

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



Agenda of: October 14, 2010
Item No.: 10
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S08-0018/ComSites West Communications Tower–Coloma

APPLICANT: ComSites West, LLC

AGENT: Tim Miller, SiteCom, Inc.

ENGINEER: Western Planning and Engineering

PROPERTY OWNER: Marek and Tori Robinson

REQUEST: Special Use Permit to allow the construction of a wireless communications facility to include a 100-foot tall monopine tower, nine antennas at the 93-foot level, and ground support equipment to be located in a 50-foot by 55-foot fenced lease area.

LOCATION: North side of Mt. Murphy Road, approximately 0.35 mile east of the intersection with Bayne Road, in the Coloma area, Supervisorial District IV. (Exhibit A)

APN: 006-011-68 (Exhibit B)

ACREAGE: 12.59 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit D1)

ZONING: Residential Agricultural 20-Acre/Estate Residential Ten-Acre (RA-20/RE-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S08-0018 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 communications facility to support cellular transmission consisting of a 100-foot tall steel, monopine tower. The branches would begin at 20 feet above ground level. The tower is proposed to be located within a 50-foot by 55-foot area enclosed by a six-foot tall, slatted chain link fence with barbed wire atop and a 4-foot wide gate for entrance. The initial installation within the fenced area includes the monopine, chain link slatted fencing, undergrounding of Telco and electric service, up to three Metro PCS radio equipment cabinets, up to nine antennas installed at the 93-foot level, and up to three six-foot tall whip antennas for emergency service agencies at the top of the pole. The monopine is proposed to accommodate up to five total antenna arrays. The number of carriers that can locate on the tower depends on the size of the future array antennas. The seven-foot tall chain link fence enclosure would be buffered by planting of indigenous shrubs around its perimeter. A 2,500-gallon water storage tank within the enclosure would be used to irrigate the shrubs. Telco and electric would be undergrounded approximately 960 feet from an existing power pole to the lease area. (See Exhibits E-1 to E-6 for proposed site plans and elevations).

Site Description: The site is located on a 12.59-acre parcel that is located at the 1,000-foot elevation above sea level. The site is located at the southwestern base of Murphy Mountain which rises approximately 930 feet in just 2,000 feet from the project site. The South Fork of the American River is located approximately 1,000 feet to the south approximately 200 feet below the site in elevation. There is an existing single family residence and detached garage within the parcel located approximately 630 feet to the northwest of the lease area. The parcel is surrounded on two sides by Mt. Murphy Road. The vegetation surrounding the proposed tower site includes even aged, second growth multi-trunked oak trees and chaparral-type indigenous shrubs, typically indicative of a previously burned or cleared site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-20/RE-10	RR	Residential/Single-family residence.
North	RA-20	RR	Residential/Single-family residence.
South	RE-10	RR	Residential/Single-family residence.
East	RA-20	RR	Open space/Vacant. California Department of Parks and Recreation owned.
West	RE-10	RR	Residential/Single-family residence.

Discussion: The surrounding parcels have residential uses or are designated for residential uses by the General Plan with the exception of the parcel to the east which is used for open space by the California Department of Parks and Recreation. The closest residence on a surrounding parcel is located approximately 260 feet to the south of the lease area measured by air photo. (See Exhibits J-1 to J-3 for aerial photos).

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

Access and Circulation: Access to the project would be provided from an encroachment onto Mt. Murphy Road which is 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 30 to 45 feet from the Mt. Murphy Road easement. The encroachment access onto Mt. Murphy 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. (See Exhibits I-1 to I-5 for Mt. Murphy Road photos).

Fire Safety: The El Dorado County Fire Protection District would require the applicants to construct the access driveway and turnaround to meet the minimum Fire Safe standards. The applicants supplied a report prepared by Erik Jensen, Registered Professional Forester (RPF) #2714, of Applied Forest Management, (AFM report), dated April 21, 2010 that outlines measures to assure vegetation control for wildland fire safety. (See Exhibits L-1 and L-2 of the ARM report). The project has been conditioned to comply with the Fire District Fire Safe requirements and AFM report recommendations.

