

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



Agenda of:	May 10, 2012
Item No.:	8.a
Staff:	Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S11-0016/Verizon Wireless Telecommunications Tower-Greenwood

APPLICANT: Verizon Wireless

AGENT: Mark Lobaugh, Complete Wireless Consulting, Inc.

ENGINEER: MST Architects

REQUEST: Special Use Permit to allow the construction of a wireless telecommunications facility consisting of a 105-foot tall monopine tower with 12 antennas.

LOCATION: North side of Pilgrim Court, approximately 900 feet southwest of the intersection with State Route 193, in the Greenwood area, Supervisorial District 4. (Exhibit A)

APN: 074-230-25 (Exhibit B)

ACREAGE: 5.58 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor-Mineral Resource (LDR-IBC-MR) (Exhibit C-1)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and

2. Approve Special Use Permit S11-0016 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: Request for a special use permit to allow the construction of a wireless telecommunication facility consisting of a 105-foot tall monopine tower with three antenna sectors containing four antennas per sector mounted at the center line of 92 feet above ground level, with one, four-foot wide and one, six-foot wide microwave dish mounted at a height to be determined. The actual monopine pole is proposed to be 95-feet tall; the branches at the top are proposed to reach the 105-foot height. The facility is also proposed to include an 12-foot by 16-foot prefabricated concrete ground equipment shelter to house equipment cabinets and associated equipment to be enclosed within a 6-foot tall chain link fenced area with vinyl slats within a 30-foot by 60-foot lease area. Two air conditioning units are proposed to be mounted in the exterior wall of the concrete equipment shelter. One 48 kw standby diesel generator with a 210-gallon fuel storage tank would be located within the lease area.

Site Description: The site is within a 5.58-acre parcel located at approximately the 1,800-foot elevation above sea level. There is an existing single-family dwelling with an existing attached garage located on the parcel approximately 240 feet to the southwest of the proposed lease area. The existing access driveway dead ends at the proposed lease area. This area has been previously graded flat and is currently used by the project owners for storage of building materials. The topography slopes downhill in all directions from the location of the existing project parcel residence. The majority of the site is covered with tree canopy with the exception of the proposed lease area, existing dwelling area, and both driveways, all of which have been predominately cleared of trees. A Georgetown Divide Public Utility District water conveying ditch runs through the northwestern portion of the project parcel.

Adjacent Land Uses:

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

Discussion: The surrounding parcels are designated for residential uses by the General Plan. The closest residential structure on a surrounding parcel is located approximately 280 feet to the east of the lease area measured by air photo. The ground equipment would be shielded from the residential parcels in all directions by existing vegetation, the slatted chain link fencing, and by the various abrupt changes in elevation surrounding the proposed lease area location.

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

Access: The project site is accessed from State Route 193 along Pilgrim Court for a distance of approximately 1,200 feet. Pilgrim Court, a private roadway, is currently graveled up to the existing dirt driveway just past the existing residence of the project parcel owner. This existing dirt/graveled driveway leads to an area of the parcel located approximately 160 feet from the encroachment onto Pilgrim Court to the proposed lease area.

DOT has reviewed the project and determined that the access roads are adequate for the proposal. The Garden Valley Fire Protection District has recommended conditions assuring that an adequate turnaround will be provided at the site to accommodate their equipment.

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 30-foot by 60-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 195 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 west of the proposed lease area within the project parcel. The trench would be located within a proposed 6-foot wide utility easement to be located shown in the attached Exhibit E-2. The service would connect with the existing transformer and telephone communication wires and is not proposed to require any tree removal.

General Plan: The project site is designated for Low Density Residential (LDR) uses and has both an Important Biological Corridor (IBC) and Mineral Resource (MR) overlays. The policies and issues that affect this project are discussed below:

Mineral Resource Overlay: **Policy 2.2.2.7** states that *the purpose of the Mineral Resource (-MR) overlay designation is to identify those areas that are designated as Mineral Resource Zone 2*

(MRZ 2xx) on the State Classification Reports. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

Discussion: Review of the California Department of Conservation CGS Open-file Report 2000-03 Generalized Geologic Map showed a potential for a Jm, Mariposa Formation of with dark gray slate in the vicinity and MSV, Metasedimentary and Metavolconic formations. The project is shown within a MRZ-4 District which are areas within the county of unknown mineral resource significance. Because of the relatively small project footprint size, and the absence of any known important mineral resources, the proposed project would not be anticipated to impact important mineral resources.

