that the lattice design allows for technicians to safely climb the tower to service the site once it has been constructed. The monopole towers are difficult to climb, and in many cases require lift equipment to climb the tower, which can cause noise impacts to the surrounding parcels. In the event of an outage, this would add additional time that the service is down by requiring the securement of a lift to the site.

Evidence for why the tower cannot be located on a less visible site can be found in the alternative site analysis prepared for the project. The currently proposed site was chosen because it located in an area which has sufficient line of site to be able to serve two different blocks identified by the CPUC grant. The currently proposed site was the only site with appropriate line of site to able to serve the identified area that had property owners willing to move forward with the project. Therefore, placement of the tower in an alternative location was not feasible.

Depending on the location of a tower and the type of equipment to be installed on the tower, it may be more practical for a company to use a monopole or a lattice type tower. In this situation, given the project location and the type of equipment required for the project, and the context of the project funding, Staff supports the proposed lattice design.

Traffic, Access and Parking

10. The proposed major wireless communication facility would generate approximately one or two vehicle trips per month for technicians to maintain the facility. Additional vehicle trips should be anticipated in the event of a service outage. This amount of vehicle trips is considered negligible and accessory to the existing uses on the project site. Therefore, no Traffic Impact Mitigation Fee is required to be paid for this project pursuant to Chapter 3.54 of the Ordinance Code.
11. The project site is accessed via State Highway 49 and the Parrots Ferry Road Off-Ramp. There is an existing gravel road to the location of the facility. No additional grading or work is required for access to the proposed tower site.

Airport Compatibility Plan

12. The project site is located within Zone D of the Columbia Airport and is subject to the Tuolumne County Airport Land Use Compatibility Plan (Compatibility Plan). Policy 2.1.5.2(a) of the Compatibility Plan lists the types of projects within Zone D requiring a review by the Tuolumne County Airport Land Use Commission (ALUC). The project does not meet the criteria for projects requiring review by the ALUC in Policy 2.1.5.2(a). Policy 2.1.5.2(c)(1) of the Compatibility Plan and Section 18.24.040 of the TCOC require the ALUC to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. The proposed tower is 70 feet above ground level and therefore does not

meet the criteria for requiring review by the ALUC.

13. Policy 2.1.5.3(b) of the Compatibility Plan states that all other projects within Zone C or D, except those listed under Policy 2.1.5.2 require a review by the ALUC Secretary. A review was conducted by the ALUC Secretary on September 28, 2020 who found the project to be consistent with the Compatibility Plan, subject to the addition of Condition #17 below.

Biological Resources

14. The Tuolumne County Wildlife Maps indicate that the blue oak pine (bop), ponderosa pine (ppn), annual grassland (ags) and residential-park (rsp) habitat types are present on site. Vegetation on site consists of consists of live oaks, blue oaks, ponderosa pine, gray pine, and ornamental landscaping. The bop and ppn habitat types are considered third priority habitats, which are common habitats that are of considerable value to wildlife. The rsp and ags habitat types are considered fourth priority habitats, which are common habitats that are of relatively low value to wildlife. No trees will be removed for the proposed project; therefore, no tree protection plan was required. There is approximately 11.3± acres of existing Open Space on the project site, which protects oak woodland, wetland habitat, and cultural resources. The Open Space was established through previous applications for entitlements on the site. The development of the wireless communications facility will not impact the existing Open Space, as indicated by attachment 2. Therefore, no mitigation for cumulative impacts to wildlife is needed.
15. The California Natural Diversity Database (CNDDB) maps were consulted for the known locations of special status plant and animal species. The California red-legged frog (*Rana draytonii*) has occurred within a half mile of the project site. The last known sighting of this frog occurred approximately ½ mile to the east along Woods Creek in April of 1950. The California red-legged frog is listed as federally-threatened and a California Species of Special Concern. This species is most commonly found in lowlands and lower elevation foothills supporting permanent and semi-permanent water sources and characterized by a variety of habitat types including humid forests, woodlands, scrub and grasslands. Breeding habitat includes permanent water sources including lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps. There are two manmade ponds on the project site which could provide habitat for this frog; however, the ponds have fish and bullfrogs which would severely limit the breeding potential of this frog. Additionally, project development and operation would not impact these ponds or potential habitat for this frog. Therefore, no impacts to this special status species is expected to occur and no mitigation is needed.

Cultural Resources

16. A cultural resource study was prepared by Solano Archaeological Services in February 2019. The study included a cultural resource records search, a request for a search of the Native American Heritage Commission (NAHC) Sacred Lands File, and a site investigation and survey. Sixteen previous resources were located within a ½ mile of the project site. The Sacred Lands search did not identify any resources. A survey of the project APE (area of potential effect), which included the area of the proposed tower and trenching for power, was conducted on June 12, 2019. No resources were identified during the survey. Studies were also completed on the project site in August 2002 and December 2015. These studies did not identify any cultural resources that were eligible for listing. There is existing Open Space zoning around one of the ditches on site. The project will not impact the existing Open Space, as indicated in attachment 2. Therefore, no further study or mitigation is needed. Pursuant to Section 14.10.150 of the Ordinance Code, CUP20-013 will be

conditioned to require protection of subsurface cultural resources unearthed during the construction process.

Adjoining Property Owners

17. Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on March 3, 2020 to the owners of 58 adjoining parcels. The County received three response letters. Two of the responses were in support of the project and one was in opposition.

The letter in opposition raised concerns about health and safety related to electromagnetic radiation. The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards.

Agency Responses

18. The proposed project has been reviewed by several State and County Agencies. The Tuolumne County Fire Prevention Division, the Engineering Division of the Department of Public Works, and the Building and Safety Division and Environmental Health Division of the Community Development Department provided comments for this project which are addressed in the project's conditions of approval. The Central Sierra Environmental Resource Center, Audubon Society, and Tuolumne Heritage Committee also response to the project. Their responses are outlined below.

Central Sierra Environmental Resource Center (CSERC)

CSERC responded to the proposed project and recommended that the facility should utilize sound proofing to minimize noise impacts, should be located in area buffered from residential structures, and that the tower should be a stealth design to minimize visual impacts. Evidence as to why the tower is not required to utilize a stealth design is discussed in #9 above in this report.

Tuolumne Heritage Committee

The Tuolumne Heritage Committee responded and recommended that a stealth design that blends with the landscape be utilized. Evidence as to why the tower is not required to be stealth is discussed in #9 above in this report.

Audubon Society

The Central Sierra Audubon Society responded to the project and requested that any lighting used on the towers should be flashing instead of steady to mitigate impacts to birds. They also recommended that any cables used to support to the towers should be colored so as to avoid collisions by birds. They also addressed concerns of electromagnetic radiation on birds. Lighting is not required for the tower and was not included in the application submittal. Due to the lattice design utilized, cables are not required to support the tower. The tower would be compliant with the FCC standards related to electromagnetic radiation emissions.

Conditional Use Permit Findings

19. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff's response to each point:

A. The proposed project is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #3 and #4 above in this report.

B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Ordinance Code is discussed and demonstrated in #5, #6, #7, #8, #10, and #12 above in this report.

C. The proposed project will not overburden existing municipal facilities.

The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The use of the facility is not expected to overburden electrical facilities.

D. The size and terrain of the project site are suitable for the proposed use.

The site topography is described in #1 of this report. The project site is suitable for the proposed wireless communications facility.

E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

F. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

Evidence to support this finding is discussed and demonstrated in #8 and #9 above in this report.

**CONDITIONS OF APPROVAL
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CONDITIONAL USE PERMIT CUP20-013**

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorneys fees and costs awards) arising out of, or in connection with the county's issuance of an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter including claims that the county acted negligently. (TCOC 17.53.250, Ord. 2667 § 14, 2005; Ord. 2506 § 13, (part), 2003).
2. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)
3. ED As applicable, secure a Road Encroachment Permit from the Engineering Division of the Department of Public Works for access onto and work within any County road right-of-way. (TCOC, Section 12.04.010)

Conditions to be met prior to issuance of a Building Permit:

4. BD/LU "Anti-climbing" features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.53.120(A)(4) and 17.53.120(A)(6))
5. LU An agreement to maintain the tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner or applicant and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)

Conditions to be met during the construction phase of the communications facility:

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6. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.53.190(A))
7. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)
8. ED The applicant shall submit an erosion control plan, if required by the Department of Public Works, for any construction to take place between October 15 and May 15 of any year. In the absence of such approved and implemented plan, all construction shall cease on or before October 15. (TCOC, Title 12)
9. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
 - D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction

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activities may resume after authorization from the Community Development Department.

- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

10. ED Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)
11. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
12. AG All equipment and material, including rock, gravel, road base, sand, and top soil, brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds (Food and Agriculture Code, Sections 5401, 6305, 6341 and 6461)
13. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to the final building inspection for the communication facility:

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14. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)
15. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and finished in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant. (TCOC, Section 17.68.150)
16. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))

The following conditions also shall apply to the project site:

17. LU/ALUC Provide notification to the FAA in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations at least thirty days prior to construction by filing a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. (Tuolumne County Airport Land Use Compatibility Plan, Policy 2.1.5.2(c)(1))
18. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
19. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be painted earth tones or finished to match the surrounding vegetation and the environment. (TCOC, Section 17.53.120(A)(4))
20. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)
21. LU Any unused space shall be made available for collocation of other telecommunication facilities, if the tower is structurally capable of supporting other equipment. (TCOC, Section 17.53.210(C))
22. EH The use or storage of hazardous materials on-site shall be in compliance with the California Health and Safety Code and all Federal laws (CHSC, Section 25501 and CFR Section 370.20)
23. EH If any hazardous materials are used or stored on site a permit shall be obtained from the Environmental Health Division of the Community Development Department, Certified Unified Program Agency (CUPA) for the

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handling, use, or storage of hazardous materials and/or hazardous wastes of reportable quantities at the site. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)

- 24. AG The property owner shall maintain and implement an effective program for the monitoring and control of noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 5401 and 5402)
- 25. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)
- 26. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)
- 27. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.53.130)
- 28. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 Leq. (1 hour) ¹	45 Leq. (1 hour) ¹

¹Leq. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.53.190(C))

- 29. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.53.190(D))
- 30. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
- 31. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the

