

Agenda of: August 11, 2005

Item No.: 9.b.

Staff: Tom Dougherty

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S04-0047

APPLICANT: Cingular Wireless (Larry Houghtby)

PROPERTY OWNER: George Niegel

REQUEST: Special use permit to construct and operate a new wireless telecommunications facility consisting of a 80-foot wood pole with 6 slim-line antennas and ground equipment within a 1,200 square foot lease area within a fenced enclosure.

LOCATION: On the east side of State Route 49, 1.50 miles north of the intersection with Rattlesnake Bar Road, in the Cool area. (Exhibit A)

APN: 071-410-15

ACREAGE: 7.020 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional approval

BACKGROUND:

The Telecommunications Act of 1996 became effective on February 8, 1996. This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704.(7)B(iii) requires any denials to be in writing and supported by “substantial evidence”. Section 704.(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with Federal regulations.

On August 28, 2001, the El Dorado County Board of Supervisors adopted Sections 17.22.500 and 17.14.200 of the Zoning Ordinance to regulate special use permits and wireless communication facilities. By adopting these ordinances, the Board of Supervisors acted to maintain the County's authority over decisions regarding wireless facilities.

Cingular Wireless submitted S04-0047 on December 29.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3-1.34	100	100
1.34-3.0	100	180/F ²
3.0—30	900/F ²	180/F ²
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Based on the proposed Cingular facility analysis and computation, the maximum power density at this location is 0.0039 mW/cm². Therefore, the maximum permissible exposure for the general population at this site is equivalent to 0.58 percent of the recommended limit. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided below:

PROJECT DESCRIPTION

Cingular proposes to install an 80-foot wood pole at the 1,510 foot elevation in the Cool area. Proposed are six slim-line antennas with three to be mounted at the centerline of 78-foot elevation from ground level, and 3 at the 73-foot elevation. A 30-foot by 40-foot lease area containing the freestanding wood monopole would be enclosed by a 6-foot-high chain link fence with barbed wire atop. There would be two 6-foot-wide gates on the northeast side of the enclosure. Also within the enclosed area are proposed to be four Ericsson equipment cabinets, two to be installed upon approval of this special use permit and two at a later date. The

directional antenna panels would be approximately 10.4 inches wide, 51 inches long, and 4.6 inches deep. All antennas will be painted with brown non-reflective paint.

The wireless service provider is to be Cingular Wireless. In the narrative submitted with the plans, they explained the project site was selected for the following reasons:

- a. The need for clear, consistent mobile communications service along State Route 49 and in the surrounding area and;
- b. The fact that the site is off the road and up the hill from State Route 49 and they propose to use a wood pole would help it blend in with the surroundings.

The applicant feels the proposed facility is necessary along the SR 49 corridor due to the growing telecommunications needs. Project plans are included as Exhibit D.

Project Access:

Access to the site is provided from Niegel Lane, a private road that encroaches directly onto SR 49. Niegel Lane ends in a cul-de-sac and the driveway entrance onto the site begins there. The applicant proposes a 15-foot wide access road and utility easement along the graveled road to the tower site. Modifications have been required to accommodate an El Dorado County Fire District approved turn-around access, to maintain a minimum 13 foot 6 inch vertical clearance above the access road, and to support a 40,000 pound load. The project has been conditioned to comply with the El Dorado County Fire Protection District requirements (Conditions 10 through 14).

Site Description:

The 7.02-acre project site located at 3641 State Route 49, approximately 1.5 miles north of Rattlesnake Bar Road, in the Cool/Pilot Hill area. Niegel Lane is a cul-de-sac that originates on State Route 49 at that point and provides access to the site. Three of the four parcels of land accessed by Niegel Lane, including the proposed project site, are vacant. The fourth is the owner's home site. A dirt drive from the cul-de-sac provides access to the subject site. Along the eastern margin of the project site, on the adjoining property line, is a utility easement and an overhead electrical distribution line.

Adjacent Land Uses:

The 7.02-acre site is surrounded by the following land uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Undeveloped
North	RE-5	LDR	Single-family residence
South	RE-5	LDR	Single-family residence
East	RE-5	LDR	Single-family residence
West	RE-5	LDR	SR 49, Open Space

The proposed cell tower site is undeveloped and relatively undisturbed. The site and surrounding vicinity have been heavily grazed for many years. Of the single-family residences, in view, none are closer than 500 feet from the proposed project site.. There are scattered blue (*Quercus douglasii*) and interior live (*Quercus wizlizenii*) oak trees and annual grasses growing on the site with very compacted soil. The applicant has proposed a monopole to be painted brown to attempt to blend with the surrounding views.

