

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



**Agenda of:** March 22, 2012  
**Item No.:** 8.b  
**Staff:** Tom Dougherty

**SPECIAL USE PERMIT**

**FILE NUMBER:** S11-0014/SBA Telecommunications Tower-Bucks Bar Road

**APPLICANT:** SBA Towers, Inc.

**AGENT:** Mark Lobaugh

**ENGINEER:** MST Architects

**PROPERTY OWNERS:** Joseph and Carol Herrlie

**REQUEST:** Special Use Permit to allow the construction of a wireless telecommunication facility consisting of a 100-foot tall monopine tower with 12 antennas.

**LOCATION:** Approximately 2,500 feet northeast of the intersection of Cattle Creek Lane and Bucks Bar Road, in the Pleasant Valley area, Supervisorial District 2. (Exhibit A)

**APN:** 046-270-18 (Exhibit B)

**ACREAGE:** 20.1 acres

**GENERAL PLAN:** Agricultural Lands-Agricultural District (AL-A) (Exhibit C)

**ZONING:** Planned Agricultural 30-Acre (PA-30) (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 S11-0014 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

**STAFF ANALYSIS**

**Project Description:** Special Use Permit request by SBA Towers to allow the construction of a wireless telecommunications facility consisting of a 100-foot tall monopine tower within a 50-foot by 50-foot fenced compound. The tower would support 3 antenna arrays, each containing 4 antennas located at 98 feet above ground level, and two microwave dishes, with room for four future carrier antenna arrays. Ground equipment includes one 12-foot by 16-foot equipment shelter, one standby emergency generator with a 210 gallon dual-walled fuel storage tank, and two wall-mounted air conditioners.

Approximately 320 feet of trenching would be required to underground the electric and telephone wires from the existing electrical transformer and telephone/data service boxes.

**Site Description:** The site is located on a 20.1-acre parcel that is located at the 2,400-foot elevation above sea level. There is an existing single-family dwelling and garage located at the highest point of the parcel. The majority of the parcel is covered by non-native grasses with sparsely located indigenous trees and shrubs.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	PA-30	AL-A	Residential/Single-family residence
North	PA-30	AL/A	Residential// Single-family residence
South	AE	AL/NR	Residential//Single-family residences
East	RE-10	RR	Residential/Single-family residence
West	PA-30/AE	AL-A/AL	Agricultural/Single-family residences

Discussion: The surrounding parcels are designated for agricultural-type uses by the General Plan. The closest residential structure on a surrounding parcel is located approximately 350 feet to the south of the proposed lease area as measured by air photo. The ground equipment would be shielded from the adjoining parcels in all directions by the slatted chain link fencing and partially by existing vegetation.

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

**Access:** The project site is accessed from Bucks Bar Road to an unnamed gravel access roadway to the project parcel. DOT has reviewed the project and determined that the access roads are adequate for the proposal and had no recommended conditions of approval. 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 turnouts will be provided every 150 feet along project parcel's access road to permit two-way emergency vehicle ingress and egress.

**Aesthetics:** The proposed fencing and ground equipment 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 be a "monopine" and to blend in with the existing vegetation of scattered indigenous oak and pine trees, with brown and tan colors and materials. The antennas would each be covered with foliage socks to further camouflage them with the green branch needles. The tower pole would be painted with a non-reflective brown paint, intended to mimic a tree trunk color.

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 50-foot by 50-foot lease area. Vinyl brown 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 320 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 north west of the proposed lease area, along the access road. The trench would be located within a proposed 15-foot wide access and utility easement to be located along the proposed access driveway as shown in the attached Exhibit F-1. The service would connect with the existing transformer and telephone communication wires.

**General Plan:** The General Plan designates of the subject parcel as Agricultural Lands (AL). This designation is applied to lands described in Policy 8.1.1.8. The parcel also has an Agricultural District (A) overlay, which is applied to lands with "choice" agricultural soils and to designate lands to be conserved and protected for agricultural 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 colors that blend together. As proposed and conditioned the communications tower would be 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 to comply with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. The proposed monopine will minimize aesthetic impacts because the area is generally an oak-pine woodland for miles around. The project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would be consistent with General Plan Policy 5.6.1.4.