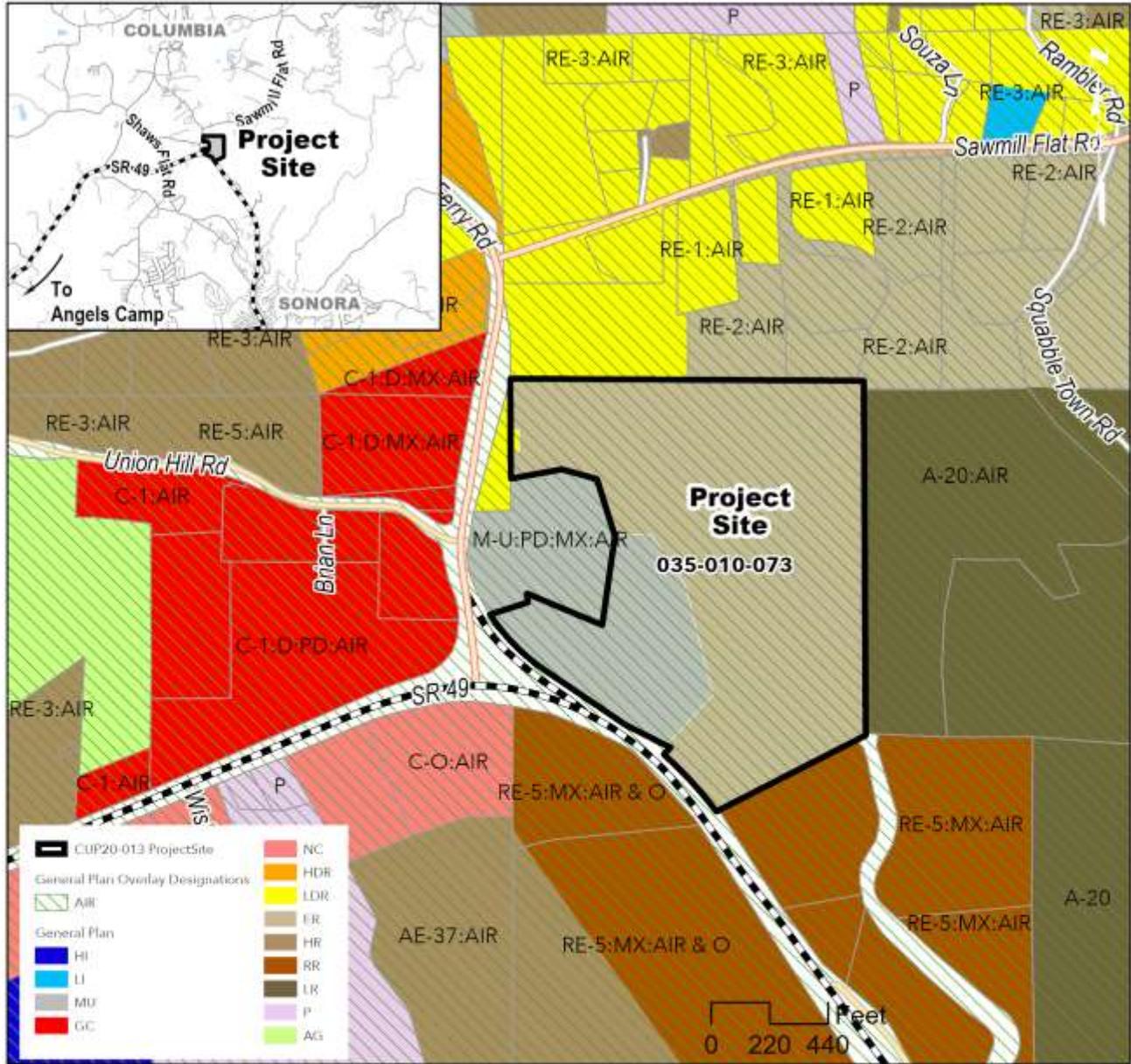
STUTZMAN

County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)

32. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
33. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
34. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
35. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.53.120(A)(2))

A Notice of Action shall be recorded for Conditions 1 through 35 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

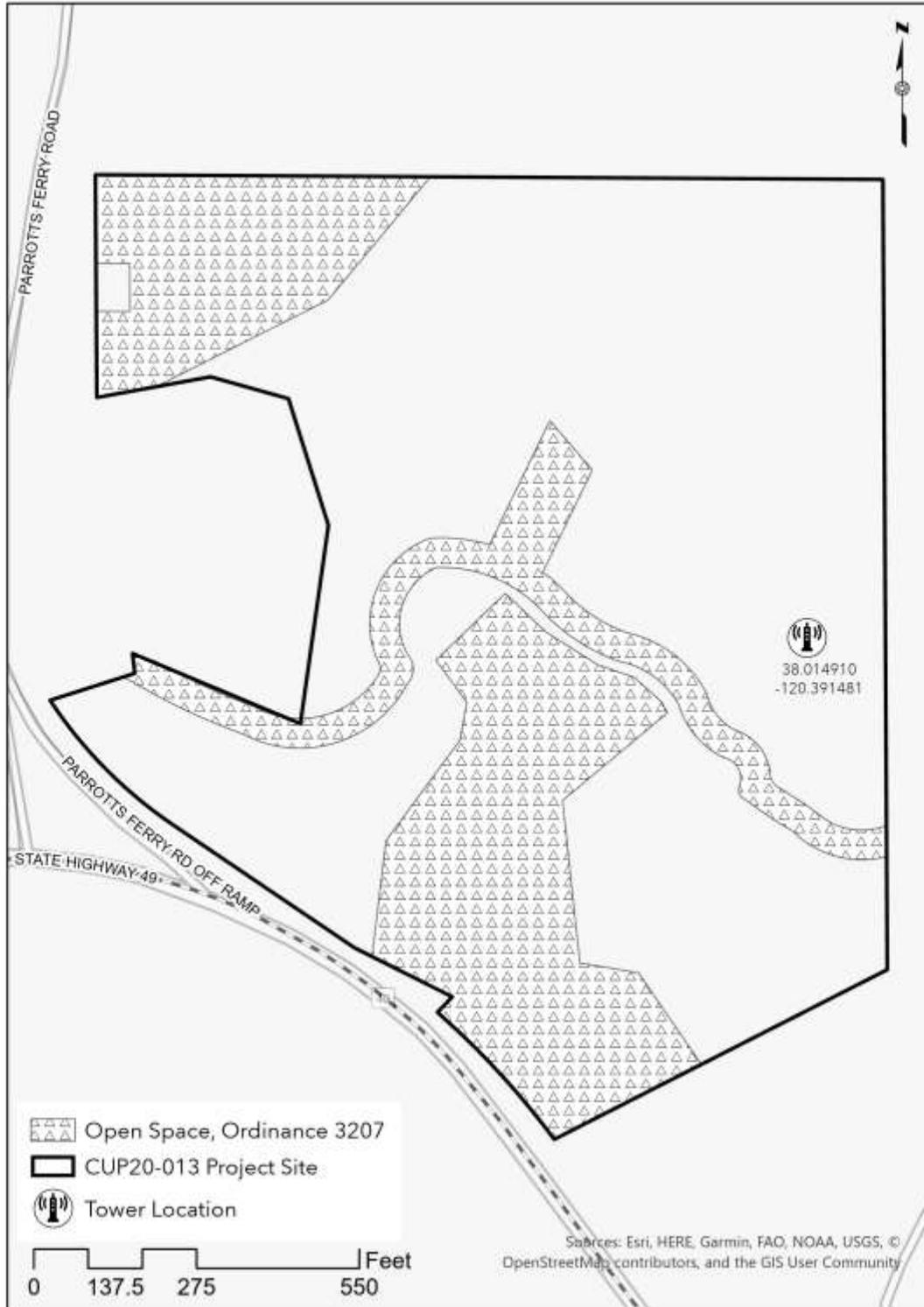
COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi



Project: CUP20-013
 Owner: Donald & Barbara Stutzman
 Applicant: Cal.net
 APN: 035-010-073
 Acres: 37.65± acres
 Current Zoning: M-U:D:PD:MX:AIR, RE-1:PD:MX:AIR, O:PD:AIR & RE-1
 Current General Plan Designation: Estate Residential (ER) & Mixed Use (MU)
 Project Description: Conditional Use Permit to allow development of a new wireless communications tower.
 Supervisor District No. 1

Attachment 2: Open Space Map

CUP20-013





Stutzman Project Site 18 - Site plan
 21301 Old Sonora Columbia Rd.
 Sonora, CA 95370

Cal.net

PROJECT: 18_CalNet_Plan000001_01.dwg

			
CUP20-013	GROUND	AUG 2020	 Photo Simulation
Ground view looking South towards the site. Image captured .3 Miles North of the site. Taken on Sawmill Flat Rd nearest cross street is Douglassville Mine Rd			



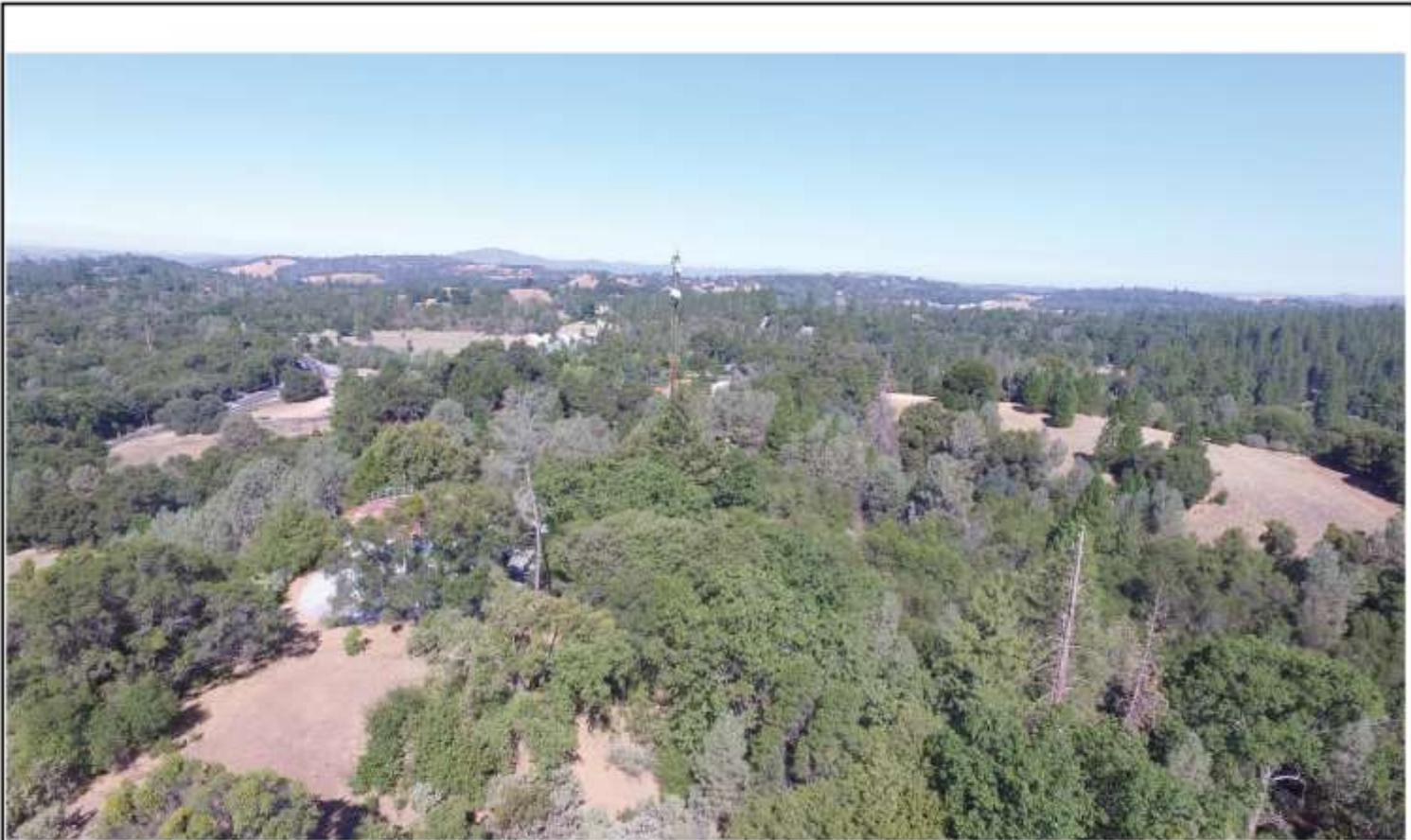
CUP20-013	GROUND	AUG 2020	
Ground view looking North towards the site. Image captured .5 Miles South of the site. Taken on Old Sonora Columbia Rd about .20 miles off Hwy 49.			



CUP20-013	GROUND	AUG 2020	
Ground view looking East towards the site. Image captured .25 Miles West of the site. Taken on Hwy 49 approximately 100 feet south of the Parrots Ferry Rd intersection.			



CUP20-013	DRONE	AUG 2020	 Photo Simulation
View looking East towards site from the west taken from drone.			