General Plan:

The General Plan designation of the subject site is Low-Density Residential (LDR). This land use designation establishes areas for single-family residential development in a rural setting and provides a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County. The following policy applies to the subject project:

Policy 5.6.1.4 Special use permits shall be required for the installation of community telecommunication facilities (e.g., microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety are considered.

Policy 2.6.1.1 states that a Scenic Corridor Ordinance shall be prepared and adopted for the purpose of protecting the views and viewsheds identified scenic roads. Policy 2.6.1.8 states this Ordinance shall consider those portions of State Route 49 through El Dorado County that are appropriate for scenic highway designation. State Route 49 is eligible for State Scenic Highway designation.

The project site is located on the east side of State Route 49. The lease area is located approximately 440 feet to the east of State Route 49. Although State Route 49 through El Dorado County is eligible for listing as a State Scenic Highway; it has not been designated as one by Cal Trans. The project site and vicinity is not identified by the County as a scenic view or resource as determined in the 2004 General Plan E.I.R.. However, Policy 2.6.1.8 directs the County to preserve the scenic resources along the highway and apply appropriate land use controls until the County applies for the State Scenic Highway designation.

The cellular facility would be incidental to the main residential use of the property when developed. The design of the monopole, the slimline design of the antennas, and location on the site has been carefully considered for compliance with General Plan policies. The proposed slimline wood pole and the equipment shelter have been designed to blend with the surroundings as well as possible by being painted a neutral brown color. Planning staff has some concerns about how much more visible the tower will be with two more carriers. One option is for the cell towers to use a stealth design to resemble a pine tree. Planning staff strongly believes that the monopine provides the best camouflage currently available for cell towers. The Planning Commission currently has the option available to them to condition the tower to be disguised as a high-quality monopine should they decide that it would fit better into the rural character of the Cool/Pilot Hill area. The native pines in the vicinity of the project site are ponderosa (*Pinus ponderosa*) and gray pine (*Pinus sabiniana*). There currently are about seven different types of conifer and one broadleaf tree designs available for camouflaging cell towers. The applicant believes conditioning the tower to look like a pine or broadleaf tree could potentially draw more attention to the tower. Due to the proposed use of a wood pole, slimline design of the antennas, and brown non-reflective paint of the proposed tower, or if the Commission decides to condition to be a stealth design of disguising the tower as a monopine or mono-broadleaf tree, either choice would seem not to make the visual contrast exceedingly substantial.

Findings can be made by the Planning Commission through the discretionary special use permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan with either choice and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. Staff finds that the project, as conditioned, conforms to the General Plan.

Zoning:

The County permits wireless communication facilities in all districts provided that they follow standards and permitting requirements defined in Section 17.14.200 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided a justification statement explaining the project site selection process (Exhibit E).

Special Use Permit Request

The proposed use is permitted in the Estate Residential Five-acre (RE-5), pursuant to Section 17.28.200 (I), and 17.14.200 (D) (5) (a-b), which requires new towers to be subject to a special use permit and approval by the Planning Commission.

The project site is visible from State Route 49, therefore, review and approval by the Planning Commission is required. After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.200 E and F of the County Code. It can be found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving cellular service.

Design and Development Standards

Section 17.14.200(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- a. Screening: The applicant is proposing to place the equipment shelter and wood monopole within a six-foot-tall chain link fence enclosure with barbed wire atop. The enclosure and cabinets at ground level will be screened from view from State Route 49 by the existing trees and shrubs. The top of the pole will be visible at certain spots on State Route 49. Visual simulations of the wireless facility have been submitted (Exhibit F). As illustrated in the simulations, the monopole, as proposed, blends as well as can be expected into the surrounding area.
- b. Setbacks: The monopole and equipment shelter would be in a fenced enclosure within the property. The side setback to the east is 106 feet, and to the west it is 440 feet. The rear (south) is 160 feet and the front is 320 feet. No setbacks would be affected with the proposed project.
- c. Maintenance: Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the monopole and equipment shelter be maintained at all times consistent with the features depicted in the visual simulations.
- d. Radiofrequency Radiation (RF) Requirement: Section 17.14.200(G) requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site. Cingular Wireless has submitted a report indicating that the maximum power density at this location will be 0.039 milliwatts per square centimeter (mW/cm^2). Therefore, the maximum permissible exposure for the general population at this site is equivalent to 0.58 percent of the recommended limit. This is well within the allowable limitations established in ANSI standard C95.1-1992, the prevailing standard for RF exposure levels.
- e. Availability: Section 17.14.200 (H) requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been conditioned to allow for collocation, with no further review by the Planning Commission required provided that all ground-mounted equipment is located within the proposed leased area.
- f. Unused Facilities: Section 17.14.200 (I) requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement (Condition No. 7).

