



County of Sonoma
State of California

Date: October 8, 2024

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Upholding the Appeal of the Board of Zoning Adjustment's Decision to Deny a Use Permit, Approving the Use Permit for an Intermediate Freestanding Commercial Telecommunication Facility Designed as a Faux Water Tower With Associated Ground-Mounted Equipment Located within a 2,500-Square Foot Lease Area Enclosed By An 8-Foot-Tall Fence with Landscaping, and Find the Project Exempt from the California Environmental Quality Act (CEQA), On Property Located At 9300 Mill Station Road, Sebastopol; APN 061-141-001.

Whereas, the applicant, Vertical Bridge on behalf of T-Mobile, filed a Use Permit application with Permit Sonoma on August 31st, 2022 for a 70-foot-tall intermediate freestanding commercial telecommunication facility, including a monopole designed to appear as a faux water tower along with associated ground equipment surrounded by a slatted fenced with landscaping located within a 2,500-square foot lease area,

Whereas, the equipment is located within a 2,500 square foot fenced lease area, with access through an unpaved road to be constructed off existing access to the property, on a 14.35± acres parcel at 9300 Mill Station Rd. Sebastopol, CA 95472; APN 061-141-001; and

Whereas, the project site is zoned Diverse Agriculture (allowed density: 20 acres per dwelling) with combining zone for Riparian Corridor 25/100 (25-foot setback for agricultural uses and 100-foot setback for development), in Supervisorial District Five; and

Whereas, in accordance with the provisions of the law, the Board of Zoning Adjustments held duly noticed public hearings on March 23, 2023, July 27, 2023, May 23, 2024, and June 13, 2024, at which time all interested persons were given an opportunity to be heard; and

Whereas, Permit Sonoma recommended the Board of Zoning Adjustments approve the project and find the project exempt from CEQA; and

Whereas, the Board of Zoning Adjustments denied the project with a majority vote (4-0-1-0), finding:

1. Based on substantial evidence in the record, including coverage maps submitted by the applicant, the Board of Zoning Adjustments finds that a significant gap in service coverage does not exist.

2. There is a feasible alternative that would provide service to areas currently without service compared to the proposed project, which was not convincingly shown to be unavailable and which the applicant did not show they made adequate efforts to secure.
3. The alternative site, identified by the applicant at 9845 Cherry Ridge Road, once analyzed, may provide better service with a less intrusive facility, compared to the proposed project.
4. The project is inconsistent with the Zoning Code criteria under Sec. 26-88-130 (a) 3. ii which states all intermediate freestanding telecommunication facilities, towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
 - a. Based on Permit Sonoma’s Visual Assessment Guidelines, the Board of Zoning Adjustments finds the project will result in significant visual impacts that cannot be mitigated. Specifically, based on evidence in the record including public testimony and the Visual Assessment Guidelines, the Board of Zoning Adjustments finds the project is visually “Dominant” which is characterized as project elements are strong – they stand out against the setting and attract attention away from the surrounding landscape. Form, line, color, texture, and night lighting contrast with existing elements in the surrounding landscape. The proposed 70-foot-tall facility is primarily surrounded by deciduous apple, willow, and oak trees of substantially less height with heights ranging from approximately 15 feet to 55 feet; therefore the 70-foot facility would attract attention away from the surrounding landscape. For these reasons, the height of the proposed facility is inconsistent with the surrounding neighboring residences and the character of the community which is rural residential and agricultural.
5. The project as proposed may be detrimental to the health, safety, peace and comfort or general welfare of the persons residing or working in the neighborhood, or to the general welfare of the area in particular:
 - a. The Board of Zoning Adjustments finds that, based on public testimony, the project will result in significant visual impacts that cannot be mitigated.
6. The project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15270 of the CEQA Guidelines as a project which a public agency rejects or disapproves; and

Whereas, the applicant filed a timely appeal of the Board of Zoning Adjustments denial on June 20, 2024.

