

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: December 14, 2006

Item No.: 7.c.

Staff: Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S04-0029R

PROPERTY OWNER: Don Cook and Carol Butler

APPLICANT: Verizon Wireless

REQUEST: Special use permit to allow the collocation of an additional 12 panel antennas and 2 microwave dishes to a previously approved 120-foot tall monopine tower. The ground mounted support equipment for those facilities are to be located adjacent to the previously approved lease area.

LOCATION: The property is located on the west side of CeePee Court, approximately 625 feet east of the intersection with U.S. Highway 50, in the Kyburz area (Exhibit A).

APN: 012-330-45

ACREAGE: 5 acres

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

ZONING: Single-family Three-acre Residential (R3A) and Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

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 Federal Communications Commission (FCC) has produced guidelines that 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 emissions 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

PCS facilities, such as the proposed project, are categorically excluded from the FCC evaluation process if they are located ten meters or more off the ground (other than on a rooftop), or if the total power of all channels is 2000 watts (Effective Radio Power [ERP]) or less. The proposed facility is expected to transmit no more than 8.3 uWcm² for the 12 proposed antennas in addition to the existing ones which is 2.53 percent of the public safety standard, (Jerrold Bushburg, Ph.D., Health and Medical Physics Consulting, October 14, 2005). Based on the information provided for the proposed wireless facility, it can be determined that the risk of release of hazardous emissions to the public is remote.

Tower History: Special Use Permit S04-0029 was for Cingular Wireless to construct and operate a new wireless telecommunications facility consisting of a 120-foot monopine with 4 panel antennas and ground equipment within a lease area of 1,250 square feet. Cingular Wireless is to be the owner of the tower and lease holder of the property. At the same hearing, and using the same staff report, Special Use Permit S04-0049 was for Nextel Wireless to co-locate with Cingular Wireless on a 120-foot monopine with 8 panel antennas and prefabricated equipment shelter within a lease area of 375 square feet. Nextel Communications would hold lease entitlements from Cingular Wireless. Both S

04-0029 and S 04-0049 were approved by the Planning Commission on May 26, 2005.

The approved tower currently has not been constructed. Building permits 170092 and 169822 for the previously approved tower and collocation have been pending since October of 2005. There are also two grading permits, 170789 and 170147, associated with the above mentioned permits. One was issued June 20, 2006, and the other has not been issued.

Cingular Wireless was the original applicant for the construction of the 120-foot steel monopine tower. The agents for this subject application have informed staff that if their application were to be approved, it is possible they would take over the construction of the tower, but that is yet to be determined.

The reason this collocation request is coming back to the Planning Commission is because of the following Condition of Approval:

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 monopine at any one time with no increase in height.

The proposed Verizon lease area is not located within the previously approved lease area for Cingular and Nextel. Verizon is proposing 12 panel antennas and 2 microwave dishes, which are defined as antennas by Zoning Code section 17.06.050 but are not considered panel antennas. Cingular was approved for 4 panel antennas. Nextel was approved for 8 panel antennas making the total number of panel antennas 24, with 2 additional microwave antennas.

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:

Verizon Wireless is requesting to collocate 12 wireless communication panel antennas, 2 proposed, and 1 future antenna sectors with 2 proposed and 2 future antennas per sector to be placed at the centerline of 75 feet above ground level, and 2 future 6-foot diameter microwave dishes mounted at the centerline of 67 feet above ground level. The antennas would be attached to an existing 120-foot tall monopine. The ground support equipment will be located within an approximately 40-foot by 25-foot lease area to be enclosed by a 6-foot tall chain link fence with barbed wire atop and having 2, 6-foot wide gates enclosing a 12-foot wide entrance. Inside the enclosure will be a 12-foot by 30-foot equipment shelter with a separate generator room, and 2 air conditioners mounted in the north wall. Telco and power will travel from U.S. Highway 50 within an existing 6-foot wide utility easement. The access driveway to the whole site from CeePee Court was previously conditioned to be 12-feet wide. Project site plans are included as Exhibits D1 and D2. Project elevation plans are included as Exhibits E1 and E2.

Project Access

Access to the site is provided from CeePee Court. The access driveway to the site is approximately 800 feet in length. Verizon proposes a new 15-foot wide by approximately 46-foot long separate access to their portion of the shelter. The El Dorado County Fire Protection District previously required that access to the site be widened to 12 feet and be improved with an all weather surface within 150 feet of all exterior portions of the project. The road surface would have a four-inch thickness of three-quarter inch Class II aggregate base, as required by the Department of Transportation (Condition 14.c. for S04-0029). Turnouts are required at the midway point of the road, or every 400 feet. Fire turn-around access and a minimum vertical clearance of 13 feet 6 inches above the access road are also required. A 12 foot wide turn-a-round requires a 40-foot inside radius with a 60-foot depth from centerline. The project has previously been conditioned to comply with these requirements.

