

Agenda of: September 8, 2005

Item No.: 7.a.

Staff: Gina Hunter

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S04-0028

APPLICANT/AGENT: Complete Wireless

REQUEST: Special use permit to construct and operate a new wireless telecommunications facility consisting of an 80-foot monopole with 12 panel antennas and ground equipment within a fenced enclosure within a 400 square foot lease area.

LOCATION: 1500 Old Station Road located on the west side of Old Station Road, 1,800 feet west of the intersection with South Shingle Road, in the Latrobe area. (Exhibit A)

APN: 087-091-01

ACREAGE: 38.71 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Residential Agriculture Forty-acre (RA-40) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

The Telecommunications Act of 1996 preserves the authority of a state or local government over decisions regarding the placement, construction, and modification of personal wireless services, with the following pertinent limitations:

SEC. 704.(7)B(iii)

Any decision by a state or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

SEC.704.(7)B(iv)

No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.

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/cm²)	General Public Exposure (mW/cm²)
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

All RF exposure standards are frequency-specific, in recognition of the differential absorption of RF energy as a function frequency. The most restrictive exposure levels in the standards are associated with those frequencies that are most readily absorbed in humans. Maximum absorption occurs at approximately 80 MHz in adults. The NCRP maximum allowable continuous occupational exposure at this frequency is 1,000 mW/cm². This compares to 2,933 mW/cm² at cellular frequencies and 5,000 mW/cm² at PCS frequencies that are absorbed much less efficiently than exposures in the VHF TV band.

Based on the proposed Cingular Wireless facility analysis and computation, the maximum power density at this location is to be less than 0.14 percent of the FCC public safety standards. This total exposure is comprised of 0.5 mW/cm² (i.e., ~0.1 percent of the public safety standard at cellular frequencies) and less than 0.4 mW/cm² (i.e., ~0.04 percent of the public safety standard at PCS frequencies).

The proposed wireless facility will be in full compliance with FCC RF public safety standards. Wireless PCS and Cellular transmitters, by design and operation, are low-power devices. Given the low levels of radiofrequency fields that would be generated from this facility, 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 in the following analysis:

PROJECT DESCRIPTION

Cingular Wireless proposes to install an 80-foot steel monopole with up to 12 panel antennas at property located at 1500 Old Station Road in the Latrobe area. Twelve panel antennas in three groups of fours (sectors) would be mounted on the antenna array. The antenna panels would be approximately 10.4 inches wide, 51 inches long and 4.6 inches deep. All antennas would be made of non-reflective materials.

A 20 by 20-foot lease area containing the ground mounted equipment would be enclosed by a 6-foot-high chain link fence, with 3 strands of barbed wire. 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 east side of the enclosure.

The project site was selected for the following reasons:

- a. The need for wireless infrastructure and mobile phone coverage in the area;
- b. The desire to avoid or minimize possible environmental impacts;
- c. The desire to avoid or minimize aesthetic impacts to surrounding properties; and,
- d. Site accessibility, construction and logistical considerations.

The proposed facility is necessary in the Latrobe area due to the growing telecommunications needs. A site plan (Exhibit D) and elevations (Exhibit E) are included.

Project Access

Access to the site is provided from Old Station Road. An 830-foot access road is to be constructed to access the lease area and tower. The access to the tower is to be 12 feet wide and will have a 4 inch thickness of three-quarter inch Class II aggregate base, as required by the Department of Transportation (Condition 14c). Modifications have been required to accommodate fire turn-around access and to maintain a minimum 15 foot vertical clearance above the access road as required by the Latrobe Fire Protection District. The project has been conditioned to comply with the Latrobe Fire Protection District requirements (Condition 13).

Site Description

The proposed location of the cell tower and equipment lease area within the project site is located at the top of the Ben Bolt Ridge at its southern terminus, south of the existing residence. The typical grassland species found on the site include wild oat, ripgut brome, soft chess, and yellow start thistle. The land surrounding the project area is relatively level. The elevation of the subject property is approximately 885 feet.

Adjacent Land Uses

The 38.71-acre site is surrounded by the following land uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-40	RR	Single Family
North	RA-40	RR	Undeveloped
South	RA-40	RR	Single Family/Undeveloped
East	RE-10	LDR	Undeveloped
West	RA-40	RR	Undeveloped

The proposed cell tower site is developed with a single family residential unit and workshop. The surrounding area is dominated by undeveloped land. The cell tower is to be located at the top of the Ben Bolt Ridge at its southern terminus, south of the existing residence.