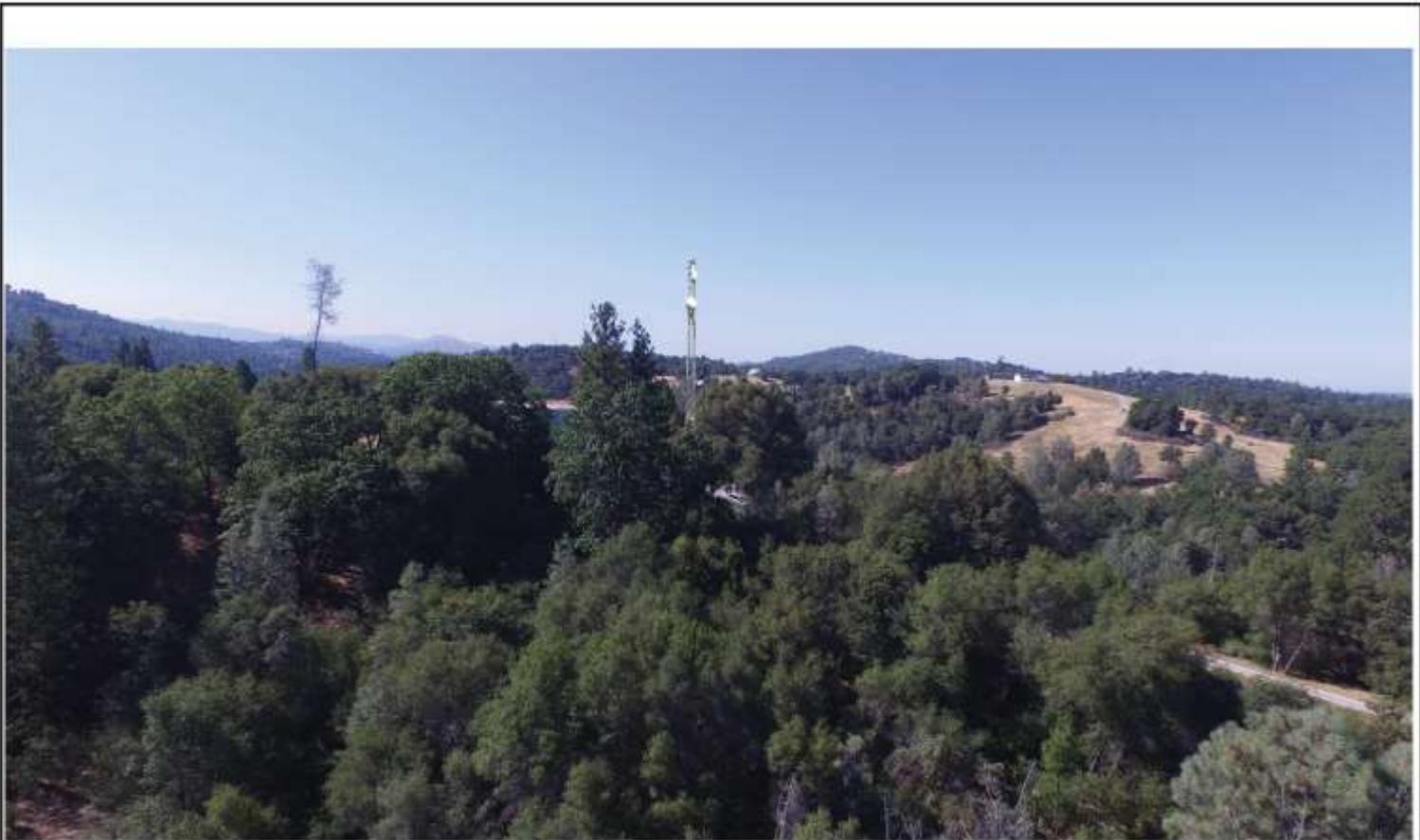
CUP20-013

DRONE

AUG 2020

View looking West towards site from the East taken from drone.

Cal.net
Photo Simulation



CUP20-013

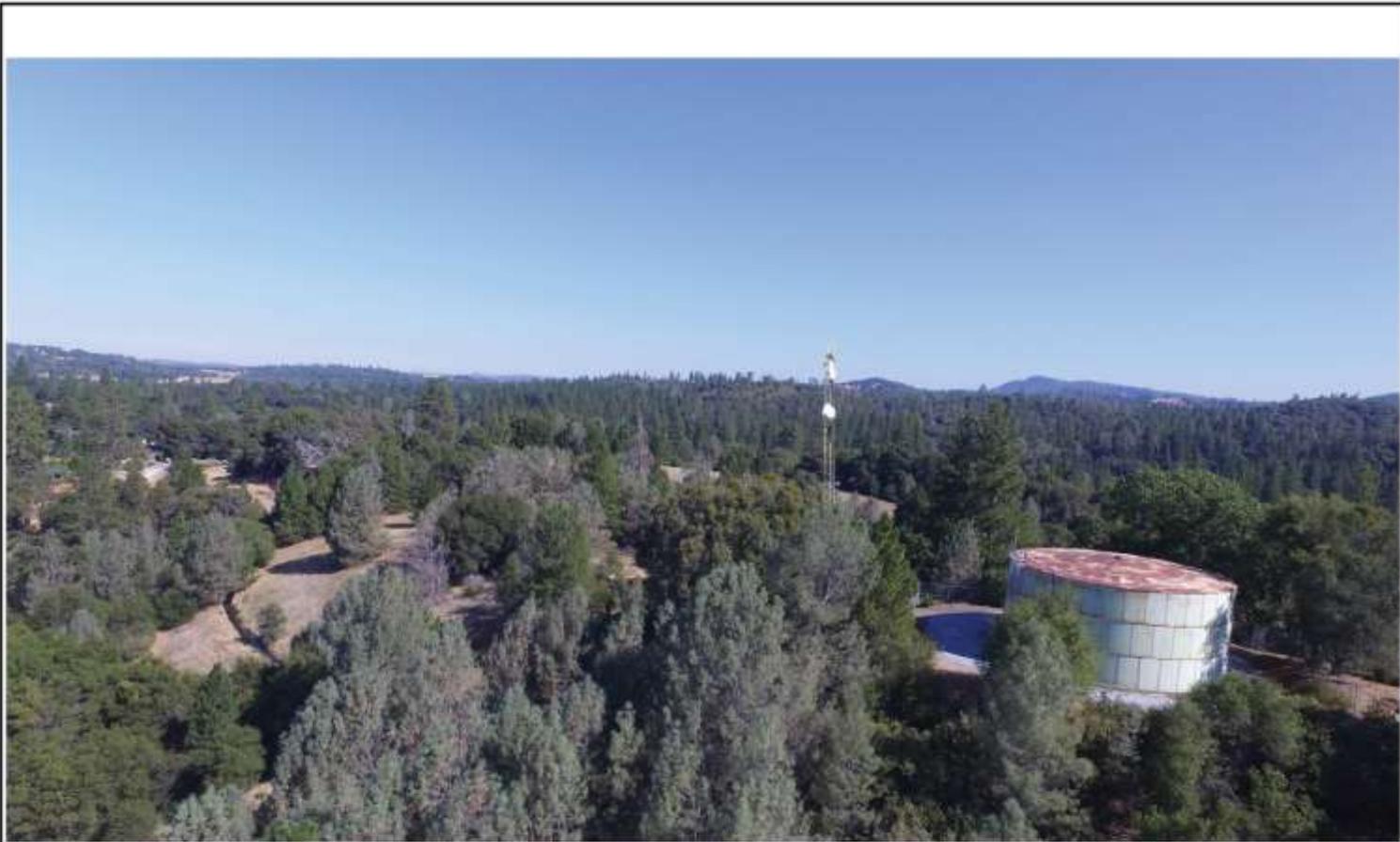
DRONE

AUG 2020

View looking South towards site from the North taken from drone.