Grading/Drainage: The project would require submittal of a grading and drainage plan for the grading associated with the required infrastructures which include site development, driveway and encroachment improvements.

Landscaping: The project includes the installation of indigenous landscape shrubs around the perimeter of the chain link fence enclosure for the purpose of buffering the ground equipment. The AFM report includes a planting plan with the inclusion of coffeeberry, buckbrush, toyon and western redbud shrubs indigenous to the Coloma Valley. They would be watered with an automated drip irrigation system supplied by on-site water as described and shown in Exhibits L-2, L-3 and L-8 of the AFM report, for a three-year period at which time they would be assumed to be acclimated. The project is conditioned to follow the AFM Report recommendations for planting technique and irrigation methods. The landscaping would be required to be maintained in perpetuity.

Oak Canopy: The AFM report also included oak canopy analysis for the potential environmental impacts from the underground utility trenching. The RPF established the underground utility route in the field with the assistance of a Pacific Gas and Electric (PG&E) representative, and oaks that would be impacted where identified. The RPF found that the trench construction would remove *four oak trees, with the remaining oaks requiring pruning for*

construction equipment access or no disturbance. For those oaks having activity within the Root Protection Zone (RPZ), twenty-five feet on each side of the utility route where oaks are present was used to calculate sq ft of oak canopy disturbance. The RPF believes that this 25-foot zone adequately accounts for individual and groups of trees being impacted within the Root Protection Zone (RPZ) through the utility trench installation. Using the square foot of canopy disturbance, total oak conservation fund fees using the 1:1 ratio was determined.

The RPF determined that 59 percent of the parcel is covered in oak canopy. Four oak trees would need to be removed for the trenching; no oak trees would need to be removed for the lease area development. The General Plan Policy 7.4.4.4 requires that 80 percent of that oak canopy be retained. It was determined that 6.407 percent of that existing canopy would be removed at a 1 to 1 mitigation ratio which results in a total Oak Conservation Fund Fee due of \$2,337.97 due to mitigate the canopy loss. The project has been conditioned for the payment of this fee to ensure compliance with the General Plan directive. (See Exhibits L-1 to L-8 of the AFM report).

Utilities: Approximately 960 feet of trenching would be required to underground the electric and Teleco from the existing power pole near at the southwestern corner of the parcel. The trench would follow Mt. Murphy Road within a proposed ten-foot wide utility easement easterly to the site as shown in Exhibits L-6, L-7 This trench is proposed to be excavated with a chained trencher in dirt areas and replaced with a rock wheel should solid rock be encountered. The ditching is required to meet all Pacific Gas and Electric (PG&E) requirements. PG&E staff has reviewed the proposed plan for undergrounding the utilities and have provided a “Will Serve” letter dated May 6, 2010 included in Exhibit L-5 of the AFM report. The project is conditioned to follow the AFM Report recommendations for trenching requirements.

Wireless Telecommunication Facility Projected Coverage Area: The applicants have provided *Estimate of Coverage* maps which attempt to show how the proposed tower would allow multiple wireless networks at different heights to provide *in-building (residential and businesses) coverage in the Coloma area as well as providing in-car and outdoor coverage along a large portion of HWY 49 (State Route 49)*. The maps also show the coverage of the existing cell tower located to the west on Bacchi Ranch on Mt. Ararat approximately 4.5 miles to the northwest as well as the tower approved recently on Sagebrush Road approximately 1.2 miles to the north (both distances are as the crow flies). These towers are discussed in more detail below in the Design and Development Standards section.