Whereas, in review of the appeal and hearing record Staff has determined that no new or expanded information was provided that would have altered the recommendation to the Board of Zoning Adjustments for approval of the proposed project; and

Whereas, the Board of Zoning Adjustments denial of the project must be further substantiated with new or expanded information to fully capture the burden of proof for denial; and

Whereas, the burden of proof for denial was not substantiated with new or expanded information; and

Whereas, substantial evidence in the record supports the original Staff recommendation to the Board of Zoning Adjustments for Approval of the project and no new information has been provided contrary to the Staff recommendation to the Board of Zoning Adjustment; and

Whereas, in accordance with the provisions of the law, the Board of Supervisors held a duly noticed public hearing on October 8, 2024, at which time all interested persons were given an opportunity to be heard; and

Now, Therefore, Be It Resolved that the Board of Supervisors determines that the project is Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) as the telecommunication tower, will be located within the proposed 2,500-square foot lease area and environmental effects of the project would be negligible. There are no facts or circumstances that would support an exception to the categorical exemption for this project.

Be It Further Resolved that the Board of Supervisors upholds the appeal and hereby approves the Use Permit, subject to Conditions of Approval as set forth in Exhibit "A" for the proposed 70-foot tall facility, pursuant to the following findings:

1. The project is consistent with the General Plan land use designation of Diverse Agriculture, and General Plan Policies including, Policy PF-2u: "Review proposals for public and private telecommunication facilities for consistency with General Plan policies and adopted siting and design criteria." The tower design of a mono-pine will help the proposed facility blend in with existing vegetation and topography within the project vicinity. The facility is substantially setback from the nearest public roads and will be effectively screened by natural vegetation as viewed from public roads. Due to the site's location outside of a scenic landscape unit, existing vegetation, facility setbacks, and faux tree design the project would not pose a significant visual impact from public rights of way. The provision of a telecommunications tower on this site is justified to meet coverage needs and will close gaps in wireless service for both people in transit and indoors.
2. The proposed project is consistent with the requirements for siting a telecommunications tower within the Diverse Agriculture (DA) zoning designation because the proposal has demonstrated through an alternative sites analysis which meets the requirements of Section 26.88.130(a) (3) (xiv) that there is no other technically feasible method of providing the needed service that would result in fewer or less severe environmental impacts. The applicant has prepared a visual analysis utilizing photo simulations as required by Section 26-88-130 (b)(2)(iii), which identifies the potential visual impacts at design capacity of the proposed facility and demonstrates that siting and design as described above will result in a facility that visually blends in with the character of the area and would not result in adverse impacts. The project is

also consistent with Section 26-88-130 (Telecommunication Facilities) of the Zoning Code in that the project minimizes visual impacts and is compatible with the neighborhood and character of the community to the extent feasible because it utilizes faux tree design, setbacks, and existing vegetation of the site to blend the facility with the surrounding environment.

3. The establishment, maintenance, or operation of the use for which this application is made will not, under the circumstances of this particular case be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area:
 - a) The antennas on the mono-pine cell tower will not exceed 80 feet in height;
 - b) The facility will operate without disruption and enhance public safety by providing improved telecommunications service, including during times of power outages;
 - c) Exterior lighting will be low-mounted, downward casting and fully shielded to prevent glare. Lighting will not wash out structures or any portions of the site. Light fixtures will not be located at the periphery of the property and will not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. Additionally, lighting plans will be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24;
 - d) The facility will operate below the maximum allowed exterior noise exposures to the nearest sensitive receptor, operating at or below 50 dBA during daytime hours and 45 dBA during nighttime hours;
 - e) The facility will be operated in compliance with the most current standard governing the limitation of human exposure to nonionizing electromagnetic radiation (NIER) used by the Federal Communications Commission applicable to the facility;
 - f) The entire facility, including all equipment, towers, antennas, etc., must be removed and the site restored to its pre-construction condition or other authorized use upon abandonment or termination of the use;
 - g) The applicant's Federal Communications Commission license requires the applicant to mitigate any interference with local television or radio reception caused by the facility; and
 - h) The facility must provide adequate warning of potential hazards as well as location and operator identification and a telephone number for public contact.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Secretary as the custodian of the documents and other material that constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the Permit Sonoma offices, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Supervisors action shall be final on the 11th day after the date of the Resolution unless an appeal is taken pursuant to Sonoma County Code Section 26-92-160.

Supervisors:

Gorin: Coursey: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.