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 turnouts as well as the turnaround capacity for emergency vehicles 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 which provide cooling for the cabinets located within the equipment shelter. They will not operate simultaneously. The project proposal includes a standby diesel power generator for emergency use in the event of a power outage. A noise study, (Statement of Hammett & Edison, Inc., Consulting Engineers, Noise Evaluation dated February 13, 2012) was submitted which analyzed the noise levels of the two air conditioners and generator. The closest existing residential

structure on a surrounding parcel is located approximately 350 feet to the south measured by air photo. The parcel to the south would also be subject to a 200-foot setback for any future structure incompatible with agriculture, resulting in a minimum of 230-foot distance from the project lease area. The following Table lists the acceptable noise limits for non-transportation sources:

<b>NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES</b>						
<b>Noise Level Descriptor</b>	<b>Daytime 7 a.m. - 7 p.m.</b>		<b>Evening 7 p.m. - 10 p.m.</b>		<b>Night 10 p.m. - 7 a.m.</b>	
	Community	Rural	Community	Rural	Community	Rural
Hourly Leq, dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50

The study found that *accounting just for the considerable distance involved (250 feet to the General Plan assessment location 100 feet short of the residence, and ignoring the attenuating effects of intervening terrain and vegetation, the maximum hourly average noise level for continuous operation of the air conditioners is 37.4 dBA, well below the evening and nighttime limits of 45 and 40 dBA respectively. For the days on which the generator is tested, its maximum hourly average noise level at the assessment location is 35.7 dBA. Together with the noise from the air conditioners, the maximum total noise level would be 39.4 dBA, well below the daytime limit of 50dBA.* The study concluded that the project would have noise levels anticipated to comply with the County’s standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels.

**Conclusion:** The project has been reviewed in accordance with the 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 Planned Agricultural 30-Acre (PA-30). 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 project narratives explaining the project details, potential benefits to the community, and site selection which are provided in attached Exhibits H and I.

**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 an Alternative Analysis dated November 15, 2011 (Exhibit I) in which they demonstrate how the subject location was chosen. The tower is proposed in order to allow wireless communication to provide in-building coverage in the Pleasant Valley area. Another goal is to create one structure that could potentially accommodate four 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 to G-3.
- 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 50-foot by 50-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 PA-30 Zone District requires 30-foot side setback from the south property line for a structure such as a communications tower found to be compatible with agricultural pursuits. 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.
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- 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 November 2, 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 Verizon Wireless operation was calculated to be 0.0018 mW/cm<sup>2</sup> which is 0.31 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 four additional carriers, 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 Comments:**

El Dorado County Agricultural Commission: At the January 11, 2012 hearing, the Agricultural Commission found the applicant's request meets all the criteria and they recommend approval. The minutes from that hearing are included in Exhibit J.

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

**ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study, (Environmental Checklist Form and Discussion of Impacts, included in the 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 \$2,101.50 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 .....	Parcel Map PM39-125
Exhibit D .....	General Plan Land Use Designations Map
Exhibit E .....	Zoning Designations Map
Exhibit F-1 .....	Site Plan, Drawing Number C-1
Exhibit F-2 .....	Site Plan, Drawing Number Z-1
Exhibit F-3 .....	Enlarged Site Plan, Drawing Number Z-2
Exhibit F-4 .....	Site Elevations, Drawing Number Z-3
Exhibits G-1 to G-3 .....	Applicant-submitted Visual Simulations
Exhibit H .....	Applicant-submitted <i>Project Support Statement</i> (four pages)
Exhibit I .....	Applicant-submitted <i>Alternative Analysis</i> (three pages)
Exhibit J .....	Agricultural Commission memo; January 18, 2012 (two pages)
Exhibit K .....	Site Visit Photos
Exhibits L-1, L-2 .....	Aerial Photos
Exhibit M .....	Negative Declaration and Initial Study

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit S11-0014/SBA Telecommunications Tower-Bucks Bar Road Planning Commission/March 22, 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 F-1 .....Site Plan, Drawing Number C-1  
Exhibit F-2 .....Site Plan, Drawing Number Z-1  
Exhibit F-3 .....Enlarged Site Plan, Drawing Number Z-2  
Exhibit F-4 .....Site Elevations, Drawing Number Z-3  
Exhibits G-1 to G-3.....Applicant-submitted 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 telecommunications facility consisting of the following:

- a. One 100-foot tall monopine tower pole including branches at the top to a maximum height of 107 feet; and
- b. Three Verizon Wireless antenna sectors with four antennas per sector mounted at the 98-foot elevation above ground level; and
- c. Two Verizon Wireless microwave dishes mounted substantially consistent as shown in Exhibit; and
- d. One 12-foot by 16-foot prefabricated ground equipment shelter to house equipment cabinets and associated equipment to be enclosed within a 6-foot tall chain link fenced enclosure, with dark brown vinyl slats installed for screening; and
- e. Two air conditioning units mounted on the outside of the equipment enclosure, and one standby generator and 210-gallon fuel tank mounted on a 6-foot by 13-foot concrete slab; and
- f. The lease area enclosure shall be accessed through two, 6-foot wide gates; and
- g. One shielded light to be mounted near the equipment shelter door; and
- h. One 4-foot tall lightning rod mounted on the top of the monopine pole; and
- i. One, 15-foot wide road and utility easement for access and undergrounding the electrical and Telco utilities for a distance of approximately 320 feet, to be located as shown on Exhibit F-2, Sheet Z-1; and

- j. The total lease area for the project structures shall measure 50 feet by 50 feet.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking 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 F-1 to G-3. 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. **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.
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. **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.

