

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



Agenda of: February 23, 2012
Item No.: 10
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S11-0013/AT&T Telecommunications Tower-Hilltop Lane

APPLICANT: AT&T

AGENT: Rebekah Anderson

ENGINEER: Streamline Engineering and Design, Inc.

REQUEST: Special Use Permit to allow the construction of a wireless telecommunication facility consisting of an 84-foot tall monopine tower with 12 antennas.

LOCATION: West side of Hilltop Lane, approximately 0.5 mile southwest of the intersection of Red Rock Lane and Tennessee Drive, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APN: 319-210-05 (Exhibit B)

ACREAGE: 6.03 acres

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

ZONING: Estate Residential Five-Acre (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends that 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 S11-0013 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: Request for a special use permit to allow the construction of a wireless telecommunication facility consisting of an 84-foot tall monopine tower with 6 antennas mounted at the 58-foot level and 6 antennas mounted at the 68-foot level. The facility is also proposed to include an 11.5-foot by 20-foot prefabricated concrete ground equipment shelter to house equipment cabinets and associated equipment to be enclosed within a 6-foot tall chain link fenced area with vinyl slats within a 29-foot by 27-foot lease area. Two air conditioning units are proposed to be mounted in the exterior wall of the concrete equipment shelter.

Site Description: The site is within a 6.03-acre parcel located between the 1,400 and 1,560 foot elevations above sea level. There is an existing single-family dwelling, a garage and two small storage sheds. The existing asphalted access driveway dead ends at the top of the knoll where the buildings are located. The topography slopes sharply downhill in all directions except north. Approximately 80 percent of the site is covered with tree canopy. Tennessee Creek, classified as an intermittent stream on the Shingle Springs U.S.G.S. 7.5 Minute Quadrangle, runs through the western portion of the project parcel at a distance of approximately 740 feet from the proposed lease area.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential/Single-family residence
North	RE-5	LDR	Residential/Vacant
South	RE-5	LDR	Residential/Single-family residences
East	RE-5	LDR	Residential/Single-family residences
West	RE-5	LDR	Residential/Single-family residences

Discussion: The surrounding parcels are designated for residential uses by the General Plan. The closest residential structure on a surrounding parcel is located approximately 340 feet to the west of the lease area measured by air photo. The ground equipment would be shielded from the residential parcels in all directions by existing vegetation, the slatted chain link fencing, and by the various abrupt changes in elevation surrounding the proposed lease area location.

Project Issue: The primary discussion items for this project include access, aesthetics, and utilities.

Access: The project site is accessed from Shingle Springs Drive to Tennessee Drive to Red Rock Lane to Hilltop Lane. There is a gate across Shingle Springs Drive just north of U.S. Highway 50. From the gate north, none of the roads listed above are County maintained. The roads leading to the project parcel are maintained by the North Buckeye Rancheros Owner's Association however, the subject parcel is not subject to the association as the single family

dwelling was constructed in 1975, prior to the association's incorporation. The Association was formed for road maintenance and upkeep of the roads only and is not a Homeowner's Association. The Association responded with concerns about the potential impacts from construction and maintenance vehicles to the roads. Planning has included a condition of approval that recommends that the parcel join the Association prior to issuance of a building and/or grading permit for the project.

DOT has reviewed the project and determined that the access roads are adequate for the proposal. The El Dorado County Fire Protection District has recommended conditions assuring that an adequate turnaround will be provided at the site to accommodate their equipment, and that a turnout will be provided near the midpoint of the project parcel's access driveway to permit two-way emergency vehicle ingress and egress.

Aesthetics: The proposed ground equipment fenced lease area within the project site would not be readily visible from surrounding residences, however the top of the tower would be visible from various points in the surrounding area. The tower is designed to blend in with the existing vegetation with brown, tan and green colors and materials. The antennas would each be covered with foliage socks to further blend them with the green branch needles.

The applicant is proposing to place equipment cabinets and support equipment within a building to be surrounded by a chain link enclosure located within a 29-foot by 27-foot lease area. Vinyl brown or green slats would be inserted into the fencing to buffer views into the enclosed lease area. As illustrated in the photo simulations, site plan, and elevations, the tower and ground equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing vegetation as best as possible with the technology currently available.