Site Description: The five-acre site is located at the south end of CeePee Court at an elevation of approximately 4,160 feet above sea level. The site is undeveloped except for a very small cabin/shed, with an unpaved driveway providing access to the project area which dead ends beyond the project site. Vegetation includes black oaks (*Quercus kelloggii*), ponderosa pine (*Pinus ponderosa*), Douglas fir (*Pseudotsuga menziesii*), canyon live oak (*Quercus chrysolepis*), Pacific madrone (*Arbutus menziesii*), white-leaf manzanita (*Arctostaphylos viscida*), and mountain misery (*Chamaebatia foliolosa*) with annual, seasonal grasses. There are numerous areas of solid, smoothed granite rock devoid of soil.

Adjacent Land Uses:

The 5-acre site is surrounded by the following land uses:

	Zoning	General Plan	Land Use/Improvements
Site	R3A/RE-5	LDR	Undeveloped Land
North	R3A/RE-5	LDR	Undeveloped Land
South	R2A	MDR	Single Family Residential
East	R3A	MDR	Single Family Residential
West	RA-160	NR/NJ	Undeveloped Land

Discussion: The surrounding residences are at significant distances away from the subject site and the ground support equipment is all or at least partially obstructed from view by surrounding vegetation.

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.

Policy 5.6.1.3 directs that 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. This is a residential area with a prior approved cell tower. Verizon proposes to be the third carrier. Verizon proposes to install additional wireless antennas on the existing tower to provide enhanced cellular service within El Dorado County. As the tower was previously conditioned, in reference to the prior Mitigated Negative Declaration for S04-0029, and as the subject collocation is currently conditioned, the stated issues have been considered, and staff finds no conflict with this policy.

The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The proposed use is permitted in the Single-family Three-acre Residential (R3A) Zone District pursuant to Section 17.14.200 (D)(5)(b), which states that new towers or monopoles shall be subject to approval of a special use permit by the planning commission, in this case because it was the El Dorado County Planning Commission that approved the current pole. The proposed use is also permitted pursuant to Section 17.14.200.D.3. a-d, which encourages collocations and requires the facilities blend in as best as possible into the surrounding environment.

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.

- F (1): Screening: The equipment shelter and related equipment within the lease area are existing, and they are surrounded by a six-foot tall chain link fenced enclosure that has been painted dark green and has barbed wire atop. Visual simulations of the wireless facility have been submitted (see Exhibits F1 and F2). The panel antennas will be conditioned to blend in with the tower color and be non-reflective.
- F (2): Setbacks: The ground support facilities would be in a fenced enclosure located approximately 32 feet from the closest property line which is to the west. No setbacks would be affected.
- F (3): Maintenance: Maintenance personnel would visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation. This project, and as well as the previous S04-0029 approval, both have been conditioned to require that the colors and materials of the fencing and panels be maintained at all times.
- G. 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. Verizon submitted a report indicating that the RF level for the 12 proposed antennas in addition to the existing are less than the public safety standard therefore, it is excluded from the FCC evaluation. This was previously discussed in more detail the “Background” section above.

- H. 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. This is a co-location project.
- I. 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.
- J. 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 nor subdivisions governed by CC&Rs within 1,000 feet that needed to be notified.

After review of the submitted site plans and visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 E through J of the County Code. The aesthetic impacts associated with the project have been considered. As designed and conditioned, there are no unresolved issues with the project.

Agency and Public Comments: The El Dorado County Fire Protection District and the El Dorado County Transportation Department simply reiterated the same conditions they applied to S04-0029.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(b) of the CEQA Guidelines stating that minor expansion of existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage or other public utility services may occur. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Find the project categorically exempt pursuant to Section 15303 of the CEQA Guidelines; and
2. Approve Special Use Permit S04-0029R, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit A1Vicinity Map
Exhibit A2Assessor’s Parcel Map
Exhibit A3Parcel Map 37-64 recorded June 5, 1987
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit D1Overall Site Plan labeled C-1, revised 09/14/06
Exhibit D2Overall Site Layout Plan, labeled A1.1, revised
09/14/06
Exhibit E1Elevation labeled A1.2 Revised 09/14/06
Exhibit E2Elevation labeled A1.3 Revised 09/14/06
Exhibits F1, F2.....Visual Simulations
Exhibits G1, G2, G3.....Site Visit Photos-February 27, 2006