General Plan

The General Plan designation of the subject site is Rural Residential (RR). This land use designation establishes areas for residential and agricultural development. Typical uses include single-family residences, agricultural support structures, and a full range of agricultural production uses, recreation and mineral development activities. The following policies apply to the subject project:

The 1996 General Plan and the adopted 2004 El Dorado County General Plan

Policy 2.6.1.5, states “All development on ridgelines shall be reviewed by the County for potential impacts on visual resources. Visual impacts will be assessed and may require methods such as setbacks, screening, low-glare or directed lighting, automatic light shutoffs, and external color schemes that blend with the surroundings in order to avoid visual breaks to the skyline.”

The cellular tower is to be located on top of Ben Bolt Ridge. Tree coverage on the property is sparse; therefore, a monopine in this location would appear out of place with the surroundings. The monopole is proposed adjacent to an existing wood utility pole, which is an existing vertical element in the landscape. The pole is to be painted a flat brown color to match the surroundings. The pole is to have a non-reflective surface, as to not create glare. The pole has been designed in compliance with the ridge line policy as stated in the General Plan.

Policy 5.6.1.4 states, “Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.”

The proposed site is currently developed with a single family home. Cingular Wireless proposes a monopole to provide enhanced cellular service within the Latrobe area. The main use of the site is a single family residence, with the telecommunication facility incidental to the main use. The design of the monopole and location on the site has been carefully considered. 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, 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.

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 Rural Residential (RR). The wireless facility will be incidental to the main residential use.

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 project support statement and alternative site analysis explaining the project site selection process (Exhibit G). Collocation was considered but found to be infeasible.

Special Use Permit Request

To comply with County requirements, the project has been designed as a multi-carrier facility to allow for future collocation. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once a month to ensure proper performance of the facility.

The proposed use is permitted in the Residential Agricultural Forty-acre (RA-40) Zone District, pursuant to Section 17.14.200(D) (5) (a-b). The project site is located within a residential zoning district; therefore, review and approval by the Planning Commission is required. After review of the submitted site plan(s) 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

Cingular Wireless proposes to install an 80-foot steel monopole with up to twelve panel antennas mounted in three groups of fours (sectors). The antenna panels are to be approximately 10.4 inches wide, 51 inches long and 4.6 inches deep. All antennas are to be made of non-reflective materials. The 20 by 20-foot lease area containing the ground mounted equipment and pole would be enclosed by a 6-foot-high chain link fence, with three strands of barbed wire. 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 east side of the enclosure. 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 steel monopole within a 6-foot-tall chain link fence enclosure. Visual simulations of the wireless facility have been submitted (Exhibit H). The monopole is proposed to be adjacent to an existing wood utility pole, which is an existing vertical element in the landscape. The pole is to be painted a flat brown color to match the surroundings. The color was selected to match the existing wood pole and to blend with the surroundings. As illustrated in the simulations, the monopole and ground equipment blend into the surrounding area.
- b. Setbacks: The monopole and equipment would be in a fenced enclosure within the property. The property line setbacks vary from 90 to more than 1,340 feet for the pole and enclosure. No setbacks would be affected with the proposed project.
- c. Maintenance: Maintenance personnel would visit the site approximately once 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 and 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 is to be less than 0.14 percent of the FCC public safety standards. This total exposure is comprised of 0.5 mW/cm² (i.e., ~0.1 percent of the public safety standard at cellular frequencies) and less than 0.4 mW/cm² (i.e., ~0.04 percent of the public safety standard at PCS frequencies). 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 and provided that no more than 24 panel antennas are placed on the pole at any one time (Condition 6).
- 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 9).
- g. Other Permit Requirements: Section 17.14.200(J) states certain notification requirements for projects located with 1000 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(s) and 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. As designed and conditioned, there are no unresolved issues with the project.

Agency and Public Comments

The following agencies provided comments on this application:

El Dorado County Environmental Management Department
El Dorado County Air Pollution Control District
El Dorado County Department of Transportation
Latrobe Fire Protection District
El Dorado County Resource Conservation District

These departments and agencies have reviewed the application and have recommend approval of the application with conditions. These conditions have been incorporated in Attachment 1, Conditions of Approval.

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

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit I) 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). Per 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 S04-0028, 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 Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Elevations

Exhibit G.....Project Support Statement and Alternative Site
Analysis
Exhibit H.....Visual Simulations
Exhibit IInitial Study
Exhibit JMitigation Monitoring Program

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATION MEASURES

CINGULAR WIRELESS

FILE NUMBER S04-0028
September 8, 2005

1. This special use permit approval is based upon and limited to compliance with the project description, dated September 8, 2005, 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:

Issuance of Special Use Permit S04-0028 for an 80-foot steel monopole with up to 12 panel antennas to be located at 1500 Old Station Road. Twelve panel antennas in three groups of fours (sectors) would be mounted on an antenna array mount. The antenna panels would be approximately 10.4 inches wide, 51 inches long and 4.6 inches deep. All antennas would be made of non-reflective materials.

