

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: May 13, 2010
Item No.: 8.a
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S09-0015/SBA Cellular Telecommunications Facility–Garden Valley

AGENT: Gary Mapa, Site Acquisition Resultants, Inc.

APPLICANT: SBA Towers, Inc.

ENGINEER: MSA Architecture and Planning

REQUEST: Special Use Permit to allow the construction of a wireless telecommunications facility to include a 100-foot tall monopine tower with 12 antennas at the 98-foot level and ground support equipment to be located in a 60-foot by 90-foot fenced lease area.

LOCATION: South side of Sagebrush Road approximately 500 feet west of the intersection with Mt. Murphy Road in the Garden Valley area, Supervisorial District IV. (Exhibit A)

APN: 088-420-06 (Exhibit B)

ACREAGE: 5.033 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC) (Exhibit D)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends 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, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1; and
3. Approve Special Use Permit S09-0015 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: Construction and operation of a new wireless telecommunications facility consisting of a 100-foot tall monopine tower with four antennas in three sectors (total of 12 antennas), mounted at the 98-foot level, with a 12-foot by 16-foot, 10 feet tall equipment shelter with associated ground support equipment to be located within a 60-foot by 90-foot lease area enclosed by a six-foot tall chain link fence. The monopine is proposed to accommodate up to four additional antenna arrays on the tower and four additional equipment shelters within the lease area. The one equipment shelter proposed with this project would include two wall-mounted HVAC units and one emergency generator. The fencing would be buffered by native landscape shrubs with brown slatting installed on the fence. A trench would be dug approximately 195 feet to the existing utility pole on Sagebrush Road to extend power and Telecom services.

Site Description: The site is located on a 5.033-acre parcel that is located at the 1,800-foot elevation above sea level. The parcel slopes gradually to the east-southeast and Sagebrush Road adjoins the north boundary which is the highest point. The vegetation surrounding the proposed tower site includes annual grasses and one foothill pine approximately 45-feet tall. The majority of the rest of the parcel contains annual grasses with chaparral shrubs dominating the southern portion, and a grouping of foothill pines in the southeast corner.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-IBC	Residential/Single-family residence.
North	RE-10	RR-IBC	Residential/Single-family residence northeast, vacant northwest.
South	RE-10	RR-IBC	Residential/Vacant.
East	RE-10	RR-IBC	Residential/Vacant.
West	RE-10	RR-IBC	Residential/Single-family residence.

Discussion: Two adjoining parcels have residential uses and four are vacant. All are designated for rural residential uses by the General Plan. The closest residence on a surrounding parcel is located approximately 275 feet to the northwest. (See Exhibits M-1 and M-2).

Project Issues: Discussion items for this project include access and circulation, fire safety, grading/drainage, landscaping, and noise.

Access and Circulation: Access to the project would be provided from an encroachment onto Sagebrush Road which is not a County maintained roadway. DOT determined that because there would be a low volume of traffic generated by the project (approximately one trip per month), a traffic study would not be required. The proposed access road and turnaround to the fenced lease area would be located between 120 feet from the Sagebrush Road easement. The encroachment access onto Sagebrush Road would be required by DOT to be improved through an encroachment permit process prior to issuance of a building permit. The turnaround within the project would be required to meet Fire Safe standards.

Fire Safety: The Garden Valley Fire Protection District would require the applicants to construct the access driveway and turnaround to meet the minimum Fire Safe standards. The project has been conditioned to comply with the Fire Safe requirements.

Grading/Drainage: Grading and drainage improvements associated with the project would be those associated with the required infrastructures which include site development, and encroachment and driveway improvements. The project would require submittal of an Asbestos Dust Mitigation Plan to the Air Quality District for review and approval prior and concurrently with the grading, drainage, and building permits.

Approximately 195 feet of trenching would be required to underground the electric and Teleco from the existing power pole on Sagebrush road. The trench would be dug to the existing PG&E power pole to the northeast of the lease area at Sagebrush Road, as shown in Exhibit C-1. This trench would be required to comply with PG&E and AT&T requirements for depth, piping and distance between the two within the ditch.