General Plan: The General Plan currently designates the subject site as Rural Residential (RR). This designation permits wireless communication facilities in a residential area with a Special Use Permit. 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 communications 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 visual effects on adjacent properties, as directed by Section 17.14 of the Zoning Ordinance. The antennas are to be painted a flat brown color to blend in with the foliage and covered with antenna foliage wraps, the trunk would be painted brown, and the fenced enclosure would be covered with slats and buffered by planted shrubs. 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 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.*

Consistent: The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. The project-related environmental issues have been evaluated. Therefore, 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 El Dorado County Fire Protection District minimum Fire Safe standards for the access road and turnaround capacity with project conditions. A 20-foot wide fire lane is to be maintained with a turnaround meeting District Fire Safe standards. 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.*

Discussion: Routine maintenance visits would occur once a month. Changes in traffic-generated noise levels along Mt. Murphy Road with the addition of the maintenance vehicle(s) would not be measurable. The project does not propose to include air conditioners or generators. A noise evaluation study was completed by Lucent Technologies dated April 28, 2006 which determined that the noise levels for the equipment cabinets would not exceed the noise limits required by Table 6-2 of the General Plan. The project would be compliant with these Policies.

Conclusion: 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 parcel is split zoned being zoned Residential Agricultural 20-Acre and Residential Estate Residential Ten-Acre (RA-20/RE-10). Exhibit D shows that the RA-20 portion makes up a very small portion of the parcel. The project would occur entirely within the RE-10 portion.

County Code permits wireless communication facilities in all districts with an approved Special Use Permit, 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 details and potential benefits to the community which is provided in Exhibit G.

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 carriers are proposed to eventually to occupy monopine. 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 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 provides 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 closet existing cell tower to the project is located to the west on Bacchi Ranch on Mt. Ararat about 4.5 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.

The closest approved tower is S09-0015/SBA Cellular Telecommunications Facility-Garden Valley, approved by the Board of Supervisors on June 29, 2010. The construction of that tower is pending. That location is approximately 1.2 miles to the north of the subject tower as the crow flies, and has an uphill change in elevation above sea level of approximately 800 feet. The topographical features in between the towers inhibit the same coverage area and each has a different target area. That approval permitted a telecommunications facility 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.

As discussed in the Project Description/Justification Statement dated July 28, 2010, the tower is proposed in order allow wireless communication providers to he proposed tower would allow multiple wireless networks at different heights to provide *in-building (residential and businesses) coverage in the Coloma area as well as providing in-car and outdoor coverage along a large portion of HWY 49 (State Route 49)*. Another goal is to improve emergency agency communications with the three potential 6-foot tall whip antennas for the top of the tower, and to create one structure that could accommodate up to 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 Zoning Administrator and as part of the exhibits approved with the application. Photo-simulations of the wireless facility are included as Exhibits H-1 to H-4.

F. **Development Standards:**

1. **Screening:** The applicant is proposing to place the steel monopine and up to three equipment cabinets within a seven-foot-tall chain link fence enclosure. As illustrated in the photo simulations, elevation and landscape plan (Exhibits E-1 to E-6 and H-1 to H-4), the monopine and ground equipment are designed to standards set by Zoning Code Section 14.14.180 to blend into the surrounding area. The ground equipment would be screened from views from existing residences by existing vegetation, by the installation of slats on the chain link fencing, and by installing shrubs around the perimeter of the fencing. The top of the proposed tower would be partially visible from various locations in all directions. Within the project site, the tower would protrude approximately 65 feet above the existing vegetation. However, from a distance in various directions, ponderosa and gray pines can be seen at this height at random locations within the Coloma Valley. Staff believes that a high quality monopine with trunk and branches resembling a ponderosa pine in color and shape would be the best option available for blending into the background and foreground viewsheds within the Coloma Valley. The project is conditioned to have the branches begin at the 20-foot level, mimic a more natural ponderosa pine with asymmetrical branches. The ground-level equipment will be screened by fence slats and landscape shrubs.
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 50-foot wide Mt. Murphy road easement as required for the RE-10 zone district. The submitted site plan shows the project meets the setback requirement. (See Exhibits E-2 to E-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. A Condition of Approval 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*, SVC Technologies, Inc., dated May 27, 2008 was submitted for the project. The maximum power for a typical Metro PCS configuration was calculated for a person at six feet above the ground elevation standing on the road above the eastern edge of the proposed site, 400 watts ERP (including future growth), and found to be less than 1 percent of the existing standard for an uncontrolled environment. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions.
- 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 either 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 6).
- 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 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.

