



# 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**  
**March 22, 2012 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, Pratt, and Mathews; Paula Frantz-County Counsel\*; and Char Tim-Clerk of the Planning Commission.

*[\*Arrived at 8:58 a.m. and was in attendance at the start of the public hearing portion.]*

### 2. ADOPTION OF AGENDA AND ADDENDUM

Pierre Rivas announced that the approval of Design Review DR04-0019-R-2/Montano de El Dorado Retail Plaza-Retail/Office Building E had been rescinded and referenced Staff Memo dated 03-21-12, which was read into the record by Chair Pratt. As Item #9 was to consider the appeal of the approval of this project, that item was removed from the calendar.

**Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (3-0), to adopt the agenda and addendum with Item #9 being removed from the calendar.**

**AYES: Mathews, Rain, Pratt**

**NOES: None**

**ABSENT: Heflin, 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 23, 2012 *(continued from 3/8/12 meeting due to lack of a quorum)*

Staff Recommendation: Approve Meeting Minutes as presented

Chair Pratt pulled this item from the Consent Calendar due to not having a quorum to take action since Commissioner Rain would need to abstain from this item. Item will be moved to the next meeting

b. ~~Minutes: March 8, 2012~~

**THERE WAS NO MEETING DUE TO LACK OF A QUORUM**

**SPECIAL USE PERMIT – ONE YEAR REVIEW**

c. **S10-0009/Villa Florentina Bed & Breakfast:** Planning Commission approved project on March 24, 2011 with Condition #29 requiring a one-year review of noise and traffic impacts.

Staff Recommendation: Receive and file report, with no further annual reviews required

**END OF CONSENT CALENDAR**

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

**AYES: Rain, Mathews, Pratt**

**NOES: None**

**ABSENT: Heflin, Tolhurst**

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

Pierre Rivas had no items to report for Current Planning.

Peter Maurer provided a report on the following items for Long-range Planning:

- Targeted General Plan Amendment & Zoning Ordinance Update: The Community Workshops were concluding that night. These items are part of the Land Use Programmatic Update and he summarized the status.
- Transportation Commission – Draft ALUCP: This is being updated and Mr. Maurer confirmed that the Planning Commission would be interested in receiving a presentation on this in the near future.

*[Clerk's Note: County Counsel Report was provided at the end of the meeting.]*

County Counsel Paula Frantz stated that the appeals on the denials of the three billboards by the Planning Commission would be heard by the Board of Supervisors on March 27, 2012. She also spoke briefly on Design Review Revision DR04-0019-R-2.

**6. COMMISSIONERS' REPORTS**

Chair Pratt announced that he had attended the Community Outreach Workshop held at Pioneer Park. He also participated in the Ag Council held that morning and spoke on the upcoming bike event.

**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, although they did have a quorum to make decisions. He stated that Commissioners Heflin and Tolhurst 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, the earliest that there may be a full Commission would be at the April 26, 2012, hearing.

**7. PUBLIC FORUM/PUBLIC COMMENT**

Richard Flock stated that although Item #9 was taken off the calendar, he wanted the record to note that there were a number of people in the audience for that item and some had also attended the March 8, 2012 meeting (cancelled due to lack of a quorum).

**8. SPECIAL USE PERMIT**

**a. S11-0011/Pleasant Valley Pet Clinic** submitted by KAREN JACKETT (Agent: Jim Mault/Snowline Construction) for a 3,687 square foot animal/veterinary clinic and boarding facility for up to 6 dogs and 8 cats. The project would also include the following: 1) An outdoor exercise area to be located at the upper east side of the property measuring 20 feet by 20 feet; and 2) A monument sign measuring approximately 32.5 square feet. The property, identified by Assessor's Parcel Number 078-180-37, consisting of 1.37 acres, is located on the north side of Pleasant Valley Road, west of the intersection with Strauss Drive, in the Pleasant Valley area, Supervisorial District 2. [*Project Planner: Gina Paolini*] (Categorical Exemption pursuant to Sections 15301(1)(3) and 15302 of the CEQA Guidelines)\*\*

Gina Paolini presented the item to the Commission with a recommendation for approval.

Karen Jackett/applicant stated that the permit was to allow her to provide additional services to her clients. She explained that the exercise yard would be used solely for short walks and to allow the animals to relieve themselves. The animals would not be allowed there for long periods or unattended. Ms. Jackett also confirmed that the proposed sign would be double-sided.

Tom Bliss said that he lived the closest to the proposed site and after reading the Staff Report, he was in favor of the project.



**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 This project has been found to be categorically exempt from the requirements of CEQA pursuant to Sections 15301(1)(3) and 15302 of the CEQA Guidelines allowing the demolition and removal of individual small structures, and the replacement with a new commercial structure. The Special Use Permit would allow for the demolition of the existing structures and the replacement with one building on the existing site. As conditioned, the project would be consistent with the CP Zone District which requires a Special Use Permit for an animal clinic or shelter.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation permits service uses, such as a veterinary clinic that would provide a service to the residents and businesses in the community.
- 2.2 The proposal is consistent with General Plan policies, 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.5.2.2 (commercial facilities) 5.2.1.2 (adequate quantity and quality of water) and 7.4.4.4 (oak tree canopy). It has been determined that the project is consistent with the General Plan because the project is compatible with the land use and would provide a needed service to the Pleasant Valley community.

**3.0 ZONING FINDINGS**

- 3.1 The proposed use is permitted by Special Use Permit in the Planned Commercial (CP) zone district, pursuant to Section 17.32.150(B) of the County Code provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Code.