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 properties. 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 with surrounding vegetation. 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 Garden Valley Fire Protection District for emergency ingress/egress capabilities. The Fire District has conditioned the project to meet the minimum Fire Safe standards for the on-site access driveway width and surfacing 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 south side of the equipment shelter which provide cooling for the cabinets located within the equipment shelter. They will not operate simultaneously. The project proposal also 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 December 1, 2011) was submitted which analyzed the noise levels of the two air conditioners and generator. 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. A copy of the study is included as Attachment 6 to the Negative Declaration and Initial Study included in Exhibit L.

Biological Corridor: **Policy 7.4.2.9** identifies the site with an *Important Biological Corridor (IBC) overlay. This would be applied to lands identified as having high wildlife values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district would be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural Lands (AL) designation, the land use restrictions associated with the IBC policies would not apply to the extent that the agricultural practices do not interfere with the purposes of the IBC overlay. Lands located within the overlay district would be subject to the following provisions listed in the table below:*

Guideline	Project Design Feature
Increased minimum parcel size	No change to the parcel size is proposed.
Higher canopy-retention standards and/or different mitigation standards for oak woodlands	No trees are proposed to be removed as part of this project proposal.
Lower thresholds for grading permits	Minor grading for surfacing improvements of the existing access driveway and surface grading to prepare the lease area and turnaround are anticipated. As the project parcel is relatively flat and devoid of trees and shrubs in these areas, the impacts would not be considered significant.
Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss	No wetland/riparian habitat loss would occur as a result of the project because no wetland features have been identified within the project parcel.
Increased riparian corridor and wetland setbacks	No riparian corridors or wetland were found to

	exist on the site.
Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Dept. of Fish & Game).	The proposed project is not located El Dorado County Plant Mitigation Area and does not have any Ecological Preserve overlay designation. The Mayhem very rocky loam soils identified to exist within the parcel boundaries by the Soil Survey of El Dorado County are not know to support the rare plants known as <i>Pine Hill Endemics</i> in the General Plan.
Standards for retention of contiguous area/large expanses of other (non-oak or non-sensitive) plant communities	The project would not be anticipated to remove existing vegetation. No improvements resultant of a project approval would be anticipated to reduce the area of existing plant communities other than the non-native grasses.
Building permits discretionary or some other type of "site review" to ensure that canopy is retained	No trees would be anticipated to be removed as part of this application proposal.
More stringent standards for lot coverage, floor area ratio (FAR) and building height	Given the 5.58 acre parcel size, and relatively small projected project footprints, more stringent standards would not be anticipated to be required for this project.
No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement)	The project parcel contains continuous vegetative cover in the form of trees and shrubs. Because the six-foot tall fencing around the 30-foot by 60-foot project lease area and existing access driveway are proposed for areas previously graded and currently devoid of trees and shrubs, no significant hindrance of wildlife movement would be anticipated.

Conclusion: The project has been reviewed in accordance with the General Plan policies, and it is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The parcel is zoned Estate Residential Five-Acre (RE-5). County Code permits wireless communication facilities in all districts with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210.D of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

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 December 20, 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 Greenwood/State Route 193 local area and to fill up the cellular communications gap in coverage between Cool and Georgetown. Another goal is to create one structure that could potentially accommodate 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-simulations to show 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 conforms with 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 30-foot by 60-foot lease area. As illustrated in the photo simulations, site plan and elevations, the tower and ground equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing surrounding vegetation. The ground equipment will further be screened from views by the existing vegetation.
 - 2. **Setbacks:** The RE-5 Zone District requires 30-foot side setback from the property lines for a structure such as a telecommunications facility components. The site plan, Sheet C-1, shows the closest property line is approximately 73 feet away.
 - 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 conditions are recommended to require that the colors and materials of the equipment building, ground support equipment be maintained at all times and to be consistent with the features depicted in the visual simulations and elevations. A condition of approval has been included requiring the perpetual maintenance of the facility.

- G. **Radio Frequency (RF) Requirements:** Section 17.14.210.G of the County Code requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC). The RF analysis dated November 25, 2011 found that for a person anywhere at ground level, the maximum RF exposure level due to the Verizon Wireless operation was calculated to be 0.0033 mW/cm² which is 0.59 percent of the applicable public exposure limit. *The maximum calculated level at the second-floor elevation of any nearby residence would be 0.75 percent of the 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. A copy of the study is included as an attachment to the Negative Declaration and Initial Study in Exhibit L.