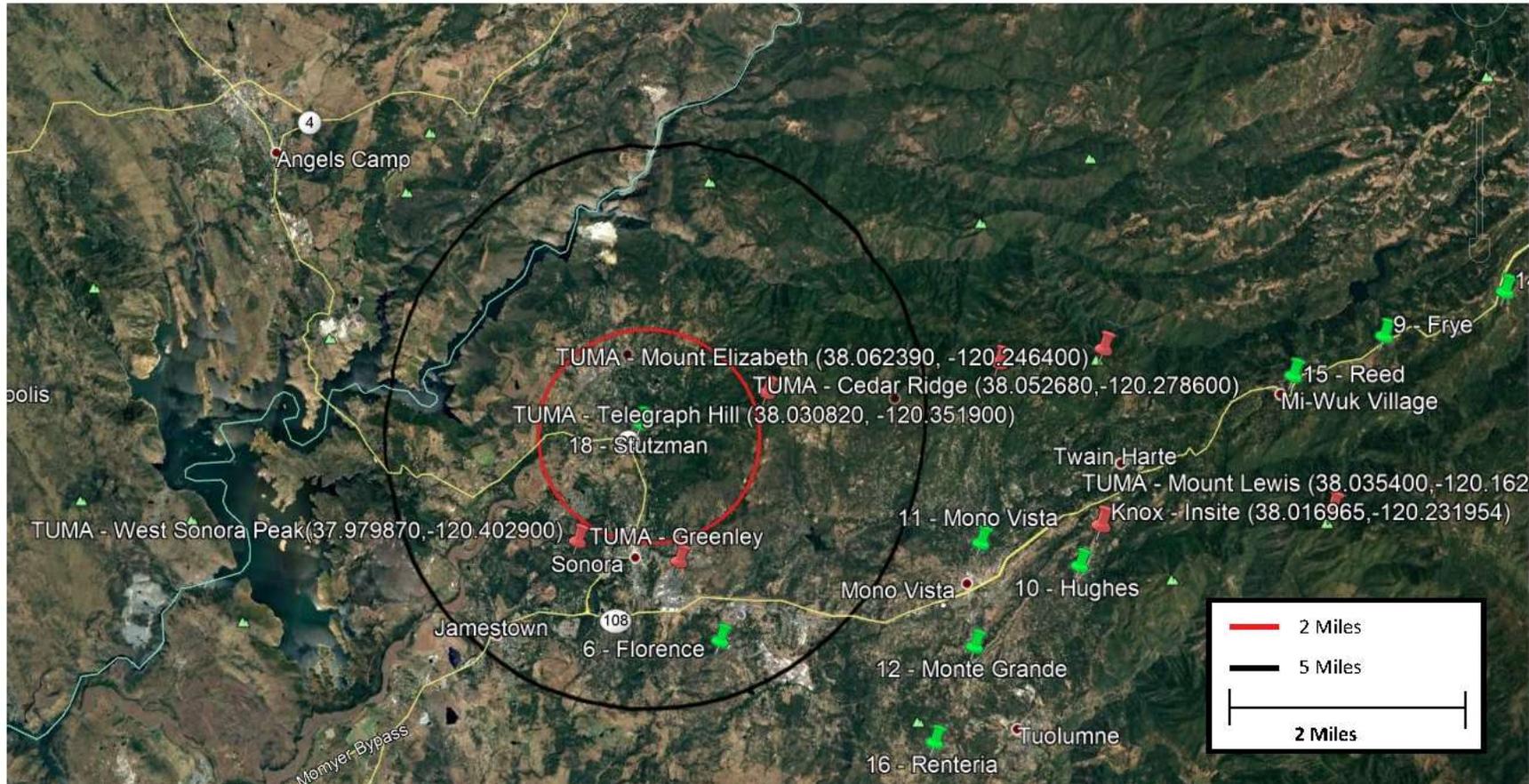
Cal.net

Photo Simulation



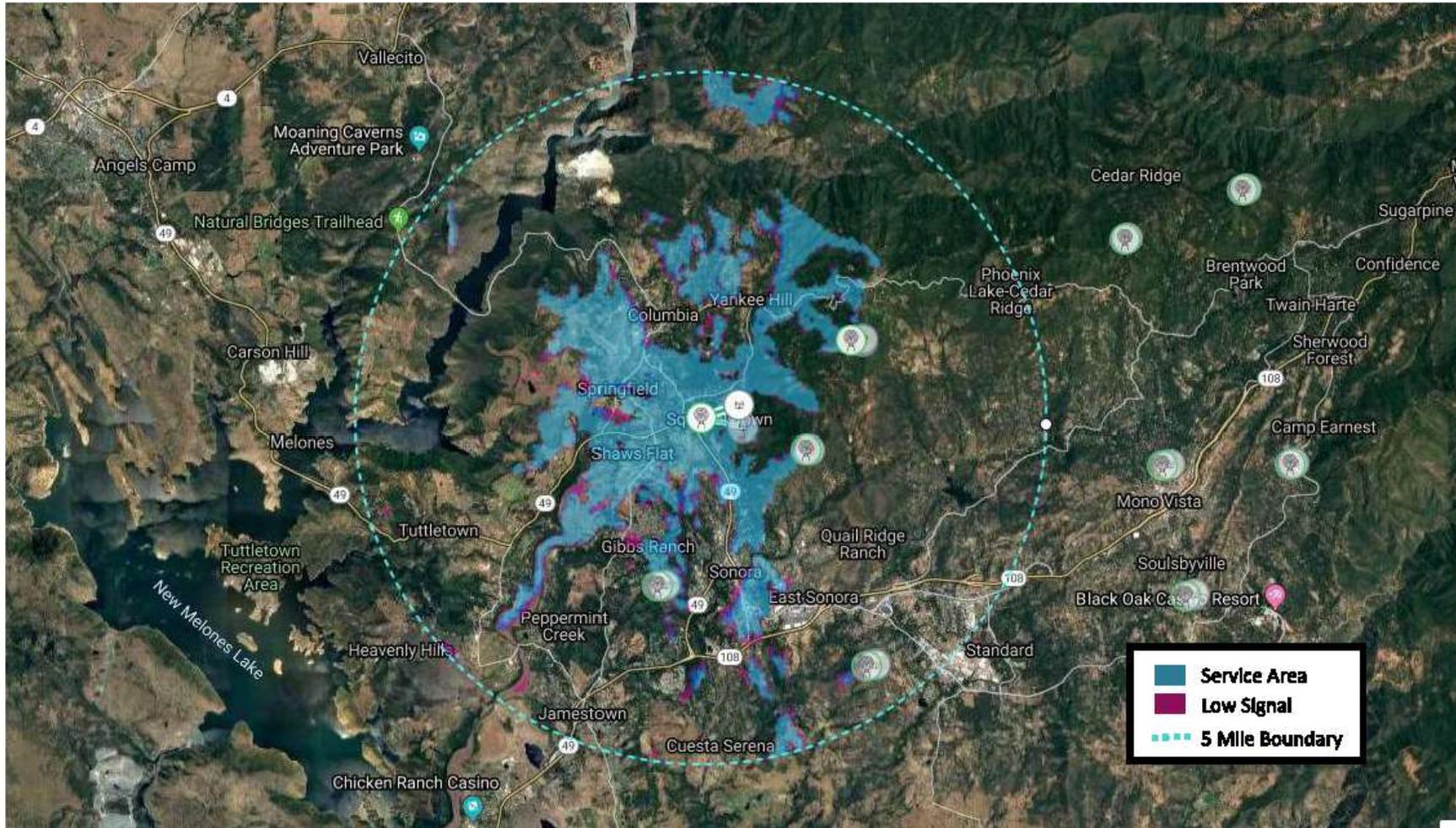
CUP20-013	DRONE	AUG 2020	
View looking North towards site from the South taken from drone.			

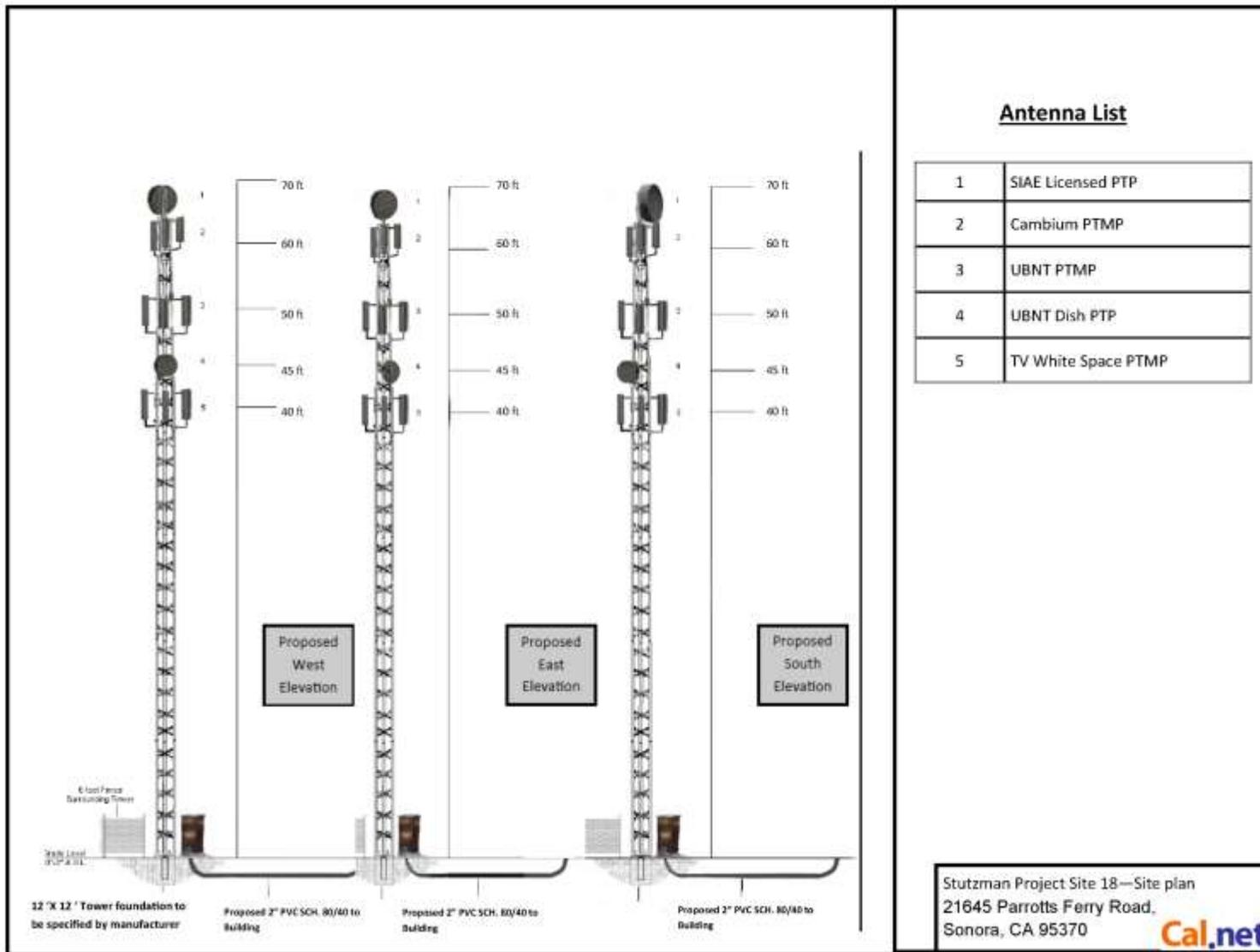
Attachment 5: Facilities Map



Attachment 6: Service Coverage Map

Site 18 Stuzman







COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-013
Assessor's Parcel Number: 035-010-073

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-5663
(209) 533-5616 (Fax)
(209) 533-5909 (Fax - EHL)
www.tuolumnecounty.ca.gov

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Donald and Barbara Stutzman for Conditional Use Permit CUP20-013 to allow the development of a new 120 foot tall wireless communications tower and related equipment within a 14.5 foot by 14.5 foot fenced area. The project site is a 37.65± acre parcel zoned M-U:D:PD:MX:AIR (Mixed Use: Design Control Combining: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport Combining), RE-1:PD:MX:AIR (Residential Estate, One Acre Minimum: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport combining), O:PD:AIR (Open Space: Planned Unit Development Combining: Airport Combining) and RE-1 under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located east of the intersection of State Highway 49 and Parrotts Ferry Road. Within a portion of Section 24, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-010-073.

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

WE are opposed to living near A cell phone tower due to the following:
• *Higher than average ORF radiation*
• *Hazards associated with electromagnetic frequencies, cancers and health risks yet to be determined*

Donnell Wilson, LYNN WILSON *2181 N TRACY Blvd #226 Tracy CA 95376*
Your Name(s) Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-013
Assessor's Parcel Number: 035-010-073

RECEIVED

MAR 10 2020

Community Development Department

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-563
(209) 533-5616 (Fax)
(209) 533-5909 (Fax - EHI)
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Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

It is ok with me

BRENDA Seldom

Your Name(s)

PO Box 12 Columbia CA

Mailing Address

95310

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-013
Assessor's Parcel Number: 035-010-073

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
(209) 533-563
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Location: The project site is located east of the intersection of State Highway 49 and Parrotts Ferry Road. Within a portion of Section 24, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-010-073.

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

IT IS OK WITH ME

Bill SELDON
Your Name(s)

P.O. Box 112 Columbia, CA 95310
Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.



OFFICE OF
ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP
Environmental Coordinator

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
209 533-5909 (fax – EHD)
www.tuolumnecounty.ca.gov

NOTICE OF EXEMPTION

PROJECT TITLE: Conditional Use Permit CUP20-013

PROJECT PROPOSER: Cal.net

LOCATION: Conditional Use Permit CUP20-013 to allow the development of a new 70-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 14.5 foot by 14.5 foot fenced area. The project site is a 37.65± acre parcel zoned M-U:D:PD:MX:AIR (Mixed Use: Design Control Combining: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport Combining), RE-1:PD:MX:AIR (Residential Estate, One Acre Minimum: Planned Unit Development Combining: Mobile Home Exclusion Combining: Airport combining), O:PD:AIR (Open Space: Planned Unit Development Combining: Airport Combining) and RE-1 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

COUNTY: Tuolumne

PROJECT DESCRIPTION: The project site is located east of the intersection of State Highway 49 and Parrotts Ferry Road in the community of Columbia. Within a portion of Section 24, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-010-073.

APPROVING AGENCY: Tuolumne County

EXEMPT STATUS (check one)

- Ministerial (Sec. 21083, 21084; 15303(d))
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Categorical Exemption (Sec. 15303)
 Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____

SURFACE/MINERAL

RIGHTS OWNER: Lance and Melissa Vetesy

APPLICANT: Cal.net c/o Wayne Collins

DATE: October 6, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP20-015 to allow the development of a new 150-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 20 foot by 20 foot fenced area. The project site is a 48.28± acre parcel zoned K (General Recreational) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located on Leland Meadow Road in the community of Strawberry, approximately 6,900± feet northeast of the intersection of State Highway 108 and Leland Meadow Road. Within a portion of Section 3, Township 4 North, Range 18 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 024-420-01.

GENERAL PLAN: The project site is designated Parks and Recreation (R/P) by the Tuolumne County General Plan land use diagrams. Table 1.3 of Volume II of the 2018 General Plan indicates that the K zoning district is compatible with the R/P designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Conditional Use Permit CUP20-015 based upon the following findings and subject to attached conditions 1 through 35.
 - A. The proposed project is consistent with the Tuolumne County General Plan.
 - B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
 - C. The proposed project will not overburden existing municipal facilities.
 - D. The size and terrain of the project site are suitable for the proposed use.

VETESY

- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
- G. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

GENERAL INFORMATION

Site Description

- 1. The project site is currently developed with a sewage treatment facility and utility shed located on the northernmost portion of the site. The elevation of the site is approximately 6,288± feet above mean sea level. Vegetation on site mainly consists of white fir. Pacific Gas and Electric Company (PG&E) provides electricity to the site. Leland Meadow Road cuts through the middle of the parcel.