- g. Other Permit Requirements: Section 17.14.200(J) states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site or subdivisions governed by CC&Rs.

After review of the submitted site plan and a visual simulation it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there is only the issue for the Planning Commission to decide, whether or not to condition the tower to be disguised as a monopine.

General Plan Lawsuit:

On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court. On July 19, 1999, Judge Bond issued the Final Writ of Mandate. Paragraph 5, subparagraph 1 of the Final Writ permits the County to issue permits for non-residential development, subject to the findings in subparagraph (8).

Subparagraph (8) establishes that the County cannot approve or undertake any such project unless it finds, based on substantial evidence, that:

- (a) The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.

The project was reviewed and it has been determined that none of the environmental issues identified in the February 5, 1999, Court ruling will be affected by this project. Zoning regulations and the General Plan allow for cellular facilities with the issuance of Special Use Permit.

- (b) The approval or project complies with all other requirements of law.

The project will comply in all instances with the provisions of the County Code and State regulations regarding cell tower facilities, including Section 17.14.200 (Wireless Communications Facilities Ordinance).

- (c) The approval of the project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.

A review of the text and maps of the 1996 General Plan, as amended through February 4, 1999, determined the consistency of the proposed project. The General Plan designation of the subject site is Low-Density Residential (LDR). The wireless facility will be incidental to the main residential use of the site in the event that the site is developed for residential purposes. The development of the wireless facility does not prevent the use of the site for future residential use.

Agency and Public Comments :

The following agencies provided comments on this application:

El Dorado County Air Quality Management District: The District has reviewed the application and has determined that the proposed project involves minor grading and would have an insignificant impact on the air quality.

El Dorado County Department of Transportation: The Department has reviewed the application and has recommend approval of the application with conditions. These conditions have been incorporated in Conditions 14 through 16.

El Dorado County Fire Protection District: The Fire District has reviewed the project and has recommended changes be incorporated to comply with the Districts requirements. These requirements have been incorporated in Attachment 1, Conditions 10 through 13.

El Dorado County Building Services Division: Building Services has reviewed the proposed project and their recommendation has been incorporated in Attachment 1, Condition 9.

El Dorado County General Services Department: General Services Department responded with comments and recommendations that a new archeological study be done in the project area, which was done.

The following public volunteer organizations provided comments on this application:. The Miwok Tribe of the El Dorado Rancheria and the El Dorado County Pioneer Cemeteries Commission.

Copies of written comments received are available at the Planning Services office.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit H) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff.
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines 15074(d), as incorporated in the Conditions of Approval in Attachment 1.
3. Approve Special Use Permit S04-47, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Maps
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan and Elevations
Exhibit E	Proposal Justification Statement
Exhibit F	Visual Simulations
Exhibit G	Site Visit Photos (February 28, 2005)
Exhibit H	Initial Study
Exhibit I	Mitigation Monitoring Program

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATION MEASURES

Cingular Wireless

FILE NUMBER S04-0047

1. This special use permit approval is based upon and limited to compliance with the project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Erection of an 80-foot wood monopole with 6 panel antennas, 3 mounted at a centerlines of 78 feet and 3 at 73 feet at Assessor's Parcel Number 071-050-04. The antenna panels would be approximately 10.4 inches wide, 51 inches long, and 4.6 inches deep. All antennas will be made to be made of non-reflective materials.

This special use permit authorizes Cingular Wireless to place the monopole and 4 equipment cabinets within a 40-foot by 30-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire atop. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole. There would be a 12-foot-wide gate on the northeast side of the enclosure.