Landscaping: The project includes the installation of native landscape shrubs and pines around the perimeter of the chain link fence enclosure. They would be watered with an automated drip irrigation system supplied by an existing hose bib as shown in Exhibit G-10.

Noise: The project proposes to utilize two five-ton air conditioning (HVAC) units and one emergency generator which may have the potential to generate long-term noise based on the proposed use. They would be located on the northwestern equipment pad within the fenced compound. The HVAC units would operate one at a time and would be based on need. They would not operate when ambient temperatures were low enough for them to operate efficiently. The generator would be housed within a Level 2 Sound Enclosure and would only operate in the event of a prolonged power outage. It would be tested for a period of 15 minutes, approximately once per month, during daytime hours.

A Noise Analysis Report for Verizon Coloma, dated February 25, 2010, and prepared by Kimley-Horn and Associates, was submitted for the project. The wall-mounted air conditioners and generator were treated as point sources. That report referred to General Plan Table 6-2 and determined that for a rural area, the noise level limit applicable to the project is 35 dBA Leq at 100 feet from any residence not located on the project property; i.e., offsite. The report

concluded that the project, as designed, would produce noise levels up to approximately 41 dBA Leq from the closest off-site residence, located approximately 275 feet to the northwest, and would not comply with the General Plan noise limits. It would however, comply from all other existing residences within the project vicinity. The report recommended that the current design of the equipment pad be rotated 90 degrees counterclockwise which would reduce the noise levels to 34 dBA Leq. That rotation would put the point sources on the east side of the equipment shelter. As recommended, that Mitigation Measure is added as Condition of Approval number 2 in order to reduce the impacts to a less than significant level pursuant to the General Plan Table 6-2. There is a more detailed discussion of noise within the Initial Study-Environmental Checklist, Section XII.

General Plan: The General Plan currently designates the subject site as Rural Residential-Important Biological Corridor (RR-IBC). This designation permits wireless communication facilities in a residential area with a Special Use Permit. The parcel is also located within the IBC overlay. This overlay is discussed below in the Policy 7.4.2.9 section. The policies and issues that affect this project are discussed below:

Land use compatibility: **Policy 2.2.5.21** directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.

Consistent: The proposed Wireless telecommunications tower facility would add to regional coverage to meet increasing demand for wireless facilities, and improve the ability for emergency service providers to improve their communication capabilities which would be considered a benefit of the proposed project. With an approved Special Use Permit, the project would be compatible and consistent with the RR land use designation. The project has been designed to minimize the effects on adjacent properties. The antennas are to be painted a flat green color to blend in with the foliage, the pole would be a flat brown color and the fenced enclosure would be buffered by planted native shrubs. Planning has recommended three Mitigation Measures, discussed further below in the Screening section, to mitigate the “lollipop” look of the monopine from local views. As proposed and conditioned the monopine would consistent with General Plan Policy 2.2.5.21.

Special Use Permit Required: **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.*

Consistent: 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. The proposed communications tower facility would add to regional coverage to meet increasing demand for wireless facilities, and improve the ability for emergency service providers and residents with home-based businesses to improve their communication capabilities. As conditioned and mitigated, staff finds that the project, as conditioned, would conform to the General Plan.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.

Consistent: The project would comply with the Garden Valley Fire Protection District minimum Fire Safe standards for the access driveway and turnaround capacity with project conditions. A 12-foot wide fire lane is to be maintained with an approved turnaround. As conditioned, the project would be in compliance with the General Plan Policy.

Noise Impacts: **Policy 6.5.1.2** states that *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.* **Policy 6.5.1.7** states that *noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.*

Consistent: Routine maintenance visits would occur once a month. Changes in traffic-generated noise levels along Sagebrush Road with the addition of the maintenance vehicle(s) would not be measurable. The noise levels for the equipment cabinets would not exceed the noise limits required by Table 6-2 of the General Plan as discussed above in the Project Issues. The project would be compliant with these Policies.