**4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT**

- 4.1 **The issuance of the permit is consistent with the General Plan;**

The project meets the intent of the General Plan because the proposed animal/veterinary clinic supports the intent of the uses allowed within the Commercial land use designation.

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

The proposed animal/veterinary clinic and boarding facility will comply, as conditioned, with the Development Standards of the CP zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Section 17.22, Special Use Permits. The proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the primary use will be contained within the building, with outdoor activity to be supervised in order not to be detrimental to the adjacent residential uses.

**4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The proposed use, as conditioned, is specifically permitted by Special Use Permit in a CP zone district pursuant to Section 17.32.150(B) of the El Dorado County Code.

**Conditions of Approval**

**El Dorado County Planning Services**

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

- Exhibit G .....Site Plan
- Exhibits H .....Floor Plan
- Exhibit I .....Building Elevations
- Exhibit J .....Landscape Plan
- Exhibit K .....Photometric Plan
- Exhibit L .....Monument Sign

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall 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:

A Special Use Permit for a 3,687 square foot animal/veterinary clinic and boarding facility for up to 6 dogs and 8 cats to be located on a 1.37 acre parcel known as APN 078-180-37 and to include the following:

- a. An outdoor exercise area located at the upper east side of the property measuring 20 feet by 20 feet and to have a three foot cyclone fence enclosing the area with landscape screening. Dogs shall be supervised when utilizing the exercise area.
- b. An internally illuminated monument sign measuring approximately 32.5 square feet, with a height of 6.5 feet and width of 5 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. **Site Plan:** All site improvements shall conform to Exhibit G.
3. **Project Modifications:** Building design, building placement and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
4. **Landscaping:** The final landscape plan shall comply with Chapter 17.18.090 of the County Code. The applicant shall submit the landscape plan for review and approval by Planning Services prior to issuance of grading and building permits. The property owner shall maintain landscaping for the life of the project.
5. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code, and shall conform to the approved site plan. Planning Services shall review and approve the parking plan prior to issuance of a building permit.
6. **Business License:** The applicant shall obtain a business license prior to initiation of the use.
7. **Site Lighting:** All outdoor lighting 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. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

8. **Condition Compliance:** Prior to issuance of certificate of occupancy 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 occupancy or issuance of a building permit for verification of compliance with applicable Conditions of Approval.
9. **Processing Fees:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.
10. **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 applicant 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 by El Dorado County.

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

11. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project
12. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Special Use 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.

#### **El Dorado County Department of Transportation**

13. **Encroachment Permit:** The applicant shall finalize an open encroachment permit dated June 3, 2011 (Permit No. 201827) for the provisions of County Design STD 103C prior to initiation of any use permitted by the approval of the Special Use Permit.

#### **El Dorado County Environmental Management Department**

14. **Disposal System:** The proposed disposal system shall be reviewed and designed based on the proposed sewage flows of the clinic. The design shall include an area that can support 300 percent replacement of the disposal field. Methods to remove hair and animal feces from the liquid waste flow shall be provided. The disposal system shall be



reviewed and approved by the Environmental Management Department prior to issuance of a building permit.

15. **Hazardous Materials:** If any hazardous materials handling has taken place from commercial, industrial, agricultural, or mining activities on the site in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

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

16. **Site Plan:** The applicant shall submit a site review fee to the District of \$150.00 prior to issue of building permit.
17. **Fire Sprinklers:** Buildings 3,600 square feet or greater require a NFPA 13 compliant fire sprinkler system. The system (valves, flow switches, etc.) shall be monitored by and approved UL list central station. This project is 3,685 square feet and shall be subject to this requirement. The District shall review and approve the system prior to issuance of a building permit.
18. **Fire Flow:** The fire flow for this project is 1,750 gallons per minute for two hours at 20 psi. The flow can be reduced to 1,500 gallons per minute if Condition No. 17 is met. The District shall review and approve the fire flow requirements prior to issuance of a building permit.
19. **Facility Improvement Letter:** A Facility Improvement Letter (FIL) shall be required from the El Dorado Irrigation District (EID) to verify the water system can supply the required flow. The FIL shall be submitted prior to issuance of a building permit.
20. **Fire Hydrants:** A fire hydrant is required to be within 150 feet of all portions of the building, as measured on an approved fire apparatus roadway. The existing hydrants in the area do not meet this requirement. This distance can be increased to use the existing hydrants if Condition 17 is met. The District shall review and approve fire hydrant requirements prior to issuance of a building permit.
21. **Review Process:** Further review processes will be required as the project moves forward, e.g. building plan review, sprinkler plan review.

b. **S11-0014/SBA Telecommunications Tower-Bucks Bar Road** submitted by SBA TOWERS, INC. (Agent: Mark Lobaugh) to allow the construction of a wireless telecommunication facility consisting of a 100-foot tall monopine tower with 12 antennas. The

property, identified by Assessor's Parcel Number 046-270-18, consisting of 20.1 acres, is located approximately 2,500 feet northeast of the intersection of Cattle Creek Lane and Bucks Bar Road, in the Pleasant Valley area, Supervisorial District 2. [*Project Planner: Tom Dougherty*]  
(Negative declaration prepared)\*

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

Mark Lobaugh/applicant's agent stated that this project would increase the capacity in the area for cellular users and felt that they have addressed any visibility issues. They would accept all the proposed conditions.

Joe Herrlie, property owner of subject parcel, said that the proposed site was ½ mile in from Bucks Bar Road and the area was surrounded by other trees.

Chair Pratt closed Public Comment.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (3-0), to 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 based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Mathews, Rain, Pratt**

**NOES: None**

**ABSENT: Heflin, Tolhurst**

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 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.

**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 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.