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATION MEASURES

CINGULAR WIRELESS, VERIZON WIRELESS AND NEXTEL COMMUNICATIONS
FILE NUMBERS S04-0029, S04-0029R, and S04-0049

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:

Issuance of Special Use Permit S04-0029R allows Verizon Wireless to co-locate 12 wireless communication panel antennas, 2 proposed, and 1 future antenna sectors with 2 proposed and 2 future antennas per sector to be placed at the centerline of 75 feet above ground level, and 2 future 6-foot diameter microwave dishes mounted at the centerline of 67 feet above ground level. The antennas would be attached to an existing 120-foot tall monopine. The ground support equipment will be located within an approximately 40-foot by 25-foot lease area to be enclosed by a 6-foot tall chain link fence with barbed wire atop and having 2, 6-foot wide gates enclosing a 12-foot wide entrance. Inside the enclosure will be a 12-foot by 30-foot equipment shelter with a separate generator room, and 2 air conditioners mounted in the north wall. Telco and power will travel from U.S. Highway 50 within an existing 6-foot wide utility easement. The access driveway was previously conditioned to be fifteen-feet wide. The approved project shall be substantially compliant to Exhibits D1, D2, E1 and E2 for S04-0029R.

Issuance of Special Use Permit S04-0029 for Cingular Wireless and Special Use Permit S04-0049 for Nextel Communications, to install a 120-foot steel monopine with up to 12 panel antennas on property located at the south end of CeePee Court. Cingular Wireless is to be the owner of the tower and lease holder of the property, while Nextel Communications would be collocating on the tower and would hold lease entitlements from Cingular Wireless.

This special use permit authorizes Cingular Wireless, as the pole owner and lease holder of the property, to install a 120-foot steel monopine with up to 4 panel antennas mounted at a centerline of 110 feet. The antenna panels would be approximately 10.3 inches wide, 51 inches long and 4.6 inches deep. All antennas are to be made of non-reflective materials. A four-foot in diameter microwave dish for telco is to be placed on the monopine. Cingular Wireless shall be placing the ground equipment within a 50-foot by 25-foot lease area enclosed by a 6-foot-high chain link fence. The equipment for the facility includes five cabinets, utility rack for electrical and telco cabinets, and a utility cabinet. A GPS antenna

would be attached to a utility rack post within the enclosure to provide for communication between the wireless facility and low-orbiting satellites. 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 with a high priority security Knox padlock on the enclosure.

This special use permit authorizes Nextel Communications to collocate with Cingular Wireless on the 120-foot steel monopine with up to 8 panel antennas mounted at a centerline of 100 feet. The antenna panels would be approximately 6 inches wide, 96 inches long and 6.5 inches deep. All antennas would be made of non-reflective materials. Nextel Communications shall be placing the prefabricated equipment shelter within a 15-foot by 25-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire. Two GPS antennas would be attached to the equipment shelter. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole.

Access to the site is to be provided from CeePee Court. Access to the site is to be improved to 12 feet wide and is to have an all weather surface within 150 feet of all exterior portions of the project. The road surface is to have a 4-inch thickness of three-quarter inch Class II aggregate base. Turnouts are to be provided at the midway point of the road, or every 400 feet. Fire turn-around access and a minimum vertical clearance of 13 feet 6 inch above the access road will also be provided.

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 THE PREVIOUSLY APPROVED PROPOSED
MITIGATED NEGATIVE DECLARATION FOR S04-0029**

2. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director 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.

OTHER PROJECT SPECIFIC CONDITIONS FOR BOTH S04-0029 AND S04-0029R

4. All site improvements for S04-0029 shall conform to the site plan(s) attached as Exhibit D and the elevations as show on Exhibit E.
5. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a matching color. Planning Service 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 monopine at any one time with no increase in height. The new antennas shall be screened by tree foliage, and review and approval by Planning Services is required prior to issuance of a building permit to ensure that all antennas are screened by tree foliage.
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 applicants shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicants 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 applicants within six months after the use of that facility has ceased or the facility has been abandoned. The applicants shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
- p0. 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 applicants shall pay a fee as determined by the ~~Planning Director~~ Deputy Director of Planning Services or designee to cover the cost of processing a five-year review.