Important Biological Corridor: The parcel is also located within the IBC overlay. **Policy 7.4.2.9** states that *this overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.*

Consistent: The subject parcel has existing improvements including a single-family dwelling and two sheds. The entire parcel is located within the IBC however; the project would not impede the intent of this policy. The project would result in the use of a 60-foot by 90-foot fenced lease area and a 12-foot wide by 120-foot long driveway in an area of the parcel devoid of trees and shrubs. The project would not significantly impact the intent of this policy.

Conclusion: The project has been reviewed in accordance with the 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 parcel is zoned Estate Residential Ten-Acre (RE-10). County Code permits wireless communication facilities in all districts, provided they follow standards and permitting requirements defined in Section 17.14.210(D) of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided a project narrative explaining the project site selection process. (Exhibit F).

Special Use Permit Request: To comply with County requirements, the project has been designed as a multi-carrier facility, to allow for future collocation. As discussed in detail above in the project description section, up to five antenna arrays carriers are proposed to eventually occupy monopine. Depending on the equipment needs of those future collocaters, that could

mean up to five carriers. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment at least once or twice a month to ensure proper performance of the facility.

Pursuant to County Code Section 17.14.210(D)(5)(b), wireless facilities are permitted in the Estate Residential Ten-Acre (RE-10) Zone District upon approval of a Special Use Permit.

Section 17.22.540 (A) requires the Planning Commission to make the following findings prior to approval of a Special Use Permit:

1. The issuance of the permit is consistent with the General Plan;
2. The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

Discussion: The project, as proposed, mitigated and conditioned, would be designed to minimize its effects on the surrounding uses. After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.210 F and G of the County Code. It can be found that the use would provide a benefit to the area by improving cellular service for phone, internet and emergency communications.

Design and Development Standards:

Section 17.14.210(B) of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. Below is an analysis of these standards.

1. Communication service providers are, therefore, encouraged to:
 - a. Employ all reasonable measures to site their antenna equipment on existing structures as façade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;
 - b. Work with other service providers and planning staff to collocate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location thereby reducing the number of sites countywide;
 - c. Develop communication facilities (i.e. tower companies) with commitments from licensed carriers.

Discussion: The closest cell tower to the project is located to the west on Bacchi Ranch on Mt. Ararat approximately 4.0 miles to the northwest. This tower was approved by the Planning Commission on July 25, 1996, (S96-0007) and allowed the construction of a 97-foot tall steel monopole tower, an approximate 750-foot extension of an access road, and the extension of 1.5 miles of overhead and underground electrical service. With a revision to that permit on September 28, 2006, the Planning Commission allowed a total of seventeen antennas (fourteen transmitting and three receiving). The current tenants on that tower include four FM radio

transmission antennas operated by KCCO Radio. Below that is a 6-foot diameter microwave dish. Just below that are four antennas used by the El Dorado County Sheriffs Department and Verizon Wireless has six antennas at the 37-foot level. The tower has no more capacity for collocation.

As discussed in the Project Description received March 10, 2010 and attached as Exhibit F, the tower is proposed in order for wireless communication providers to provide coverage along State Route 49 and to hand off coverage to another proposed site on Gold Hill Road. Another goal is to improve emergency agency communications, and provide voice, e-mail and Internet access capabilities and to create one structure that could accommodate five wireless users in the area.

Section 17.14.210(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

Development Standards: Section 17.14.210(E) thru (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

E. **Visual:** The project provides photo-simulation to adequately reflect the changes that are being requested under this action. The photo-simulation would be used during the plan check permit process to ensure that the project adequately reflects approval of the Planning Commission and as part of the exhibits approved with the application. Photo-simulations of the wireless facility are included as Exhibits H-1 to H-12.

F. **Development Standards:**

1. **Screening:** The applicant is proposing to place the steel monopine and one equipment shelter within a six-foot-tall chain link fence enclosure. Visual simulations of the wireless facility have been submitted (H-1 to H-12). As illustrated in the simulations, the monopine and ground equipment are designed as best as possible with the current technology to blend into the surrounding area. The ground equipment would be screened from views by the installation of dark brown plastic slats on the chain link fencing and by installing native shrubs and pine trees around the perimeter of the fencing. The top of the proposed tower would be partially visible from various locations in all directions. Staff believes that a high quality monopine with authentic looking branches would be the best option available for blending into the long distance viewsapes.