Zoning Ordinance Sections 17.14.210 F & G require screening in order to reduce aesthetic impacts to a less than significant level. The project has been designed to address those requirements. As conditioned, and with adherence to applicable County Code, impacts to aesthetics would be anticipated to be reduced below a level of significance.

Utilities: Approximately 325 feet of trenching would be required to underground the electric and telephone (Telco) wires from the existing electrical transformer and telephone/data service boxes. The existing junction points are located to the southeast of the existing single-family dwelling at the property line. The trench would be located within a proposed 5-foot wide utility easement to be located under the asphalted hammerhead turnaround area and 12-foot wide driveway to an existing dirt driveway located east of the existing residence. From there the easement would join the existing utility easement along the south property line. The service would connect with a transformer and telephone communication wires located southeast of the existing residence along that property line.

General Plan: The project site is designated for Low Density Residential uses. The policies and issues that affect this project are discussed below:

Support Uses in Residential Areas: **Policy 2.2.5.9** allows support services in residential areas by use permit, provided that they do not have an adverse effect on surrounding property. 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.*

Discussion: A cellular telecommunications facility is considered to be a public utility facility, though owned privately. The project would be compatible and consistent with the low density residential land use designation for residential uses. The project has been designed to minimize the visual effects on adjacent properties, as directed by Section 17.14.210 of the Zoning Ordinance. All facility components would be painted to blend together. As proposed and conditioned the communications tower 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.*

Discussion: 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 be consistent with 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.*

Discussion: The proposed project plans were reviewed by the El Dorado County Fire Protection District. The Fire District has conditioned the project to meet the minimum Fire Safe standards for the access road and turnaround capacity at the lease area site. As conditioned, the Fire District has no outstanding concerns with the project. Therefore, 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 the existing local road systems with the addition of the maintenance vehicle(s) would not be measurable.

The project includes two air conditioners mounted externally on the equipment shelter. A noise specification sheet was submitted for the air conditioners which showed the noise levels of the proposed units would not exceed the 55 dB evening and daytime noise limits listed in Table 6-2 for a rural area measured 30 feet from them at the north property line. In addition, the parcel to

the north is currently vacant but would also be subject to a 30-foot setback for any future structure, resulting in a minimum of 60-foot distance from the air conditioners. At that distance the air conditioners would have sound levels that would be in compliance with the night dB levels of 50 dB.

No permanent generator is proposed for the site. A generator hookup is included on the equipment structure for emergency use only. The closest existing residential structure on a surrounding parcel is located approximately 340 feet to the west and downhill from the lease area measured by air photo. The project would be anticipated to be in compliance with General Plan noise standards.

Oak Canopy Coverage: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: The submitted Oak Tree/Vegetation Survey dated October 23, 2011 found that the project area has about 85 percent canopy coverage. General Plan Policy 7.4.4.4 would therefore require the retention of 60 percent of the indigenous oak tree canopy for the project area. The project is anticipated to remove 5.51 percent of the existing oak canopy. The applicant would be required to mitigate for oak canopy replacement at a 1 to 1 ratio by payment of the Oak Conservation In-lieu fee. That condition has been added to the recommended Conditions of Approval. As conditioned, there would be no conflicts anticipated with this policy.

Conclusion: The project has been reviewed in accordance with the 2004 General Plan policies, and it has been determined that it 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 Five-Acre (RE-5). 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.

Special Use Permit Request: To comply with County requirements, the project has been designed with the potential for a multi-carrier facility for future collocation, should the tower meet other carrier's requirements. 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.

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 providers collocate their equipment on existing sites where possible. The applicant has provided coverage maps (Exhibit H) which are intended to illustrate how the subject location was chosen. The tower is proposed in order to allow wireless communication to provide in-building coverage in the Shingle Springs area. Another goal is to create one structure that could potentially accommodate one other wireless service provider serving the area. The supplied analysis found the subject project site to be the most optimum to achieve their needed coverage area.

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 insure that the project adequately reflects approval of the Planning Commission and as part of the exhibits approved with the application. Photo simulations of the proposed wireless facility are included as Exhibits G-1 and G-2.

F. **Development Standards:**

1. **Screening:** The applicant is proposing to place equipment cabinets and support equipment within a pre-fabricated concrete building to be surrounded by a vinyl-slatted chain link fence enclosure located within a 29-foot by 27-foot lease area. As illustrated in the photo simulations, site plan and elevations, the tower and ground equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing surrounding vegetation.