Project Description

- 2. On February 19, 2020, an application was submitted for Conditional Use Permit CUP20-015 for the construction of a wireless communications facility including a 150± foot tall internet service tower and associated equipment within a 20± foot by 20± foot fenced area. This facility would be used by Cal.net to provide high-speed internet to meet the needs of a service gap in the area and would serve approximately 40 customers. The tower is proposed to be constructed approximately 45± feet from the eastern property boundary and approximately 88± feet to the northern property boundary (Attachment 2). There is an existing access road to provide access to the facility site.

General Plan

- 3. The project site is designated Parks and Recreation by the 2018 Tuolumne County General Plan land use diagrams. The R/P designation provides for recreational uses of a commercial nature to serve the tourist industry as well as providing leisure activities for the County's residents. This designation is found primarily along the County's highway corridors and is also interspersed in the Stanislaus National Forest and Yosemite National Park. Conditional Use Permit CUP20-015 proposes to develop a wireless communication facility to provide high speed internet, which would help support recreational businesses and uses. Table 1.3 of Volume II of the 2018 General Plan indicates that the K zoning district is compatible with the R/P designation.

- 4. The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of*

business and industry.

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of CUP20-015 would allow the construction of a wireless communications facility to provide internet service to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

Tuolumne County Zoning Ordinance

5. The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
Section 17.08.010 - The purpose of the K district is to provide for the development of indoor and outdoor sports, recreation facilities and commercial places of amusement.	A wireless tower is as appropriate development within the K zoning district. The tower would help support recreational uses and development.
Section 17.53.040 - Major wireless communication facilities are conditional uses and require the issuance of Use Permits in all zoning districts, except such facilities are prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.53.100 of the Ordinance Code, regarding service gaps.	The applicant has applied for Conditional Use Permit CUP20-015.
Section 17.53(B)(3) - A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the director.	The applicant has submitted visual simulations of the proposed facility. (Attachment 3)
Section 17.53.050(B)(5) and 17.53.050(B)(10) - A map shall be submitted with the application that identifies all related facilities within a five mile radius of the project site that are part of the same network of coverage as the proposed facility and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.	The applicant has submitted the required maps (Attachment 4).
Section 17.53.050(B)(9) - Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.	The application materials indicate that the tower will be fenced with a 6-foot high chain link fence to discourage trespassing. The existing access road is shown on the site plan.

<p>Section 17.53.050(B)(11) - A plan identifying the source of power to the wireless communications facility shall be provided.</p>	<p>PG&E provides electrical service to the project site. The application materials indicate that power will be extended underground from the location of a utility shed approximately 100 feet north of the site to the facility.</p>
<p>Section 17.53.050(B)(12) - A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.</p>	<p>The project proposes to utilize the existing natural vegetation on site as landscaping. The site is sufficiently screened with existing vegetation and a separate landscaping plan was not required.</p>
<p>Sections 17.53.050(B)(15) and (16) - A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC) and a copy of the FCC National Environmental Policy Act (NEPA) Checklist for all service providers that will be using the facility shall be provided.</p>	<p>The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The County has completed a NEPA Checklist for the file.</p>
<p>Section 17.53.140 – Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.</p>	<p>The application materials do not propose any lighting. An on-going condition will be added stating that any lighting shall be manually operated or manned remote-operated lights which shall be kept off except when personnel are present.</p>
<p>Section 17.53.210(C) - Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services</p>	<p>The project will be conditioned to make unused space available for colocation.</p>

Service Gap

6. Section 17.53.090 of the TCOC requires that Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1. The proposed tower would be located approximately 45± feet from the eastern property boundary and approximately 88± feet to the northern property boundary and does not meet these setback requirements. Additionally, the tower would be located closer than 200' to a parcel zoned R-1.

7. Section 17.53.100 states the following regarding service gaps:

Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the applicant establishes that the facility is necessary to comply with federal law or will fill an existing significant gap in the ability of remote users to access the applicant's communication service, that there is no alternative to the proposed location, and that the manner in which it proposes to fill the gap complies in all other respects with this chapter unless an applicant has established that an inability to

comply with any other provision would prevent the facility from being constructed at that location.

The applicant indicated in their application materials that this location has been identified by the California Public Utilities Commission (CPUC) as being an underserved census block. The alternative site analysis below determined that the currently proposed site is the only feasible location with line of site to be able to provide service to the designated area. The project is consistent with all other applicable sections of Chapter 17.53, as indicated in the table above. Therefore, the proposed project may be found to be consistent with the setback requirements for Chapter 17.53 of the TCOC because it has been determined to meet the requirements for the service gap provision.

Historically, the Community Development Department has required a Variance when the setbacks could not be achieved. Consultation with County Counsel during the processing of this application led to a determination that based on the Ordinance Code language, if a tower meets the requirements in 17.53.100, then a separate variance entitlement is not required.

Alternative Site Analysis

8. Tuolumne County Ordinance Code requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site.

The following alternative sites were considered:

- A. 29620 Leland Court, APN: 024-261-01. This site was originally considered, but it was found that the property was too small to support the facility and the power lines were too close to the site area. This parcel is approximately 0.32± acres and is developed with a single-family dwelling, so there would not be sufficient space for the wireless communication facility.
- B. 33779 Upper Leland Road, APN: 024-360-05. This site was originally considered, however after analysis, it was determined that this location would not have appropriate line of sight to the Strawberry Peak tower to be able to serve the region.
- C. 33863 Leland Meadow Road, APN 024-262-01: This site was originally considered, but was rejected because access to the site would be an issue.

Cal.net has been awarded grant funding to provide service to specific unserved census blocks within the County. The currently proposed site was ultimately chosen because it has appropriate electrical power to serve the facility, has an existing access, and is suitably sized to support the facility and meet the State grant requirements. Additionally, the site is located in an area which has sufficient line of site so Strawberry Peak, the only suitable relay point to be able to serve the area.

Visual Quality

9. The majority of towers that have been approved and constructed in Tuolumne County are

VETESY

designed as a “stealth” facility. However, the Tuolumne County Ordinance Code does not require that a wireless communications facility to be designed as a stealth facility or otherwise blend with the surrounding landscape if evidence is submitted to and accepted by the Planning Commission and a finding is made that locating it on a less visible site is infeasible.

A CPUC grant has provided Cal.net with the funding to provide underserved areas in Tuolumne County with high speed internet. The applicant has stated that the funding structure of the grant limits construction to a lattice design, because the cost to utilize a monopole tower (stealth design) is much higher than the cost for a lattice tower, and therefore fewer towers could be constructed if they were required to be a monopole, which would not meet the requirements and goals of the grant.

In addition, a lattice design allows for light and background landscape to be viewed through the lattice features. In contrast, a monopole design obscures the view of the landscape and is thicker and wider than a lattice tower. Stealth towers, such as those that mimic a tree, require a large monopole structure to handle the weight of the branches or other stealth design features. The towers utilized by Cal.net are much thinner than a monopole and are therefore less visible, and blend into the landscape or sky at a distance.

Additionally, the applicant has indicated that the lattice design allows for technicians to safely climb the tower to service the site once it has been constructed. The monopole towers are difficult to climb, and in many cases require lift equipment to climb the tower, which can cause noise impacts to the surrounding parcels. In the event of an outage, this would add additional time that the service is down by requiring the securement of a lift to the site.

Evidence for why the tower cannot be located on a less visible site can be found in the alternative site analysis prepared for the project. The currently proposed site was chosen because it located in an area which has sufficient line of site to be able to serve the area identified by the CPUC grant. The currently proposed site was the only site with appropriate line of site to able to serve the identified area that had property owners willing to move forward with the project and appropriate power availability, ingress, and space to meet the state grant requirements. Therefore, placement of the tower in an alternative location was not feasible.

Depending on the location of a tower and the type of equipment to be installed on the tower, it may be more practical for a company to use a monopole or a lattice type tower. In this situation, given the project location and the type of equipment required for the project, and the context of the project funding, Staff supports the proposed lattice design.

Traffic, Access and Parking

10. The proposed major wireless communication facility would generate approximately one or two vehicle trips per month for technicians to maintain the facility. Additional vehicle trips should be anticipated in the event of a service outage. This amount of vehicle trips is considered negligible and accessory to the existing uses on the project site. Therefore, no Traffic Impact Mitigation Fee is required to be paid for this project pursuant to Chapter 3.54 of the Ordinance Code.
11. The project site is accessed via Leland Meadow Road. Access to the site of the wireless communication facility will be provided via an existing road off Leland Meadow Road. There

is an existing ingress/egress easement which would be utilized by Cal.net to reach the site. No additional grading or work is required for access to the proposed tower site.

Airport Land Use Commission

12. Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040 of the TCOC require the Tuolumne County Airport Land Use Commission (ALUC) to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. This project was considered by the ALUC on August 6, 2020 where it was determined to be consistent with the compatibility plan, with the addition of Condition #17 below.

Biological Resources

13. The Tuolumne County Wildlife Maps indicate that the white fir (wfr), sierran mixed conifer (smc), annual grassland (ags), montane chaparral (mcp), wet meadow (WTM), and barren (bar) habitat types are present on the 48.28± acre parcel. The wireless communications facility would be located within the areas designated white fire and sierran mixed conifer, which are considered third priority habitats. Third priority habitats are common habitats that are of considerable value to wildlife. No trees will be removed for the proposed project; therefore, no tree protection plan was required. No mitigation for cumulative impacts to wildlife is needed.
14. The California Natural Diversity Database (CNDDDB) maps were consulted for the known locations of special status plant and animal species. The Sierra Nevada yellow-legged frog has been known to occur within the vicinity of the project site. Habitat for the Sierra Nevada yellow-legged frog includes streams, lakes and ponds in montane riparian, lodgepole pine, subalpine conifer, and wet meadow habitats. This species is always found within a few feet of water. The parcel contains wet meadow habitat, which is found on the southern side of Leland Meadow Road approximately 1,350± feet from the site of the wireless communications facility. The wireless communications facility is located on the northern side of Leland Meadow Road and has an existing access road to provide access to the facility. The facility would be developed in areas with the sierran mixed conifer and white fir habitats. Therefore, there would be no impact to habitat for the Sierra Nevada yellow-legged frog and no mitigation is needed.

Cultural Resources

15. A cultural resource study was prepared by Solano Archaeological Services in June 2019. The study included a cultural resource records search, a request for a search of the Native American Heritage Commission (NAHC) Sacred Lands File, and a site investigation and survey. Two previous resources were located within a ½ mile of the project site and none had been previously recorded within the project site. The Sacred Lands search did not identify any resources. A survey of the project APE (area of potential effect), which included the area of the proposed tower and trenching for power, was conducted on June 12, 2019. No resources were identified during the survey. Therefore, no further study or mitigation is needed. Pursuant to Section 14.10.150 of the Ordinance Code, CUP20-015 will be conditioned to require protection of subsurface cultural resources unearthed during the construction process.

Adjoining Property Owners

16. Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on March 3, 2020 to the owners of 77 adjoining parcels. The County received four response letters. Three of the responses were in support of the project and one was neutral with some concerns.

The response letters that indicated concern with the project stated that they would be opposed only if the tower would be 5G enabled. The tower will not be used as a cell tower and would only be used to provide wireless internet service. The tower operates on different equipment and would not utilize 5G technology.

Agency Responses

17. The proposed project has been reviewed by several State and County Agencies. The Tuolumne County Fire Prevention Division, the Engineering Division of the Department of Public Works, and the Building and Safety Division and Environmental Health Division of the Community Development Department provided comments for this project which are addressed in the project's conditions of approval. The Central Sierra Environmental Resource Center, Audubon Society, and Tuolumne Heritage Committee also response to the project. Their responses are outlined below.