Because there are no existing shrubs in the direct project vicinity, and the two existing pine trees to the west are not of substantial height to shield and buffer the trunk of the monopine, the applicants are proposing to buffer the view of the trunk and ground equipment from local view by planting native shrubs and foothill (gray) pines. The pines are intended to reduce the "lollipop" look of the project from local views. The landscape plan is provided as Exhibit G-10 and the project is conditioned to maintain the landscape buffering in perpetuity or unless otherwise modified through any future permit.

2. **Setbacks:** The monopine and equipment shelter would be located within a slat covered fenced enclosure. That enclosure requires 30-foot setbacks from the edge of the Sagebrush Road easement and all property lines as required for the RE-10 zone district. The submitted site plan shows the project meets that setback requirements as shown in the Site Plan attached as Exhibit G-4.
 3. **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 monopine and cabinets be maintained at all times and consistent with the features depicted in the visual simulations which are provided as Exhibits H-1 to H-12. Condition of Approval 5 has been included requiring the maintenance of the facility.
- G. **Radio Frequency (RF) Requirements:** Section 17.14.210(G) of the County Code 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, as regulated by the Federal Communication Commission (FCC). A radio frequency emissions analysis report of findings was prepared by Douglas Picard, Sr. RF Engineer for Verizon Wireless dated June 16, 2009, SVC Technologies, Inc., dated May 27, 2008 for the project. The report found the risk of release of hazardous materials or emissions to the public is remote. This is discussed in more detail below in the Environmental Review section below.
- H. **Availability:** Section 17.14.210(H) of the County Code 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 continued co-location at this facility, with approval of a revision to a Special Use Permit reviewed by the Zoning Administrator or the Planning Commission, as determined by the Development Services Director, depending on future requests and project conformance with the applicable regulations.
- I. **Unused Facilities:** Section 17.14.210(I) of the County Code 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 11).
- J. **Other Permit Requirements:** Section 17.14.210(J) of the County Code 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 and this site is not governed by CC&Rs.

Discussion: After review of the submitted site plan and a visual simulations, it has been determined that as conditioned, mitigated, and with strict adherence to County Code, 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 considered. As designed and conditioned, there are no unresolved issues with the project.

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17.

Federal Communication Commission (FCC): The Federal Communication Commission (FCC) prohibits local governments from denying a wireless facility project based on concerns about the dangers of exposure to radio frequency/EMF. This is due to inconclusive evidence about the health risk of exposure to radio frequency EMF.

ENVIRONMENTAL REVIEW

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.

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

A radio frequency emissions analysis report of findings was prepared by Douglas Picard, Sr. RF Engineer for Verizon Wireless dated June 16, 2009, SVC Technologies, Inc., for the project. Based on the submitted study, the maximum power density at ground level operations would be 3.996576 μW/cm², or 3.36 percent. The maximum at 100 feet from the base of the tower would be 55.876397 μW/cm² which represents 9.52 percent of the uncontrolled standard as set by the FCC. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

Staff has prepared an Initial Study (Environmental Checklist with discussion provided in Exhibit N) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of noise. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,010.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Number Map
Exhibit C	Parcel Map 24-59
Exhibit D	General Plan Land Use Designations Map
Exhibit E	Zoning Map
Exhibit F.....	Applicant submitted <i>Project Description</i> received March 10, 2010, (three pages)
Exhibit G-1	Title Sheet, T1
Exhibit G-2.....	Abbreviations and Symbols, T-2
Exhibit G-3.....	General Notes, GN-1
Exhibit G-4.....	Site Survey, LS-1
Exhibit G-5.....	Site Plan, C-1
Exhibit G-6.....	Photo Plan, C-2
Exhibit G-7.....	Site Grading Plan, C-3
Exhibit G-8.....	Enlarged Site Plan, C-4
Exhibit G-9.....	Site Elevations, C-5
Exhibit G-10.....	Planting Plan, L-2
Exhibits H-1 to H-12.....	Applicant submitted visual simulation photos
Exhibit I	Coloma U.S.G.S 7.5 Minute Quadrangle with El Dorado County Parcels and Roads Overlaid
Exhibit J	Soils Map
Exhibit K.....	Lighting Fixture Specification Sheet
Exhibit L	Site Photos
Exhibits M-1, M-2	Aerial Photos
Exhibit N.....	Initial Study/Environmental Checklist Form