This special use permit authorizes Cingular Wireless to place the monopole and ground equipment within a 20 by 20-foot lease area to be enclosed by a 6-foot-high chain link fence, with three strands of barbed wire. 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 east side of the enclosure.

Access to the site is provided from Old Station Road. An 830-foot access road is to be constructed to access the lease area and tower. The access to the tower is to be widened to 12 feet and will have a 4 inch thickness of three-quarter inch Class II aggregate base, as required by the Department of Transportation. Modifications have been required to accommodate fire turn-around access and to maintain a minimum 15 foot vertical clearance above the access road, as required by the Latrobe Fire Protection District.

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

MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION

2. During all grading and construction activities in the project area, an archaeologist or historian approved by the Deputy Director of Development Services shall be on-call. 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: 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.

3. 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.

PROJECT SPECIFIC CONDITIONS

4. All site improvements shall conform to the site plan(s) attached as Exhibit D and the elevations as shown on Exhibit E.
5. 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.
6. 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 no more than 24 panel antennas are placed on the monopole at any one time, with no increase in height.
7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires

that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.

8. 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.
9. All obsolete or unused communication facilities shall be removed by the applicant within six (6) 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.
10. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five (5) 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 Deputy Director of Development Services to cover the cost of processing a five-year review.

El Dorado County Building Services

11. 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 Environmental Management Department

12. The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

Latrobe Fire Protection District

13. The project shall comply with the following requirements of the Latrobe Fire Protection District which include but shall not be limited to:

- a. The Latrobe Fire Protection District shall review and approve the project plans prior to issuance of a building permit.
- b. The applicant shall install an approved all weather surface turnaround at the site of adequate size to turn a fire engine around. The access road and turnaround shall be approved by the Latrobe Fire Protection District and shall be installed prior to final inspection of the facility.
- c. The applicant shall install a minimum 10 foot wide traffic lane with a vertical clearance of 15 feet. The Latrobe Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
- d. The applicant shall provide low priority “knox” access to the structure and “knox” padlock for emergency access to the 12- foot gate. The Latrobe Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
- e. The applicant shall install a sign with the emergency phone numbers on the fence by the gate. The Latrobe Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
- f. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the Latrobe Fire Protection District prior to issuance of a building permit.

El Dorado County Department of Transportation

14. The project shall comply with the requirements of the Department of Transportation which shall include the following:
 - a. The applicant shall place a minimum of 4 inch thickness of three-quarter inch Class II aggregate base along a 12-foot wide access easement from the leased area to Latrobe Road. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
 - b. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.

ATTACHMENT 2
FINDINGS

CINGULAR WIRELESS

FILE NUMBER S04-0028
September 8, 2005

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 Planning Services at 1850 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 04-0028 Findings

Special Use Permit S04-0028 has been requested by Cingular Wireless for the purpose of installing an 80-foot steel monopole with up to 12 panel antennas to be located at 1500 Old Station Road. This special use permit authorizes Cingular Wireless to place the monopole and ground equipment within a 20-foot by 20-foot lease area to be enclosed by a 6-foot-high chain link fence with three (3) strands of barbed wire. 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 collocation, 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 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(s) 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 on the property.

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 2004 El Dorado County General Plan adopted July 19, 2004, 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 site is currently developed. Cingular Wireless proposes a monopole to provide enhanced cellular service within the Latrobe/South Shingle corridor. The main use of the site is residential; therefore, the cellular facility would be incidental to the main reside use of the property. The design of the monopole and location on the site has been carefully considered. It has been 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 Rural Residential (RR). The wireless facility will be incidental to the main residential use of the site.

2.1.4. The development is found to comply with General Plan Policy 2.6.1.5 which states that all development on ridgelines shall be reviewed by the County for potential impacts on visual resources. Visual impacts will be assessed and may require methods such as setbacks, screening, low-glare or directed lighting, automatic light shutoffs, and external color schemes that blend with the surroundings in order to avoid visual breaks to the skyline.

The cellular tower is to be located on top of Ben Bolt Ridge. Tree coverage on the property is sparse; therefore, a monopine in this location would appear out of place with the surroundings. The monopole is proposed adjacent to an existing wood utility pole, which is an existing vertical element in the landscape. The pole is to be painted a flat brown color to match the surroundings. The pole is to have a non-reflective surface, as to not create glare. The pole has been designed in compliance with the ridge line policy as stated in the General Plan.