



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.edcgov.us/planning>
Phone: (530) 621-5355 Fax: (530) 642-0508

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Alan Tolhurst, Second Vice-Chair, District 5
Lou Rain, District 1
Tom Heflin, District 3

Char Tim Clerk of the Planning Commission

MINUTES

Regular Meeting February 23, 2012 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:40 a.m. Present: Commissioners Pratt, Heflin, Mathews, and Tolhurst*; Paula Frantz-County Counsel**]; and Char Tim-Clerk of the Planning Commission.

*[*Arrived at 8:46 a.m. and took his seat on the Commission.]*

***Arrived at 8:42 a.m. and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA AND ADDENDUM

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (3-0), to adopt the agenda and addendum as presented.

AYES: Heflin, Mathews, Pratt

NOES: None

ABSENT: Rain, Tolhurst

3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. Minutes: February 9, 2012

Staff Recommendation: Approve Meeting Minutes as presented

END OF CONSENT CALENDAR

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (3-0), to approve the Consent Calendar.

AYES: Mathews, Heflin, Pratt
NOES: None
ABSENT: Rain, Tolhurst

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**
(Development Services, Transportation, County Counsel)

Pierre Rivas provided a report on the following item for Current Planning:

- **Z07-0040/TM07-1454/S09-0012/Sundance Subdivision**: The Planning Commission had recommended approval of this item, but the Board of Supervisors denied the project by a 3-2 vote and it would be returning to the Board with Findings for Denial.

6. **COMMISSIONERS' REPORTS** – None

9:00 A.M. – TIME ALLOCATION

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission today, although they did have a quorum to make decisions. He stated that Commissioner Rain had significant health issues in his family and would not be present for today's hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds of not having a full Commission. At this time, they are aware that they will not have a full Commission at the next hearing, so the earliest that there may be a full Commission would be at the March 22, 2012, hearing.

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. **VARIANCE**

V07-0010/Bird submitted by DENNIS BIRD (Agent: Mike Dill/Aspen Environmental Services) to reduce the front-yard setback from 20 feet to 10 feet for a second-story addition and to allow an existing retaining wall to encroach approximately 13 feet into a County right-of-way. The property, identified by Assessor's Parcel Number 035-142-05, consisting of 10,000 square feet, is located on the east side of Pinewood Drive, approximately 250 feet south of the intersection with Mulberry Drive, in the Meyers area, Supervisorial District 5. [*Project Planner: Tom Purciel*] (Categorical Exemption pursuant to Section 15305(a) of the CEQA Guidelines)**

Tom Dougherty presented the item to the Commission with a recommendation of approval.

Commissioner Tolhurst referred to Exhibit D where there appeared to be two different property lines drawn. Pierre Rivas indicated that the property line and Right-of-Way are the same line.

Mike Dill/applicant's agent made the following comments:

- Parcel is unique;
- 25% slopes;
- In 1975, it was developed with zero setbacks approved for garage;
- Referenced Exhibit D for property line and Right-of-Way and identified the utility lines; and
- Applicant was required, and obtained, approval of the map amendment by the Board of Supervisors in January 2012.

In response to Commissioner Tolhurst's inquiry of no DOT letter submitted, Mr. Dill stated that although it was not an attachment to the Staff Report, the DOT letter was referenced in the text. Eileen Crawford/DOT stated that the letter only contained the three conditions which were included in the Staff Report.

In response to Commissioner Tolhurst's concern that there would be enough room for a snowplow, Ms. Crawford/DOT indicated that there was a 'hold harmless' agreement included and that no comments were received from their Maintenance Division on issues with the existing driveway.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and carried (4-0), to take the following actions: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15305(a); and 2. Approve Variance V07-0010 based on the Findings and subject to the Conditions of Approval as presented.

AYES: Heflin, Tolhurst, Mathews, Pratt
NOES: None
ABSENT: Rain

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305(a) that allows minor alterations in land use limitations for a variance.