Central Sierra Environmental Resource Center (CSERC)

CSERC responded to the proposed project and recommended that the facility should utilize sound proofing to minimize noise impacts, should be located in area buffered from residential structures, and that the tower should be a stealth design to minimize visual impacts. CSERC provided another response urging the County to review the proposed project to provide internet to an underserved area that provides key recreational opportunities. Evidence as to why the tower is not required to utilize a stealth design is discussed in #9 above in this report.

Tuolumne Heritage Committee

The Tuolumne Heritage Committee responded and recommended that a stealth design that blends with the landscape be utilized. Evidence as to why the tower is not required to be stealth is discussed in #9 above in this report.

Audubon Society

The Central Sierra Audubon Society responded to the project and requested that any lighting used on the towers should be flashing instead of steady to mitigate impacts to birds. They also recommended that any cables used to support to the towers should be colored so as to avoid collisions by birds. They also addressed concerns of electromagnetic radiation on birds. Lighting is not required for the tower and was not included in the application submittal. Due to the lattice design utilized, cables are not required to support the tower. The tower would be compliant with the FCC standards related to electromagnetic radiation emissions.

Conditional Use Permit Findings

18. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff's response to each point:

VETESY

- A. *The proposed project is consistent with the Tuolumne County General Plan.*

Consistency with the General Plan is discussed and demonstrated in #3 and #4 above in this report.

- B. *The proposed project is in accordance with the Tuolumne County Ordinance Code.*

Consistency with the Ordinance Code is discussed and demonstrated in #5, #6, #7, #8, #10 and #11 above in this report.

- C. *The proposed project will not overburden existing municipal facilities.*

The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The use of the facility is not expected to overburden electrical facilities.

- D. *The size and terrain of the project site are suitable for the proposed use.*

The site topography is described in #1 of this report. The project site is suitable for the proposed wireless communications facility.

- E. *The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.*

The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

- F. *Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.*

Evidence to support this finding is discussed and demonstrated in #8 and #9 above in this report.

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**CONDITIONS OF APPROVAL
VETESY
CONDITIONAL USE PERMIT CUP20-015**

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorneys fees and costs awards) arising out of, or in connection with the county's issuance of an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter including claims that the county acted negligently. (TCOC 17.53.250, Ord. 2667 § 14, 2005; Ord. 2506 § 13, (part), 2003).
2. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)
3. ED As applicable, secure a Road Encroachment Permit from the Engineering Division of the Department of Public Works for access onto and work within any County road right-of-way. (TCOC, Section 12.04.010)

Conditions to be met prior to issuance of a Building Permit:

4. BD/LU "Anti-climbing" features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.53.120(A)(4) and 17.53.120(A)(6))
5. LU An agreement to maintain the tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner or applicant and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)

Conditions to be met during the construction phase of the communications facility:

6. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.53.190(A))
7. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)
8. ED The applicant shall submit an erosion control plan, if required by the Department of Public Works, for any construction to take place between October 15 and May 15 of any year. In the absence of such approved and implemented plan, all construction shall cease on or before October 15. (TCOC, Title 12)
9. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an

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evaluative survey to evaluate the significance of the cultural resource.

- D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.
- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

- 10. ED Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)
- 11. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
- 12. AG All equipment and material, including rock, gravel, road base, sand, and top soil, brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds (Food and Agriculture Code, Sections 5401, 6305, 6341 and 6461)

13. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to the final building inspection for the communication facility:

14. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)
15. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and finished in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant. (TCOC, Section 17.68.150)
16. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))

The following conditions also shall apply to the project site:

17. LU/ALUC Provide notification to the FAA in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations at least thirty days prior to construction by filing a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. (Tuolumne County Airport Land Use Compatibility Plan, Policy 2.1.5.2(c)(1))
18. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
19. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be painted earth tones or finished to match the surrounding vegetation and the environment. (TCOC, Section 17.53.120(A)(4))
20. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the

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premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)

- 21. LU Any unused space shall be made available for collocation of other telecommunication facilities, if the tower is structurally capable of supporting other equipment. (TCOC, Section 17.53.210(C))
- 22. EH The use or storage of hazardous materials on-site shall be in compliance with the California Health and Safety Code and all Federal laws (CHSC, Section 25501 and CFR Section 370.20)
- 23. EH If any hazardous materials are used or stored on site a permit shall be obtained from the Environmental Health Division of the Community Development Department, Certified Unified Program Agency (CUPA) for the handling, use, or storage of hazardous materials and/or hazardous wastes of reportable quantities at the site. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)
- 24. AG The property owner shall maintain and implement an effective program for the monitoring and control of noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 5401 and 5402)
- 25. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)
- 26. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)
- 27. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.53.130)
- 28. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10,	50 Leq. (1 hour) ¹	45 Leq. (1 hour) ¹

C-O, C-1, C-S, BP		
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¹L_{eq}. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.53.190(C))

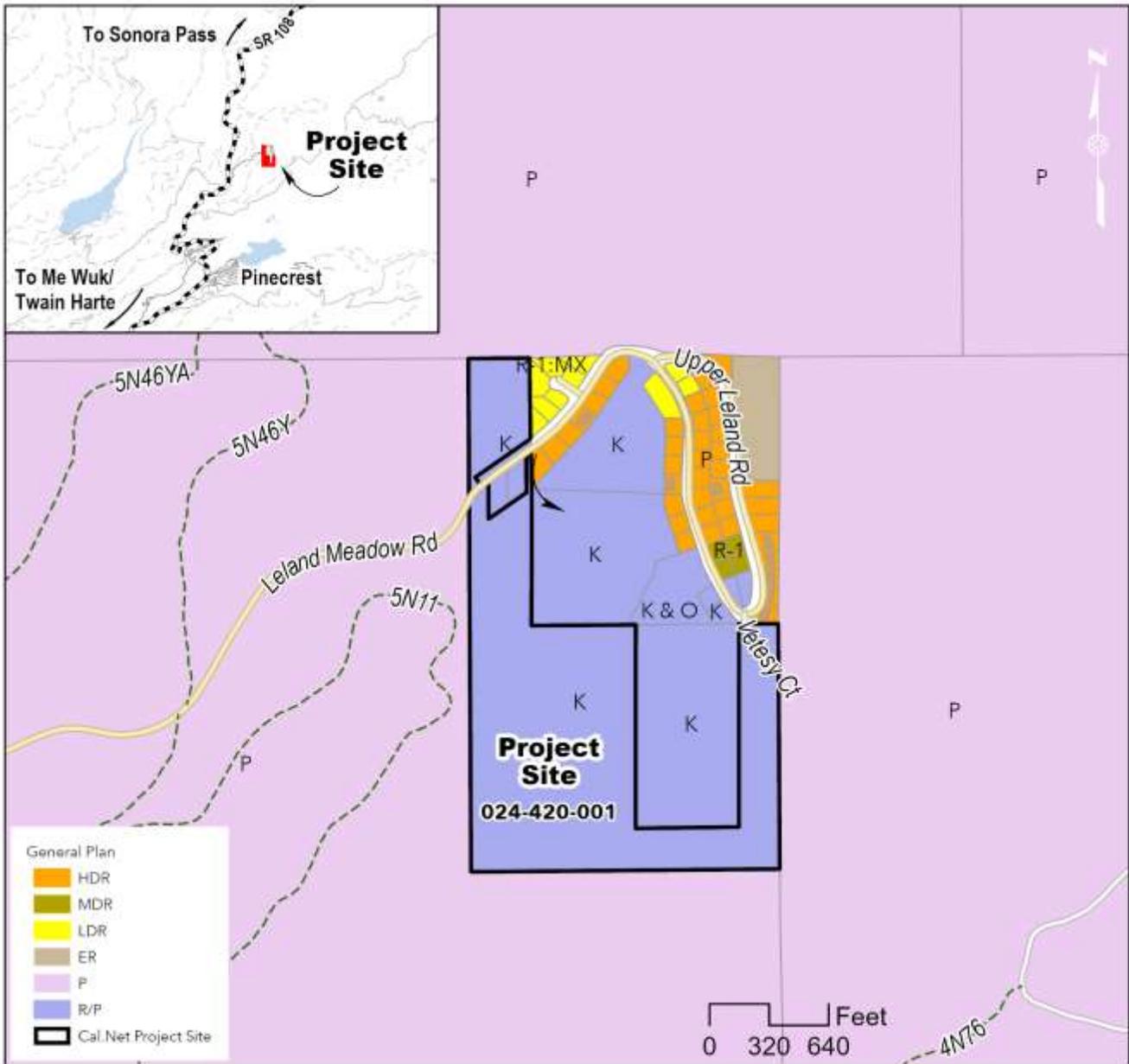
- 29. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.53.190(D))
- 30. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
- 31. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)
- 32. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
- 33. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
- 34. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
- 35. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.53.120(A)(2))

A Notice of Action shall be recorded for Conditions 1 through 35 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints

shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi

Attachment 1: Agenda Map



Project: CUP20-015

Owner: Lance Vetesy

Applicant: Cal.Net

APN: 024-420-001

Acres: 48.28± acres

Current Zoning: K

Current General Plan Designation: R/P

Project Description: Conditional Use Permit to allow development of a new wireless communications tower.

Supervisor District No. 3



Vetesy Project Site 20 - Site plan
 29630 Leland Ct.
 Pinecrest CA 95364



112221046_Calnet_CADP_Figures8Map_50.mxd



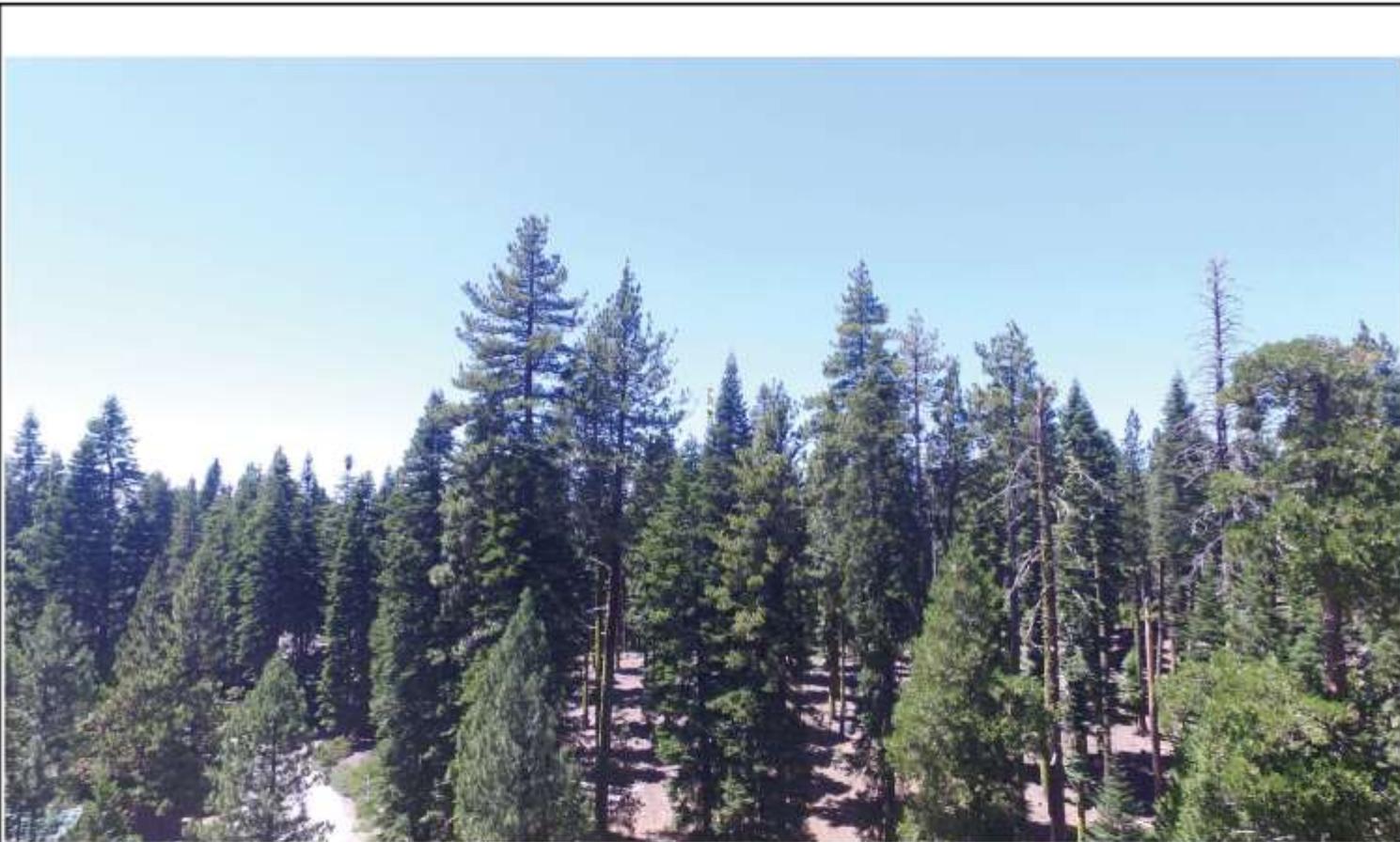
CUP20-015	GROUND	AUG 2020	
Ground view looking West towards the site. Image captured 100 yards East of the site.			