7. **Lighting:** One exterior emergency light is approved and shall be located as shown in Exhibit F-3, Sheet Number Z-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-3 and Sheet Z-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.

8. **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.
9. **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, brown vinyl slats, and fencing 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.
10. **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.

11. **Five-Year Review:** Due to the ever-changing technology of wireless communication technology and systems, this Special Use Permit shall be reviewed by the 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; and a narrative of how each condition of approval has been complied with. Development Services shall review the status report, and based upon an assessment of the information provided, current wireless technology, and possible local or cumulative impacts, determine whether to:
- a. Allow the facility to continue to operate under all applicable conditions; or
  - b. Schedule the Special Use Permit for public hearing with the approving authority to modify the conditions of approval in order to reduce identified adverse impacts; and/or
  - c. 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, or the facility is found to be operating in violation of the conditions of approval.

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 cover the cost of processing a five-year review on a time and materials basis in accordance with an executed Agreement for Payment of Processing Fees.

12. **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.
13. **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.

14. **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.
15. **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**

16. **Hazardous Material Storage:** Under the CUPA programs, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 lbs., 200 cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Department and applicable fees paid.

#### **Air Quality Management District**

17. 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. AQMD Rules 223 and 223.1, 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 and 223.1. In addition, a Fugitive Dust Mitigation Plan (FDMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
18. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
19. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
20. The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

21. The AQMD'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:
  - 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.
22. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501.3.A)
23. 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.

#### **El Dorado County Fire Protection District**

24. **Site/Inspection Review Fee:** The applicant shall submit a site review fee of \$150.00 prior to issuance of building permit.
25. **Street Address Signs:** The applicant shall post 12-inch minimum street address at the unnamed access road and main entrance. Proof of compliance shall be received from the applicant prior to building permit final.

26. **Fire Apparatus Access Roads:** Fire Apparatus Access Roads shall be minimum 20 feet in width. Said fire access road width shall be waived and current proposed road with shall be accepted with Condition #27 being met.
27. **Turnouts:** Driveways exceeding 150 feet in length shall provide a turnout near the midpoint of the driveway. Turnouts shall be a minimum of 10-feet wide and 30-feet long with a minimum of 25-foot taper at each end. Proof of compliance shall be received from the applicant prior to building permit final.
28. **Turnarounds:** The applicant shall provide a District Approved Turnaround within 50 feet of the structure. Current proposed turnaround does not meet standards. To meet District Standards, the length of the turnaround shall be increased by 10 feet, for a total of 60 feet in length. The applicants shall provide the District with a site plan that will be verified by the District for compliance with this condition, prior to issuance of a building and/or grading permit.
29. **Padlocks:** All Gates shall have Knox padlocks. Application can be obtained at the District's office: 4040 Carson Rd., Camino, CA 95709. Proof of compliance shall be received from the applicant prior to building permit final.
30. **Knox Box:** The applicant shall provide a Knox Box for the shelter. Application can be obtained at the district office. Proof of compliance shall be received from the applicant prior to building permit final.
31. **Keys:** The applicant shall provide keys for the shelter, generator and any locked cabinet. Proof of compliance shall be received from the applicant prior to building permit final.
32. **Vegetation Management:** Vegetation control is required inside the fence perimeter in perpetuity.
33. **Defensible Space:** A person who owns, leases, controls, operates or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands or land that is covered with flammable material shall maintain defensible space of 100 feet from each side and from the front and rear of the structure. (for the purposes of clarification, defensible space shall conform to the Applied forest Management Report, PRC 4291 fire safe clearance)
34. **Fire Extinguisher:** The applicant shall provide a fire extinguisher with a minimum 20BC rating. The extinguisher must be within 75 feet of the generator and mounted in weatherproof cabinet. Proof of compliance shall be received from the applicant prior to building permit final.

**Office of County Surveyor**

35. **Road Naming:** The road serving this parcel, as shown on PM39-125, shall be named by filing a completed Road Name Petition, with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to our office.
  
36. **Parcel Addressing:** Applicant shall assist Surveyor's Office, as requested, with address changes for parcels affected by the road name change and will be responsible for any fees.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S11-0014/SBA Communications Tower-Bucks Bar Road Planning Commission/March 22, 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 less than significant 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 Pleasant Valley area.

#### **3.0 ZONING FINDINGS**

- 3.1 The project site is zoned PA-30, 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 0.31 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.