2.0 VARIANCE FINDINGS

- 2.1 *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.*

Additional living space can not be located elsewhere on the parcel due to TRPA lot coverage restrictions; additional surface coverage would be prohibited. In addition, the parcel is further constrained by the location of the existing residence and large rock outcroppings. Further, the existing retaining wall was constructed by a previous owner and allowed within the County right-of-way based on an erroneous parcel survey.

Accordingly, it can be found that there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and that the circumstances have not resulted from any act of the owner or applicant. Therefore, Finding 2.1 can be made.

- 2.2 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

Residential uses, including single-story garages and other noncommercial accessory uses, are among uses allowed by right in the Tahoe One Family (TR1) Zone District. However, due to the location of the existing residence and naturally occurring rock formations, relocating additional living space outside of the Zoning Ordinance setback would not be possible due to the constraints imposed by the Development Standards of the Tahoe One Family (TR1) Zone District, and thus deprive the applicant of the same reasonable use of the land as the other parcels in the vicinity.

- 2.3 *The variance is the minimum necessary for the reasonable use of the land or building.*

The proposed living space has been located partially over the footprint of the existing garage in order to best comply with both the development standards of the TR1 Zone District and TRPA lot coverage restrictions. In addition, the existing retaining wall was constructed to stabilize front slopes and, therefore, allow unobstructed access to the garage and adjacent driveway. Therefore, it can be found that the variance is the minimum necessary for the reasonable use of the land or building.

- 2.4 *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

The project was distributed to all applicable responsible agencies and affected public utility companies and no objections were raised. Therefore, as conditioned, the variance will be in conformity with the intent of this article, as the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, because the proposed project does not conflict with any standards contained in Section 17.28.010 thru 17.28.040, 17.56.010 thru 17.56.040 of the County Code.

Conditions of Approval

Planning Services

1. This variance is based upon and limited to compliance with the project description, the approved site plan (Exhibit D), 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:

Variance to reduce the front-yard setback from 20 feet to 10 feet for a proposed second-story addition and to allow an existing right-of-way encroachment of approximately 13 feet for an existing four-foot high retaining wall, as shown on the approved site plan, Exhibit D.

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. All plans must be submitted for review and approval and shall be implemented as approved by the County.

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

3. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.
4. Prior to issuance of a building permit, a Subdivision Map Amendment shall be approved, and a Certificate of Correction recorded, to remove affected portion(s) of a 15-foot front-yard Public Utility / Light and Air Easement for Lot 62, shown as "Set Back Line" on Recorded Map C-83, Sierra Park Subdivision, Unit 2 (Exhibit J).

5. Any exterior lighting installed as a result of construction of the second story addition shall conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.
6. The applicant shall submit to Planning Services the \$50.00 administrative filing fee prior to filing of the Notice of Exemption by the County. No permits shall be issued until said fee is paid.
7. All site improvements, building locations, building orientations, and materials shall substantially conform to the approved site plan, floor plans and elevations (Exhibits D, E, F).

Department of Transportation

8. Hold Harmless Agreement: Prior to issuance of building permit, the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of driveway and retaining wall encroachment into the road right-of-way for benefit of the existing home, as shown on the approved site plan. The form of said document shall be reviewed and approved by the County Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office. An official copy shall be sent to the Department of Transportation.
9. Notice of Restriction for Driveway: The applicant shall have a notice of restriction recorded to restrict parking in driveway in the winter months (as defined by Tahoe Regional Planning Agency) as stated in the DOT-TED conditions of approval prior to issuance of building permit.
10. Notice of Restriction for Retaining Wall: The applicant shall have a notice of restriction recorded stating that the applicant shall remove the existing 4-foot retaining wall, as shown on the approved site plan, within 30-days of notice from the Department of Transportation at the owner's expense. The recordation shall be completed prior to issuance of future building permit(s).