CUP20-015	GROUND	AUG 2020	 Photo Simulation
Ground view looking North towards the site. Image captured 100 yards South of the site. This site will not have ground views it will be hidden by the tall trees.			



CUP20-015	GROUND	AUG 2020	
Ground view looking East towards the site. Image captured 100 yards West of the site. This site will not have ground views it will be hidden by the tall trees.			



CUP20-015

DRONE

AUG 2020

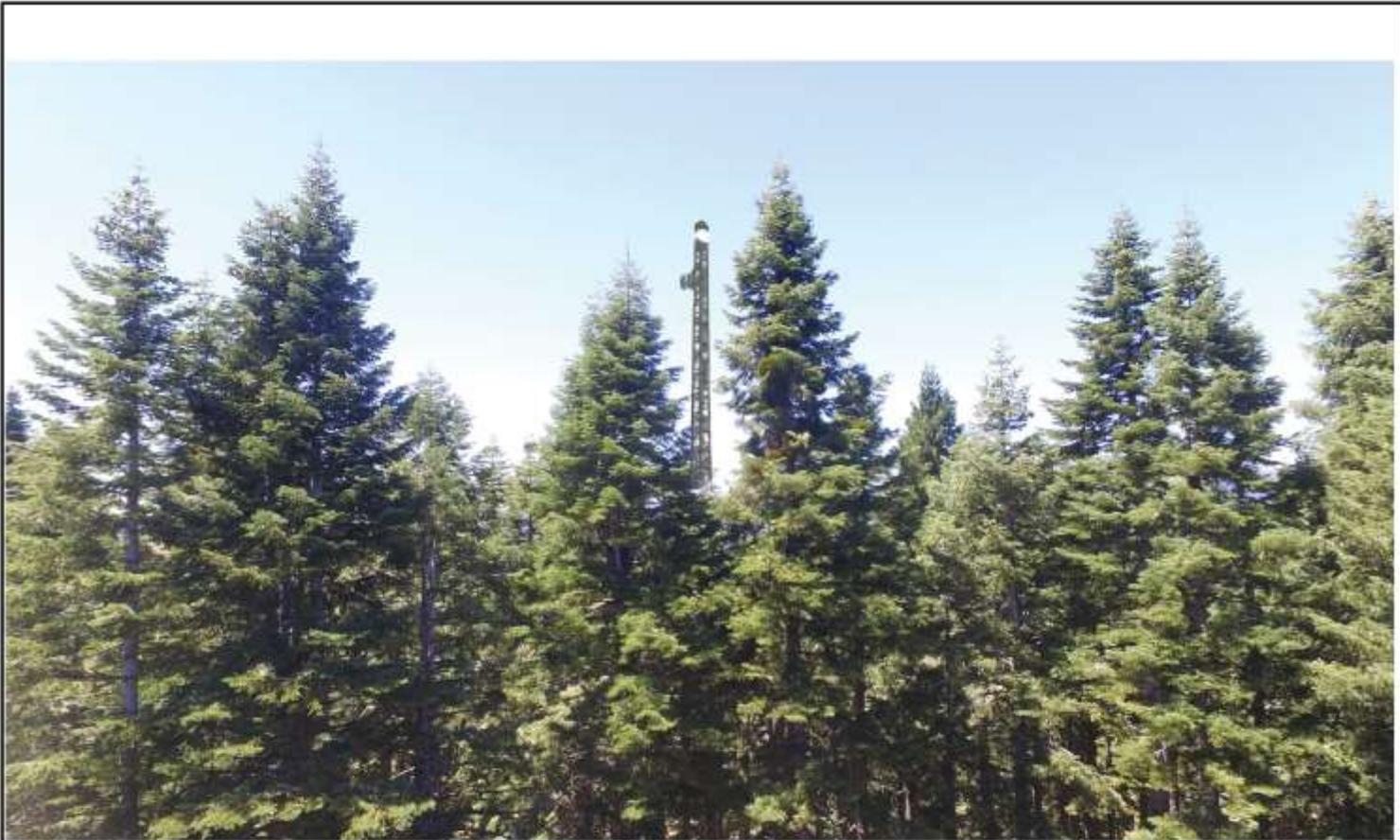
View looking West towards site from the East taken from drone.

Cal.net

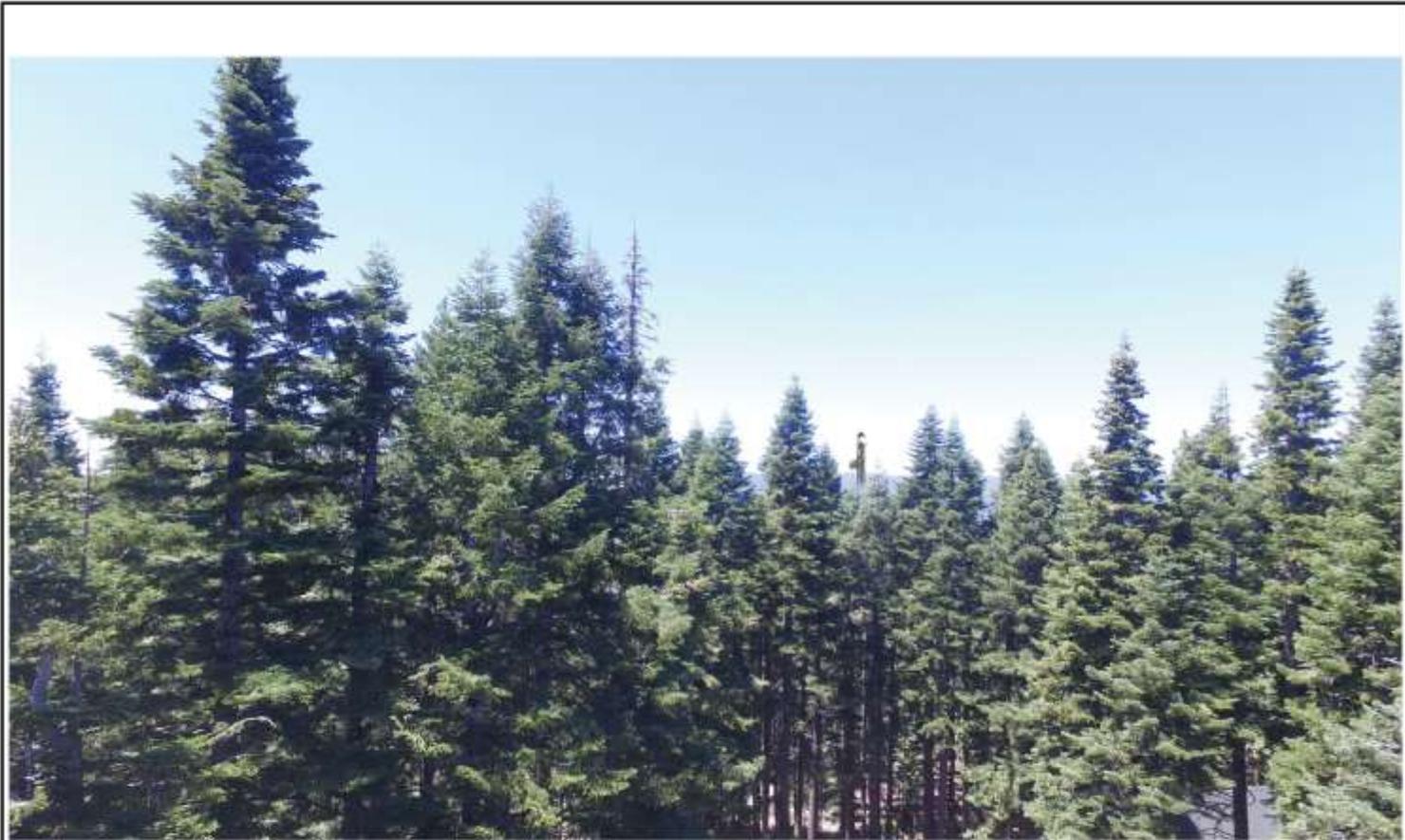
Photo Simulation



CUP20-015	DRONE	AUG 2020	
View looking South towards site from the North taken from drone.			

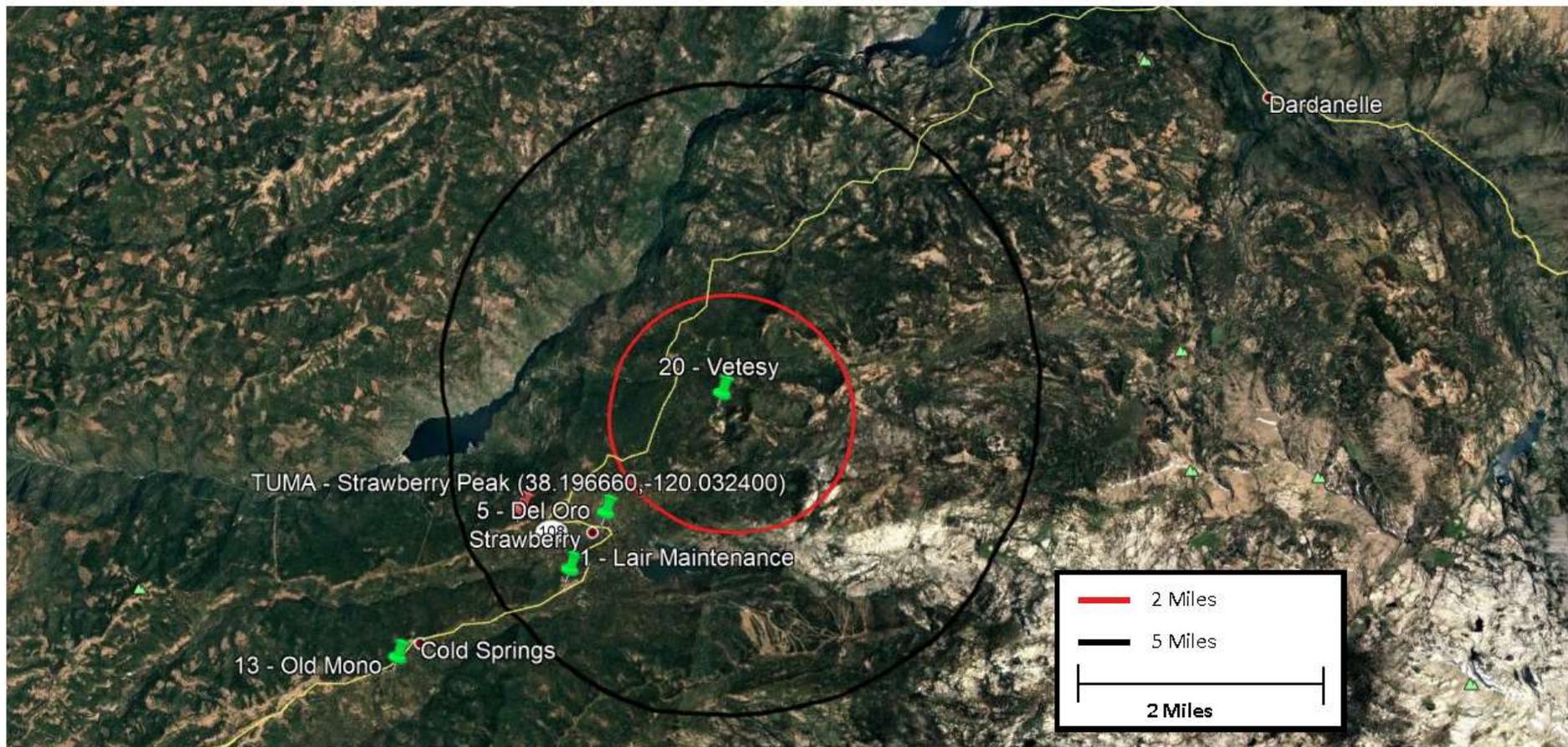


CUP20-015	DRONE	AUG 2020	
View looking North towards site from the South taken from drone.			