The ground equipment will further be screened from views by the existing vegetation.

2. **Setbacks:** The RE-5 Zone District requires 30-foot side setback from the north property. The submitted site plan shows the project meets the setback requirement for the structures.

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 equipment building, ground support equipment be maintained at all times and to be consistent with the features depicted in the visual simulations

and elevations. A condition of approval has been included requiring the perpetual 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 (RF) Analysis dated August 31, 2011 was submitted for the project. The study found that for a person anywhere at ground level, the maximum RF exposure level due to the AT&T operation is calculated to be 0.010 mW/cm² which is 1.8 percent of the applicable public exposure limit. 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 was determined to be remote.
- 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. The tower has been designed to permit the collocation of one additional carrier, depending on their needs and requirements.
- 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.
- 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. This project parcel is not governed by CC&Rs, nor is it within 1,000 feet of a school site.

Discussion: After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.200.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 and Public Comments: The following public group was provided project details for review for comments and/or concerns:

North Buckeye Rancheros Owner's Association ("NBROA"): The Association responded with concerns about the potential truck traffic impacts to their roads during construction and the subsequent maintenance visits. Conditions of approval have been added insuring that the parcel join the NBROA, and that any damage done to the existing roads during construction be repaired prior to Building Permit final.

In addition to the NBROA and Fire District comments discussed above, the following County agencies were solicited for comments and either did not respond or responded they had no recommended Conditions of Approval:

El Dorado County Building Services
El Dorado County Department of Transportation
El Dorado County Surveyor's Office

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study-Environmental Checklist Form (included as the attached Exhibit K), 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 \$2,101.50 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 \$2,101.50 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	Project Site Plan, Sheet Number LS-1
Exhibit E-2	Grading Plan and Erosion Control, Sheet Number C-1
Exhibit E-3	Overall Site Plan and Site Plan, Sheet Number A-1
Exhibit E-4	Enlarged Site Plan, Sheet Number A-2
Exhibit E-5	Antenna Plans and Details, Sheet Number A-3
Exhibit E-6	Elevation, Sheet Number A-4
Exhibit E-7	Elevation, Sheet Number A-5
Exhibit F	Approved Light Fixture
Exhibits G-1, G-2	Visual Simulations
Exhibit H	Applicant-submitted <i>Zoning Coverage Maps</i> (7 pages)
Exhibit I	Site Visit Photos
Exhibits J-1, J-2	Aerial Photos
Exhibit K	Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S11-0013/AT&T Telecommunications Tower-Hilltop Lane Planning Commission/February 23, 2012

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit E-1	Project Site Plan, Sheet Number LS-1
Exhibit E-2	Grading Plan and Erosion Control, Sheet Number C-1
Exhibit E-3	Overall Site Plan and Site Plan, Sheet Number A-1
Exhibit E-4	Enlarged Site Plan, Sheet Number A-2;
Exhibit E-5	Antenna Plans and Details, Sheet Number A-3
Exhibit E-6	Elevation, Sheet Number A-4
Exhibit E-7	Elevation, Sheet Number A-5
Exhibit F.....	Approved light fixture
Exhibits G-1, G-2.....	Visual Simulations

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, within the existing 6.03-acre parcel identified by Assessor's Parcel Number 319-210-05, and consisting of the following:

- a. 12 panel antennas mounted on an 84-foot tall monopine tower (tallest branches 84 feet; top of metal pole to be 77 feet, both above ground level), with 6 antennas mounted at the 58-foot level, and 6 antennas mounted at the 68-foot level; and
- b. One 11.5-foot by 20-foot prefabricated ground equipment shelter to house equipment cabinets and associated equipment; and
- c. One 10-foot, 6-inch tall concrete equipment shelter to be enclosed within a 6-foot tall chain link fenced enclosure, with dark brown vinyl slats installed for screening; and
- d. Two air conditioning units shall be mounted on the outside of the equipment enclosure on the north side, and no generator is approved with this permit; and
- e. The lease area enclosure shall be accessed through two, 6-foot wide gates; and

- f. One shielded light shall be mounted near the equipment shelter door as shown in Exhibit E-2, Sheet Number A-2; and
- g. Two GPS antennas are approved to be mounted on the roof top of the concrete shelter building at a height consistent with Exhibit E-6, Sheets A-4, and Exhibit E-7 Sheet A-5; and
- h. One, 5-foot wide utility easement for undergrounding the electrical and Telco utilities for a distance of approximately 325 feet, to be located as shown on Exhibit E-3, Sheet A-1; and
- i. The total lease area for the project structures shall measure 29 feet by 27 feet.