Access to the site is provided from Niegel Lane to a dirt driveway originating from the cul-de sac at the end of the lane. A new driveway is to be improved to provide access to the cellular facility from the existing cul-de-sac as it enters the subject property. This access road to the tower is to be widened to 12 feet, be capable of supporting a 40,000 load, include a fire turnaround, and a 13-foot 6-inch vertical clearance will be maintained and will meet Fire Safe standards as required by the El Dorado County Fire Protection District.

This special use permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation and ongoing maintenance..

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.

4. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that there is no increase in overall height.
5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
7. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition.
8. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.

El Dorado County Building Services:

9. The applicant shall obtain a building permit from El Dorado County Building Services for the project facilities prior to the commencement of construction.

El Dorado County Fire Protection District

10. The applicant shall be subject to a site plan review fee of \$50.00 payable to El Dorado County Fire Protection District. The site plan review fee shall be due to the District prior to commencement of any work performed.

11. The applicant shall construct a minimum 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
12. The applicant shall provide a Fire District approved turn-a-round within 50 feet of the project site.
13. The applicant shall provide high priority “Knox” access padlock for emergency access through the 12-foot gate and into the fenced enclosure site

El Dorado County Department of Transportation:

14. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Storm Water Management Plan*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
15. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
16. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction. If existing access way is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.

**MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE
DECLARATION**

17. During all grading and construction activities in the project area, an archaeologist approved by the Planning Director shall be on-site. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: The Planning Services shall review the contract for services with the archeologist prior to issuance of a grading permit.

18. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

ATTACHMENT 2
FINDINGS

CINGULAR WIRELESS COMMUNICATIONS

FILE NUMBER S04-0047

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public hearing process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Planning Department at 2850 Fairlane Court, Placerville, CA.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.5 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).

2.0 ADMINSTRATIVE FINDINGS

2.1 Special Use Permit 04-0047 Findings

Special Use Permit S04-0047 has been requested by Cingular Wireless for the purpose of installing a 80-foot steel monopole with 6 panel antennas, 3 mounted at a centerlines of 78 feet, and 3 at 73 feet at the property described by Assessor's Parcel Number 071-410-15-1. This special use permit authorizes Cingular Wireless to place the monopole and prefabricated ground equipment shelter within a 40-foot by 30-foot lease area to be enclosed by a 6-foot-high chain link fence with a 12-foot wide gate on the northeast side

of the enclosure. The special use permit shall only be approved or conditionally approved if all of the following findings are made:

2.1.1 The use is found to comply with the requirements of County Code Section 17.14.200, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

This is a new wireless proposal designed as a multi-carrier facility, to allow for future co-location, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once or twice a month to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving cellular service. After review of the submitted site plan and a visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the monopole in the Community Region of Cool.

2.1.2 The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999, and the cellular facility has been designed in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.

The proposed ground equipment fenced lease area within the project site will not be readily visible from an off-site public view (State Route 49); however the top of the pole will be visible. General Plan Policy 2.6.1.1 states that a Scenic Corridor Ordinance shall be prepared and adopted for the purpose of protecting the views and viewsheds identified scenic roads. Section 2.6.1.8 says this Ordinance shall consider those portions of State Route 49 through El Dorado County that are appropriate for scenic highway designation. Due to the slimline design and brown non-reflective paint of the proposed tower, and due to the stealth design of disguising the tower as a mono-pine, either choice would not seem to make the visual contrast substantial. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.

2.1.3. This project may be approved subject to the following findings established in Paragraph 5, Subparagraph 1, which permits the County to approve non-residential projects, and Subparagraph 8 in the Final Writ issued by the Court on July 19, 1999, as follows:

- a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.**

The project was reviewed, and it has been determined that none of the environmental issues identified in the February 5, 1999, Court ruling will be affected by this project. Zoning regulations and the General Plan allow for cellular facilities with the issuance of Special Use Permit.

b. The approval or project complies with all other requirements of law.

The project will comply in all instances with the provisions of the County Code and State regulations regarding cell tower facilities, including Section 17.14.200 (Wireless Communications Facilities Ordinance).

c. The approval or project is consistent with the text and maps of the 1996 General Plan, as amended through February 4, 1999.

A review of the text and maps of the 1996 General Plan, as amended through February 4, 1999, determined the consistency of the proposed project. The General Plan designation of the subject site is Low-Density Residential (LDR). The wireless facility will be incidental to the main residential use of the site in the event that the site is developed for residential purposes. The development of the wireless facility does not prevent the use of the site for future residential use.