El Dorado County Building Services

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

El Dorado County Environmental Management Department

12. The applicants 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 prior to issuance of a building permit.

El Dorado County Fire Protection District

13. The applicants shall comply with the following requirements of the El Dorado County Fire Protection District which include but shall not be limited to:
 - a. The applicants shall be subject to a site plan review fee commensurate with the scope of the proposed project. The site plan review fee shall be due to the District prior to commencement of any work performed.
 - b. The applicants shall submit a design for review and approval of a Fire District turn-around prior to issuance of a building permit. A 12-foot wide turn-around requires a minimum 40-foot inside radius with a 60-foot depth from centerline.
 - c. The applicants shall install approved turn-a-rounds along CeePee Court. Turn-a-rounds shall be provided at the midway point or if over 800 feet in length every 400 feet. The access road shall be a minimum of 12 feet wide and have an all weather surface and be within 150 feet of all exterior portions of the structure, shall not exceed a 16 percent road grade, and shall meet Fire Safe standards for driveways.

The access road and turn-a-round shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.

- d. The applicants shall install an access road with a vertical clearance of 13 feet 6 inches. 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.
- e. The applicants shall provide high priority Knox access with keys for emergency access. In addition, Knox access shall be required for compound area and on access road. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
- f. The applicants shall provide vegetation clearance to meet “Fire Safe” standards, which shall be 16 feet from centerline along the access road. El Dorado County Fire Protection District shall verify the vegetation clearance prior to final inspection of the facility.
- g. The applicants shall install the address of the facility at CeePee Court with the letters to be a minimum of eight inches in height, with the letters visible from both directions. El Dorado County Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
- h. The gates for the facility shall comply with Fire Prevention Officers standard as reviewed and approved by the El Dorado County Fire Protection District prior to issuance of a Building Permit.
- i. The El Dorado County Fire Protection District shall verify the installation of one 2A10BC Fire Extinguisher inside the structure prior to final inspection of the facility.
- j. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the El Dorado County 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 applicants shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval prior to issuance of a grading permit. 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 *Off-*

Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards.

- b. The applicants shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed. The grading permit fees shall be due prior to issuance of a grading permit.
- c. The applicants 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 CeePee Court/U.S. Highway 50 intersection. Any connection or work within the Caltrans right-of-way shall require the applicants to obtain an encroachment permit from Caltrans prior to the commencement of grading. The applicants shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
- d. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicants shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
- e. The El Dorado County Fire Protection District shall review and approve the site and access road for accessibility and turn-a-round area requirements prior to issuance of a grading permit. A letter of approval from the Fire District shall be provided to the Department of Transportation prior to issuance of a grading permit.

ATTACHMENT 2 FINDINGS

FILE NUMBER S04-0029R

1.0 CEQA Findings

- 1.1 The Planning Commission finds that the proposed project be Categorical Exempt from CEQA pursuant to Section 15301(b) of the CEQA Guidelines stating that minor expansion of existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage or other public utility services may occur.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning Department at 2850 Fairlane Court, Placerville, CA.
- 1.3 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 General Plan Findings

- 2.1 The proposed use is consistent with the Low-Density Residential (LDR) with an approved Special Use Permit. The proposal does not prevent future residential use potential.
- 2.2 The proposed use is consistent with the Policy 5.6.1.3 in the 2004 El Dorado County General Plan because, as discussed in the staff report, the aesthetics of existing tower were previously addressed by the approval of S04-0029 and the additional antennas subject of this permit (S04-0029R) will not create an additional significant impact.

3.0 Zoning Findings

- 3.1 The proposed use is permitted in the Single-family Three-acre Residential (R3A) Zone District pursuant to Section 17.14.200 (D)(5)(b) by special use permit and Section 17.14.200.D.3. a-d because it is a collocation and is conditioned to blend in with the environment.

4.0 ADMINISTRATIVE FINDINGS

4.1 Special Use Permit Findings

- 4.2 The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. All project-

related environmental issues have been evaluated in the Mitigated Negative Declaration that was approved by the Planning Commission for S 04-0029. Therefore, staff finds that the project, as conditioned and mitigated, conforms to the General Plan.

- 4.1.2 The proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report. 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 visual simulations it has been determined that the aesthetic impacts associated with the project have been fully considered as well as possible in the continuance of the existing Planning Commission approved tower. The visual impact from the addition of antennas on an existing pole in the Low Density region of Kyburz can be considered less than significant.
- 4.1.3 The use complies with the requirements of County Code Section 17.14, Wireless Communication Facilities, Sections 17.28.400 thru 17.28.440, Single-Family Three-Acre Residential (R3A) Districts.