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

Agency Comments:

California Department of Parks and Recreation, Gold Field District: The District had specific concerns about the tower's silhouette, color and height, as well as concerns about potential interference with their radio communication system. Recommended Condition of Approval number 3 requires that the applicant assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of the cellular

communications facility. Condition numbers 1 and 6 require have the branches begin at the 20-foot above ground level, mimic a ponderosa pine in color and silhouette, and include an asymmetrical branch pattern. The full text of the District’s comment letter dated August 18, 2009 is included as Exhibit K.

ENVIRONMENTAL REVIEW

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.

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/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

A Radio Frequency Emissions Analysis Report of Findings, SVC Technologies, Inc., dated May 27, 2008 was submitted for the project. The maximum power for a typical Metro PCS configuration was calculated for a person at six feet above the ground elevation standing on the road above the eastern edge of the proposed site, 400 watts ERP (including future growth), and found to be less than 1 percent of the existing standard for an uncontrolled environment. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

Staff has prepared an Initial Study (Environmental Checklist Form and Discussion of Impacts attached as Exhibit M) to determine if the Special Use project may have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a 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	General Plan Land Use Designations Map
Exhibit D	Zoning Map
Exhibit E-1	Title Sheet, Sheet Number T-1, revised July 1, 2010
Exhibit E-2	Plot Plan and Site Topography, Sheet Number C-1, revised June 18, 2010
Exhibit E-3	Site Plan, Sheet Number A-1, revised June 14, 2010
Exhibit E-4	Site Detail, Sheet Number A-2, revised June 17, 2010
Exhibit E-5	Elevations, Sheet Number A-3, revised May 10, 2010
Exhibit E-6	Landscape Design, Sheet Number L-1, revised June 17, 2010
Exhibits F-1, F-2	Coloma U.S.G.S Quadrangle with El Dorado County Parcels Overlaid

Exhibit G.....	Applicant-submitted <i>Project Description/Justification Statement</i> , revised September 1, 2010, (five pages)
Exhibits H-1 to H-4.....	Applicant-submitted Visual Simulations
Exhibits I-1 to I-5.....	Site Visit Photos
Exhibits J-1 to J-3	Aerial Photos
Exhibit K.....	California Department of Parks and Recreation, Gold Fields District, Project Comment Letter dated August 18, 2009 (two pages)
Exhibit L-1 to L-8	Applied Forest Management, (AFM report), dated April 21, 2010, Erik Jensen, Registered Professional Forester (RPF) #2714
Exhibit M	Environmental Checklist Form and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S08-0018/ComSites West Communications Tower–Coloma Planning Commission/October 14, 2010

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 M, 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 construction and operation of a new multi-user wireless communications facility to support cellular transmission consisting of a 100-foot tall monopine tower. The “branches” shall begin at the 20-foot above-ground level. The tower shall be located within a 50-foot by 55-foot area enclosed by a seven-foot tall, slatted chain link fence with a 4-foot wide gate for entrance. The initial installation within the fenced area shall be up to three radio equipment cabinets. The monopine shall accommodate up to five antenna arrays. Up to nine wireless network antennas shall be permitted to be installed at the 93-foot level. Up to three, six-foot tall whip antennas shall be permitted to be installed at the top of the tower for use which bring the total height to 106 feet tall.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

2. 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 E-1 to E-6 and Exhibits L-1 to L-8. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. Should the Director find that additional lease

area, height or antennas or other changes to the approved project 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. This review shall always occur prior to any approved project modifications.