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit

File Number S09-0015/SBA Tower Wireless Telecommunications Facility–Garden Valley
May 13, 2010 Planning Commission Hearing

CONDITIONS OF APPROVAL

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A through N, 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:

Approval of the Special Use Permit allows the construction and operation of a new wireless telecommunications facility to support cellular transmission consisting of a 100-foot tall monopine tower with four antennas in three sectors (total of 12 antennas), mounted at the 98-foot level, with a 12-foot by 16-foot, 10 feet tall equipment shelter and associated ground support equipment to be located within a 60-foot by 90-foot lease area enclosed by a six-foot tall chain link fence to obscure the view of the ground support equipment. The monopine shall accommodate up to four additional future antenna arrays on the tower and up to four additional future equipment shelters within the lease area, for a maximum of five total carriers or arrays. The equipment shelter subject of this approval will include two wall-mounted HVAC units and one emergency generator. The fencing and tower base shall be buffered by native landscape shrubs and trees with brown slatting installed into the fence. The remainder of the fenced in area for the tower shall be graveled to allow for future development to accommodate additional network's radio equipment. The monopine shall accommodate up to five antenna arrays.

CONDITIONS FROM THE MITIGATED NEGATIVE DELECATION

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **NOISE-1:** To avoid having project noise levels exceed the General Plan noise standards, The project's equipment shelter shall be rotated 90 degrees counterclockwise putting the two air conditioners and emergency backup generator on the east side of the equipment

shelter, as shown in Figure 4 as shown in the Noise Analysis Report for Verizon Coloma, dated February 25, 2010, and prepared by Kimley-Horn and Associates.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall verify that the air conditioners and emergency generator are placed in the prescribed location prior to issuance of final occupancy for the building permit.

Planning Services Site Specific and Standard Conditions

3. Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits E1 to F-12. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Services prior to project modifications.
4. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.
5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The chain link fence shall be covered entirely by dark green or brown colored plastic or wood slats. Said fence shall not have gaps at any portion where it touches ground level. No antenna shall project out past the "branch" tips. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branches. Colors of the monopine, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The monopine shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep. Planning Services shall verify the painting of the structures and antennas, said fence conditions and antenna projections within the "branches," prior to issuance of final occupancy for the building permit.
6. Native landscape shrubs and trees shall be planted around the entire fenced area as shown in Exhibit E-10. All landscaping associated with the wireless telecommunications facility shall be properly maintained and shall be irrigated when necessary to promote and maintain growth. Applicant shall install and maintain landscaping in accordance with the approved landscaping plan in perpetuity or unless otherwise modified through any future

permit. Proof that the landscaping has been installed as described shall be received by Planning Services prior to issuance of final occupancy.

7. One exterior emergency light is approved and shall conform to the approved exterior light shown in Exhibit H. The light shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit application and shall be reviewed for conformance with Exhibit H prior to issuance of a building permit. The light shall be activated with motion-sensor or timer.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

8. The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
9. Expansions to the lease area, increases in pole height, or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
10. The applicant shall consent to the co-location of other wireless telecommunication users on their monopine when the increase in pole height would be undesirable. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of an acoustical analysis for review and approval by the Development Services Director. Should the Director find that additional noise may create a significant impact; the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
11. All obsolete or unused communication facilities shall be removed 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 conditions.
12. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and

related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:

- (A) Allow the facility to continue to operate under all applicable conditions; or
- (B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

13. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
14. The applicant shall make the actual and full payment of Planning Services processing fees for the Special Use Permit application prior to issuance of any County development permit.
15. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

16. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Certificate of Compliance issued until said fees are paid.

17. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

El Dorado County Department of Transportation

18. The applicant shall construct the encroachment onto Sagebrush Road per El Dorado County DISM Standard Plan 103B-1. The improvements shall be completed to the satisfaction of DOT or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.

El Dorado County Air Quality Management District (AQMD)

19. AQMD Rule 223.2, which addresses the regulations and mitigation measures for natural occurring asbestos dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of naturally occurring asbestos dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted along with the appropriate fees to and approved by the AQMD prior to issuance of any development permit.
20. The project shall pave any road or exposed surface which allows vehicular travel or the application of a minimum of three (3) inches in depth, asbestos free gravel.

El Dorado County Environmental Management-Hazardous Waste Division

21. If the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
- (A) Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - (B) Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - (C) Train all employees to properly handle hazardous materials and wastes.
 - (D) Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

Garden Valley Fire Protection District

22. The applicant shall provide a low priority “Knox” padlock on the access gate. Applications for both high and low security “Knox” systems are provided at the District office. Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.
23. Applicant shall provide a high priority “Knox Box” to access the cabinets, (if not already provided), and keys for all cabinets shall be placed within the “Knox Box.” Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.
24. The applicant shall install one 2A10BC Fire Extinguisher shall be mounted inside a weather resistant fire extinguisher box within the lease area. Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.
25. Vegetation control shall be required 100 feet in all directions of the fenced enclosure and tower or the property line whichever is closer. Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.
26. The access driveway to the fenced enclosure and turnaround shall be capable of supporting a 75,000 pound load. The District shall review and approve the location and design of the access road and turnaround prior to issuance of a grading permit.

ATTACHMENT 2

FINDINGS

Special Use Permit

File Number S009-0015/SBA Tower Wireless Telecommunications Facility–Garden Valley
May 13, 2010 Planning Commission Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County 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 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As conditioned, mitigated, and with strict adherence to county Codes, the proposal is consistent with the intent of 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 6.2.3.2 (adequate access), 6.5.1.2, 6.5.1.7 (noise), and 7.4.2.9 (biological corridor) because the project would have minimal impacts on visual resources, existing utilities, access, existing emergency response times, and on a biological corridor. There are adequate services to facilitate the site, such as water, power and solid waste. The project provides improved cellular service for phone, as well as internet and emergency communications to the Garden Valley and Coloma areas.

3.0 Zoning Findings

- 3.1 The project is zoned Residential 10-Acre, which allows wireless telecommunication facilities by Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks and maintenance, have been provided.

4.0 Special Use Permit Findings

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. As discussed above, the proposal is consistent with the applicable General Plan Policies and all potential project-related environmental issues, and the benefits to the community have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan. The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies including Policy 5.6.1.4 (Special Use Permit required) because the aesthetics of the proposed collocation and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed antennas will be painted to match the existing branches. The proposed ground equipment will be screened from adjacent land uses by existing chain-link fencing with colored slats and native trees and shrubs which will buffer the enclosure from local views.
- 4.2 **The proposed use would not be 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 as it will be buffered from view by landscaping and brown slatted chain link fencing. The minimal grading and foundation work will not cause significant environmental impacts. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses, based on established thresholds. Further, the new wireless telecommunications facility will provide wireless cellular telecommunication services to the Coloma and Garden Valley communities. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction wireless telecommunications facility, will not have a detrimental affect nor be injurious to the neighborhood. The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the Staff Report. At less than one percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

4.3 **The proposed use is specifically permitted by Special Use Permit.**

Section 17.14.200 (D) (3) of the County Code requires a Special Use Permit for collocation of new antennas on existing non-building structures or public facilities. Section 17.22 outlines the requirements for Special Use Permits and the project and associated materials have been reviewed in accordance with this section. The proposed use complies with the requirements of County Code Sections 17.14.210 (E) through (J) and 17.36.210 thru 17.36.260. As proposed, the project is consistent with these requirements.