9. SPECIAL USE PERMIT REVISION

S95-0017-R/AT&T EDH Fire Station submitted by AT&T (Agent: Julie Epshteyn/Forza Telecom) to revise a Special Use Permit to allow three additional antennas measuring 55.2 inches, six remote radio units and a GPS unit roof mounted; and one new equipment cabinet inside the existing equipment enclosure. The property, identified by Assessor's Parcel Number 110-010-08, consisting of 0.88 acre, is located on the east side of Francisco Drive, approximately 0.2 mile north of the intersection with Green Valley Road, in the El Dorado Hills area, Supervisorial District 1. [*Project Planner: Gina Paolini*] (Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines)**

Gina Paolini presented the item to the Commission with a recommendation of approval. She informed the Commission that staff has recommended a re-design to address the code compliance issue of the façade and it was listed in Condition #2.

Julie Epshteyn/applicant's agent stated they have a leasing contract with the Fire Department and they have been notified that the existing building was being targeted for demolition and rebuilt in the next two years. Therefore, they were requesting that the project be approved with the existing design with a condition to re-design (flush-mount) in two years on the new building. She also indicated that AT&T was working with the Fire Department on the design of the new building.

Pierre Rivas informed the Commission that staff had no confirmation from the Fire Department that the existing building was being demolished.

County Counsel Paula Frantz explained the process if a building permit was issued and then the building was not demolished. She also stated that staff did CEQA analysis on the project with a re-design and further analysis would be needed if the Commission chose to keep the existing design. County Counsel Frantz recommended continuing the project to the next meeting to allow the property owner to comment on the demolition, to have adequate time to create a new condition as requested by Ms. Epshteyn, and to also provide the public the opportunity for review.

Commissioner Heflin stated that there was not enough information provided.

Commissioner Mathews felt that although it was not logical to re-design something that will be torn down, he needed confirmation that the building was in fact going to be demolished in the near future. He also felt that some of the submitted pictures were misleading.

Chair Pratt stated that the new request would need to be analyzed.

Ms. Epshteyn announced that they were willing to accept the re-design condition as proposed by staff as AT&T wishes to move forward with the project.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and carried (4-0), to take the following actions: 1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and 2. Approve Special Use Permit Revision S95-0017-R based on the Findings and subject to the revised Conditions of Approval as presented.

AYES: Heflin, Tolhurst, Mathews, Pratt
NOES: None
ABSENT: Rain

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

1.0 CEQA FINDINGS

- 1.1 Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. The project would add four antennas and associated equipment to an existing facility with new antennas having no significant impact on the environment.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed use is consistent with the policies in the 2004 El Dorado County General Plan. The proposed use is consistent with all applicable policies including Policies 2.2.5.21(land use compatibility) and 5.6.1.4 (special use permit required) because the aesthetics of the new equipment and related equipment have been addressed.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or 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 because the facility is existing and the FCC regulations have been evaluated with the addition of the four new antennas and the project would not exceed the FCC regulations.

2.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

Section 17.14.200 (D)(2)(b) of the County Code requires a Special Use Permit for roof mounted antennas. The proposed use has been conditioned in compliance with County Code Sections 17.14.200 (E) through (J). As such, the project has been designed in compliance with the required conditions.

Conditions of Approval

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description and the following hearing exhibits:

Exhibit ETitle Sheet

Exhibit F.....Site Plan

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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 a revision to a Special Use Permit S95-0017 for uses located at property known as Assessor's Parcel Number 110-010-08. The following includes the project details:

- a. Cabinets and ground equipment shall be located within a 200 square foot equipment shelter.
- b. The project shall be permitted up to seven panel antennas.
- c. Back-up power may be supplied by an emergency generator and fuel supply system.
- d. The project shall be permitted up to two GPS units mounted on the exterior of the equipment shelter, six remote radio units and one surge suppression unit to be located within the hose tower.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, 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. The four new antennas shall be placed either within the interior of the roof structure as to be completely screened or shall be placed flush mount on the exterior of the building and painted to match the adjacent surface. Planning Services shall review and approve the location of the new antennas prior to issuance of a building permit.
3. The operator (lessee) owner shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall

take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.