3. 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.
4. The applicant shall consent to the co-location of other wireless telecommunication communication users on this monopine when feasible and without an increase in the height of the tower, branches, and/or antennas. 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.
5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The seven-foot tall 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. The “branches” shall be installed with random lengths that create an asymmetrical appearance and shall mimic a ponderosa pine (*Pinus ponderosa*) in color, shape and silhouette. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branches, and be covered with antenna foliage wraps that mimic the ponderosa pine branch needle color. 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” with a site visit prior to issuance of final occupancy for the building permit.
6. Landscape shrubs indigenous to the Coloma valley, shall be planted around the entire fenced area as shown in Exhibit E-6. All landscaping associated with the communications 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 and as recommended by the report prepared by Erik Jensen, Registered Professional Forester (RPF) #2714, of

Applied Forest Management, (AFM report), dated April 21, 2010, (Exhibits L-2, L-3 and L-8) in perpetuity or unless otherwise modified through any future permit. Proof that the landscaping has been installed as described shall be confirmed by Planning Services with a site visit prior to issuance of final occupancy for the building permit.

7. Concurrent with the submittal of any application to initiate uses 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.
8. 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.
9. 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.

10. 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.

11. The applicant shall make the actual and full payment of Development Services processing fees for the Special Use Permit application prior to issuance of any County development permit.
12. 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.

13. 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.
14. Oak Canopy: The project will remove 6.407 percent of oak canopy. The 1 to 1 Mitigation Ratio Fee as established by the General Plan shall be achieved through payment of a \$2,337.97 fee. Said fee shall be paid prior to issuance of a building and/or grading permit.
15. 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

16. The applicant shall construct the encroachment onto Mt. Murphy Road pursuant to 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 Fire Protection District

17. Applicant shall pay the Fire District a site/inspection review fee is \$ 150.00 prior to issuance of a building permit.
18. The applicant shall provide to the Fire District, a full set of plans, prior to construction, to be permitted and approved by the Fire District and which shall be subject to additional requirements that may be necessary depending on building construction and use.
19. Fire access shall meet Fire District “Fire Safe” standards.
20. The applicants shall post 12-inch minimum street address at Mount Murphy Road and main entrance. Applicants shall provide the Fire District with proof of compliance prior to issuance of final occupancy of a building permit.
21. The applicant shall provide a low priority “Knox” padlock on all access gates. Applications for both high and low security “Knox” systems are provided at the Fire District office. Proof of compliance with said condition shall be received by the Fire District prior to issuance of final occupancy of a building permit.
22. Applicant shall provide a high priority “Knox Box” to access the cabinets, and keys for all cabinets shall be placed within the “Knox Box.” Proof of compliance with said condition shall be received by the Fire District prior to issuance of final occupancy of a building permit.
23. The applicant shall install one fire extinguisher with a minimum 20BC rating which 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.
24. The driveway to the fenced lease area shall be 20-feet wide and the turnaround at the lease area shall meet Fire District Fire Safe standards. The driveway shall have 13-foot 6-inch vertical clearance and capable of supporting a 75,000 pound load. Proof of compliance with said condition shall be received by the Fire District prior to issuance of final occupancy of a building permit.
25. Vegetation control shall be required within the fenced lease area and within a 100-foot perimeter in all directions of the fenced enclosure and tower or the property line whichever is closer. This clearance shall be performed as recommended by the report prepared by Erik Jensen, Registered Professional Forester (RPF) #2714, of Applied Resource Management, (AFM report), dated April 21, 2010 and attached as Exhibits L-1

to L-3, L-6 and L-7 Proof of compliance with said condition shall be received by the Fire District prior to issuance of final occupancy of a building permit.

ATTACHMENT 2

FINDINGS

Special Use Permit S08-0018/ComSites West Communications Tower–Coloma Planning Commission/October 14, 2010

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 Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 General Plan Findings

- 2.1 As conditioned, 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), because the project would have minimal impacts on visual resources, existing utilities, and on existing emergency response times. There are adequate services to facilitate the site, such as water, power and solid waste. The project provides a storage alternative to the Coloma/Lotus area.

3.0 Zoning Findings

- 3.1 The project site is zoned Residential Estate Residential Ten-Acre, which allows wireless communication facilities, 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 which will blend with the existing enclosure.

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 and 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. Further, the new wireless communications facility would provide cellular communication services to the Coloma and Lotus 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 of the, 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.