



# County of Sonoma

## State of California

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Date: April 13, 2021

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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### **Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,**

**Whereas,** Permit Sonoma accepted an application to construct an intermediate freestanding commercial telecommunications facility, including a 126-foot high faux-tree “monopine” tower, associated ground equipment cabinet, a 30kw diesel generator with a 210 gallon diesel fuel tank for backup emergency power, located within a 2,500 square foot lease area to be enclosed by a 6 foot fence on a ±30 acre parcel located at 4500 Porter Creek Road (“Project”) as complete for processing on January 16, 2020; and the Project

**Whereas,** After accepting the application as complete, staff determined that the Project was exempt from California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines section 15303, New Construction or Conversion of Small Structures (“Class 3 Categorical Exemption”); and

**Whereas,** On May 21, 2020 the notice of a waiver of the public hearing for Use Permit was posted in the area and mailed to property owners in accordance with applicable law. Permit Sonoma received an objection and request for public hearing by a neighbor, citing concerns about adverse noise and visual impacts from the Project; and

**Whereas,** On December 10, 2020, the Board of Zoning Adjustments held a duly noticed public hearing on the Project. At the hearing, the BZA heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and Class 3 Categorical Exemption from CEQA. All interested persons were given opportunity to hear and be heard; and

**Whereas**, During the December 10, 2020 Board of Zoning Adjustments hearing, a neighboring property owner raised concerns about adverse noise and visual impacts to his property from the Project. At the conclusion of the public testimony, the Board of Zoning Adjustments closed the hearing, deliberated on the project, and approved the project on a 5-0 vote; and

**Whereas**, On December 21, 2020, Jim Hammerich (“Appellant”) filed a timely appeal to the Board of Supervisors of the BZA approval of the Project; and

**Whereas**, On April 6, 2021, the Board of Supervisors conducted a duly noticed public hearing on the Appeal. The Board heard and received all relevant oral and written testimony and evidence presented or filed regarding the Appeal and the Project. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing and considered and discussed the Appeal. The Board voted to deny the Appeal, found the Project exempt from CEQA pursuant to the Class 3 Categorical Exemption, and approved the Project subject to the conditions of approval imposed herein.

**Now, Therefore, Be It Resolved** based on the foregoing findings and determinations and the record of these proceedings, that the Board of Supervisors hereby certifies, declares, and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record of these proceedings, and are adopted as set forth herein.
2. The Appeal is denied.
3. The Project is exempt from CEQA pursuant to CEQA Guidelines section 15303. PRMD is directed to file a notice of determination of exemption from CEQA in accordance with CEQA and the CEQA Guidelines.
4. The Project is approved, subject to the conditions of approval set forth in Attachment 2, attached hereto and incorporated by reference.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record

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of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Gorin:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**