4. 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 determine 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.

5. All improvements associated with the wireless communication facility, including equipment shelters, cabinets and antennas shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. All obsolete or unused wireless communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services when the site has been restored to pre-project condition.
7. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.
8. 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 landowner 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 the Special Use Permit.

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

9. Prior to issuance of the Special Use Permit all Development Services fees must be paid.
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.
- ~~1. An "authority to construct" permit from the local Air Pollution Control District is required prior to authorization to operate the generator for emergency power.~~
- ~~2. All uses and structures shall comply with the approved site and elevation plans.~~
- ~~3. The use must be commenced or diligently pursued within one year of approval of this use permit or the use permit is considered to be null and void.~~
114. This use permit is in addition to and not in-lieu of the previous Special Use Permit issued on this property for authorization of a fire station (S81-116).
- ~~5. The applicant or cellular operator shall minimize or eliminate any electronic interference directly attributable to the operation of the cellular facility. If documentation is submitted to the Planning Department that significant electronic interference is occurring, the matter will be returned to the Zoning Administrator for further consideration.~~

El Dorado County Building Services

12. The applicant shall secure a building permit from the El Dorado County Building Services for the proposed telecommunications facility.

El Dorado County Environmental Management Department/Hazardous Materials Division:

13. Under the Certified Unified Program Agency (CUPA) programs, if the project involves the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

10. **SPECIAL USE PERMIT**

a. **S11-0013/AT&T Telecommunications Tower-Hilltop Lane** submitted by AT&T (Agent: Rebekah Anderson) to allow the construction of a wireless telecommunication facility consisting of an 84-foot tall monopine tower with 12 antennas. The property, identified by Assessor's Parcel Number 319-210-05, consisting of 6.03 acres, is located on the 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. [*Project Planner: Tom Dougherty*] (Negative declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He referenced letters received from the North Buckeye Rancheros Owners Association and SAC Wireless. Mr. Dougherty also referenced a Staff Memo dated February 22, 2012 recommending amendments to Condition #10/Oak Woodland and Condition #12/Road Maintenance. He read into the record proposed amendments to Findings 2.1 and 4.1 and also Section IV-Biological Resources, Item "e" of the Initial Study to reflect revised Condition #10.

Rebekah Anderson/applicant's agent was available for any questions.

Commissioners Heflin and Mathews stated they had no problems with project since negotiations had taken place with the Owners Association.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study as amended; and 2. Approve Special Use Permit S11-0013 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Conditions #10 and #12 as identified in the Staff Memo dated February 22, 2012; (b) Amend Findings 2.1 and 4.1 to reflect revised Condition #10; and (c) Amend Section IV-Biological Resources, Item "e" of the Initial Study to reflect revised Condition #10.

AYES: Heflin, Mathews, Tolhurst, Pratt

NOES: None

ABSENT: Rain

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

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. Based on revised Condition Number 10, the project would be in compliance with General Plan Policy 7.4.4.4 Option A.

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. Based on revised Condition Number 10, the project would be in compliance with General Plan Policy 7.4.4.4 Option A.

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.

Conditions of Approval

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-1Project Site Plan, Sheet Number LS-1
- Exhibit E-2Grading Plan and Erosion Control, Sheet Number C-1
- Exhibit E-3Overall Site Plan and Site Plan, Sheet Number A-1
- Exhibit E-4Enlarged Site Plan, Sheet Number A-2;

Exhibit E-5Antenna Plans and Details, Sheet Number A-3
Exhibit E-6Elevation, Sheet Number A-4
Exhibit E-7Elevation, 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