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.

- 2. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
- 3. **Project Conformance:** 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 G-2. 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.
- 4. **Responsibility for Interference:** 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.
- 5. **Changes or Expansions of the Approved Project:** 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.

6. **Lighting:** One exterior emergency light is approved and shall be consistent with the approved exterior light shown in Exhibit F, and located as shown in Sheet A-2. 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 F and Sheets A-2 prior to issuance of a building permit. The light shall be activated with motion-sensor or timer.

Should final, installed light 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.

7. **Collocations:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, 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 equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Development Services Director if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. 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.
8. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. Colors of the tower, facade, 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 applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.
9. **Conditions Compliance:** Prior to issuance of a building permit or 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 prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.

10. **Oak Woodland:** The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The 12,310.53 square-feet of oak canopy to be removed (5.51 percent of the project area), shall be paid at a 1 to 1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The fee shall be paid to Development Services prior to issuance of a grading permit or removal of any oak trees.
11. **Obsolete Equipment:** 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. **Road Maintenance:** The project parcel shall join the North Buckeye Rancheros Owner's Association ("NBROA") prior to issuance of any project-related building and/or grading permit. Any damages to any roads within the NBROA's boundary due to project construction vehicle traffic shall be repaired prior to grading and/or building permit final.
13. **Five-Year Review:** 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.

14. **Compliance Responsibility:** 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.

15. **Cultural Resources:** If human remains are discovered at any time during the project 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 applicants 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 applicants, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicants and shall be subject to review and approval by Planning Services.

16. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
17. **Hold Harmless Agreement:** 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.

Environmental Management- Solid Waste and Hazardous Materials Division

18. If this facility 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.

Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan with our Department prior to obtaining a business license. Hazardous Materials Business Plan forms are available at http://www.edcgov.us/emd/solidwaste/bus_plan_index.html.

Air Quality Management District

19. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
20. Project construction involves road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
21. The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways
22. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
23. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
24. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures:

 - a. Use low-emission on-site mobile construction equipment.
 - b. Maintain equipment in tune per manufacturer specifications.
 - c. Retard diesel engine injection timing by two to four degrees.
 - d. Use electricity from power poles rather than temporary gasoline or diesel generators.

- e. Use reformulated low-emission diesel fuel.
 - f. Use catalytic converters on gasoline-powered equipment.
 - g. Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
 - h. Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - i. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - j. Configure construction parking to minimize traffic interference.
 - k. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
25. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
26. All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment.

ATTACHMENT 2

FINDINGS

Special Use Permit S11-0013/AT&T Telecommunications Tower-Hilltop Lane Planning Commission/February 23, 2012

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 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 2.2.5.9 (support in a residential area), 2.2.5.21 (compatibility with surroundings), 5.6.1.4 (Special Use Permit required, 6.2.3.2 (adequate access), and 6.5.1.2 (noise exposure) because the project would provide residential support uses, as conditioned would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Shingle Springs area.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned RE-5, 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. The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections 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 tower and covered with antenna socks to blend with the branches. The proposed ground equipment will be screened from adjacent land uses by slatted chain link fencing which will blend with the existing vegetation.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall slatted chain link fence and existing vegetation. The minimal grading and foundation work required is not anticipated to cause significant environmental impacts. The project is anticipated to result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. Further, the new wireless communications facility will provide cellular communication services to the Shingle Springs community. 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 cellular telecommunications facility are not anticipated to have a detrimental affect nor be injurious to the neighborhood. The proposed use is not anticipated to 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 1.8 percent of the public safety standard established by the FCC, the risk of Radio Frequency ("RF") emissions to the public is remote.

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

The proposed use complies with the requirements of County Code Sections 17.14.210.5.b, 17.14.210.E through J, 17.28.200.C, and 17.28.210.D.