CUP20-015	DRONE	AUG 2020	
View looking East towards site from the West taken from drone.			

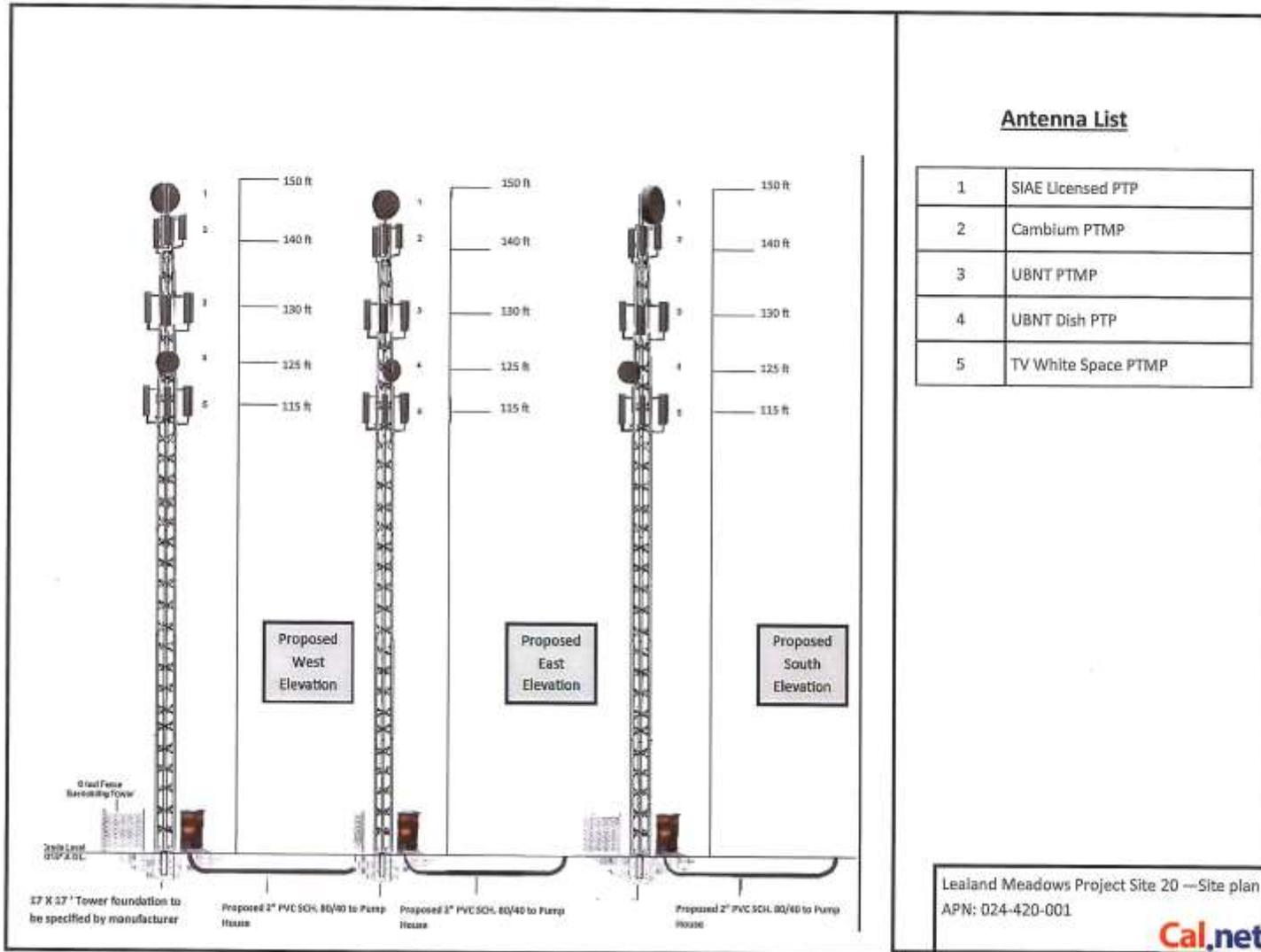
Attachment 4: Facilities Map



Attachment 5: Service Coverage Map

Site 20 Vetesy





Natalie Rizzi

From: Wolfe Amy <wolfewolfe6@gmail.com>
Sent: Tuesday, March 10, 2020 11:52 AM
To: Natalie Rizzi
Subject: CUP 20-015

We received the notice from your office related to the cell tower covered in the CUP referenced above. We own a condo at Leland Meadows and support the approval of this CUP and installation of the cell tower. Our community will have access to more reliable and less expensive internet service.

Thank you,
Amy Wolfe
209 277 6487

Natalie Rizzi

From: Corinne Charters <coricharters@gmail.com>
Sent: Friday, March 20, 2020 9:39 AM
To: Natalie Rizzi
Subject: Conditional Use Permit CUP20-015

Hello,

We own a cabin in Leland Meadows. We am responding to a notice we received about an application to put a cell tower near my home. The notice was not clear as to whether the tower was going to be 5G enabled. If it is, we strongly [oppose.it](#). The potential health ramifications are great and we do not wish to expose our family and selves to them.

If is it not 5G, we am open to the idea.

If you have questions for us, feel free to email them here. Thank you!

Corinne Charters & Rick (Fred) Sauer
33948 Leland Meadows Rd.
Strawberry, Ca



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-015
Assessor's Parcel Number: 024-420-001

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95371
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application for Conditional Use Permit CUP20-015 to allow the development of a new 150 foot tall wireless communications tower and related equipment within a 20 foot by 20 foot fenced area. The project site is a 48.28± acre parcel zoned K (General Recreational) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located Leland Meadow Road in the community of Strawberry, approximately 6,900± feet northeast of the intersection of State Highway 108 and Leland Meadow Road. Within a portion of Section 3, Township 4 North, Range 18 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 024-261-002.

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

*IN APPROVAL - MUCH NEEDED FOR
UNDER SERVED AREA!*

LANCE VETESY
Your Name(s)

P.O. Box 1187 PINECREST, CA 95364
Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.

Natalie Rizzi

From: Rob Younge <Rob@Younge.com>
Sent: Monday, March 16, 2020 3:52 PM
To: Natalie Rizzi
Subject: Response to Conditional use permit CUP20-015
Attachments: CommunicationsTower20200316_15395102.pdf

Dear Ms. Rizzi

My wife and I are in strong support of this infrastructure project for Leland Meadow which is explained in the attachment.

I have spend many hours with a portable antenna tower trying to find a reliable replacement for the Crumbling AT&T copper land lines which AT&T is attempting to eliminate and find an internet connectivity which would effectively allow remote work in Leland—we presently have Hughs net which does not work .

We hope that the county can see that this will allow residents a safer and more productive environment which would benefit everyone.

Please do not hesitate to contact me if I can be of service.

Rob Younge



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

To: Stakeholders and Adjoining Property Owners
From: Natalie Rizzi, Land Use Coordinator
RE: Conditional Use Permit CUP20-015
Assessor's Parcel Number: 024-420-001

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95376
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

The Tuolumne County Community Development Department requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application for Conditional Use Permit CUP20-015 to allow the development of a new 150 foot tall wireless communications tower and related equipment within a 20 foot by 20 foot fenced area. The project site is a 48.28± acre parcel zoned K (General Recreational) under Title 17 of the Tuolumne County Ordinance Code.

Location: The project site is located Leland Meadow Road in the community of Strawberry, approximately 6,900± feet northeast of the intersection of State Highway 108 and Leland Meadow Road. Within a portion of Section 3, Township 4 North, Range 18 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 024-261-002.

Because you are a local stakeholder or own property located within 1000 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

Please See Attached

Your Name(s)

Mailing Address

If we do not receive your comments by Tuesday, March 17, 2020, we will assume that you have no objections.

Staff Contact: Natalie Rizzi
(209) 533-5936
nrizzi@co.tuolumne.ca.us

In order to ensure that your questions can be answered, please contact staff via phone or email as listed above to answer questions or address any concerns regarding the project. Please note that email responses are preferred and will allow staff to provide timely responses.

Zoning and project information is available on the County website on the Planning page at: <https://www.tuolumnecounty.ca.gov/179/Planning>. Thank you for your assistance in reviewing this application.

We strongly support the development of a new wireless communications tower and the related equipment in our Leland Meadows development. We own two cabins and a lot in Leland Meadows.

This communications development will provide key internet infrastructure; and critical safety communication infrastructure to supplement the failing AT&T land lines in Leland meadows.

At present AT&T provides very poor and failure prone service to Leland Meadows. A year ago, I filed a PUC complaint in behalf of the community when approximately 25% of the phone services had failed and AT&T was not repairing it. AT&T did respond and replace sections of the cable coming into the community, but since then service continues to be poor in quality and prone to failure. For the safety of our community we feel that this infrastructure development is critical.

Cellular phone service into Leland is almost nonexistent. I personally got a group of engineering friends together to see if a booster system could provide cell service only to discover that the AT&T towers have no reception in Leland and that the Verizon tower on strawberry peak had no cell antenna aimed at Leland.

In addition, the internet connectivity that this infrastructure would offer would allow remote work in Leland. At present we have Hugh net satellite service which is very expensive and its data use and poor latency performance prevents serious internet remote work.

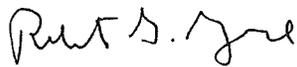
We can be reached at:

550 Westridge Dr. Portola Valley CA 94028

650-854-3210

Rob@younge.com ; Carol@younge.com

Robert G. Younge



Carol S. Younge





**OFFICE OF
ENVIRONMENTAL COORDINATOR**

Quincy Yaley, AICP
Environmental Coordinator

48 Yaley Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
209 533-5909 (fax – EHD)
www.tuolumnecounty.ca.gov

NOTICE OF EXEMPTION

PROJECT TITLE: Conditional Use Permit CUP20-015

**PROJECT
PROPONENT:** Cal.net

LOCATION: Conditional Use Permit CUP20-015 to allow the development of a new 150-foot-tall wireless communications tower and related equipment to provide wireless internet service within a 20 foot by 20 foot fenced area. The project site is a 48.28± acre parcel zoned K (General Recreational) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:** The project site is located on Leland Meadow Road in the community of Strawberry, approximately 6,900± feet northeast of the intersection of State Highway 108 and Leland Meadow Road. Within a portion of Section 3, Township 4 North, Range 18 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 024-420-01.

**APPROVING
AGENCY:** Tuolumne County

EXEMPT STATUS (check one)

- Ministerial (Sec. 21083, 21084; 15303(d))
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption (Sec. 15303)
- Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____