- 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 and Public Comments: The following agency and public group/committee were provided project details for review for comments and/or concerns 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
Greenwood Civic Organization

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study, (Environmental Checklist Form and Discussion of Impacts, included in the attached as Exhibit L), 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-1	General Plan Land Use Designations Map
Exhibit C-2	General Plan Land Use Designations Map with Important Biological Corridor Overlay
Exhibit C-3	General Plan Land Use Designations Map with Mineral Resources Overlay
Exhibit D	Zoning Designations Map
Exhibit E-1	Plot Plan and Site Topography, Sheet Number C-1
Exhibit E-2	Overall Site Plan, Sheet Number A1.1
Exhibit E-3	Enlarged Equipment Plan, Antenna Plan, Sheet Number A2.1
Exhibit E-4	Project Elevations, Sheet Number A3.1
Exhibits F-1 to F-3	Visual Simulations
Exhibit G	Applicant-submitted <i>Project Support Statement</i> (3 pages)
Exhibits H-1 to H-3	Applicant-submitted <i>Zoning Coverage Maps</i> (3 pages)
Exhibit I	Applicant-submitted <i>Alternative Analysis</i> ; December 20, 2011 (3 pages)
Exhibits J-1 and J-2	Site Visit Photos
Exhibit K	Aerial Photo
Exhibit L	Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S11-0016/Verizon Wireless Telecommunications Tower-Greenwood Planning Commission/May 10, 2012

Planning Services

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

Exhibit E-1Plot Plan and Site Topography, Sheet Number C-1

Exhibit E-2Overall Site Plan, Sheet Number A1.1

Exhibit E-3Enlarged Equipment Plan, Antenna Plan, Sheet Number
A2.1

Exhibit E-4Project Elevations, Sheet Number A3.1

Exhibits F-1 to F-3Visual 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 the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 5.58-acre parcel identified by Assessor's Parcel Number 074-230-25, and consisting of the following:

- a. One 105-foot tall monopine tower (tallest branches 105 feet; top of metal pole to be 95 feet, both above ground level);
- b. Three antenna sectors containing three antennas per sector (12 total antennas) mounted at the centerline of 92 feet above ground level;
- c. One six-foot, and one four-foot diameter microwave dish mounted in tandem as shown on Sheet A3.1;
- d. One 12-foot by 16-foot prefabricated ground equipment shelter to house equipment cabinets and associated equipment, the height shall be consistent with that shown on Sheet A3.1;
- e. One 6-foot tall chain link fence with barbed wire on top constructed around the perimeter of the 30 by 60-foot lease area, with dark brown vinyl slats installed for screening with two 6-foot wide gates for access;
- f. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A2.1, and one diesel generator with a 210 gallon fuel tank mounted on a 6-foot by 13-foot concrete slab;

- g. One shielded light mounted near the equipment shelter door as shown in Exhibit E-2, Sheet Number A-2;
- h. Two GPS antennas mounted on the roof top of the concrete shelter building at a height consistent with Sheet A3.1;
- i. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 195 feet, to be located as shown on Sheets A1-1 and A2.1.

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 F-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. **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 located as shown on Sheet A3.1. 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 fixture specification sheet and location shall be submitted for review and approval by Planning Services with the building permit application and shall be reviewed for conformance with Sheet A3.1 prior to issuance of a building permit. The light shall be activated with motion-sensor or timer.

Should final, installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. **Collocations:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Development Services Director if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Director find that additional noise may create a significant impact; the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.

8. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The "branches" shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. The fenced enclosure shall contain dark green or brown slats and shall not have gaps at any portion where it touches ground level. No antenna shall project out past the "branch" tips. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.

9. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each

condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.

10. **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 systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:
 - a. Allow the facility to continue to operate under all applicable conditions; or
 - b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

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. Under the CUPA programs, because 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 Environmental Management 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. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
18. Project construction involves road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

19. The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways
20. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
21. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
22. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures:

 - a. Use low-emission on-site mobile construction equipment.
 - b. Maintain equipment in tune per manufacturer specifications.
 - c. Retard diesel engine injection timing by two to four degrees.
 - d. Use electricity from power poles rather than temporary gasoline or diesel generators.
 - e. Use reformulated low-emission diesel fuel.
 - f. Use catalytic converters on gasoline-powered equipment.
 - g. Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
 - h. Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - i. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - j. Configure construction parking to minimize traffic interference.
 - k. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
23. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

24. All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment.

ATTACHMENT 2

FINDINGS

Special Use Permit S11-0016/Verizon Wireless Telecommunications Tower-Greenwood Planning Commission/May 10, 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 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.2.7 because after review of the California Department of Conservation CGS Open-file Report 2000-03, and the fact the project impact area is a 30-foot by 60-foot lease area, 195 feet of trenching, and minor driveway improvements to an existing driveway results in the conclusion that the project is not anticipated to prevent the loss of any future potential to mine an important mineral resource; and
 - b. 2.2.5.9 (support in a residential area) and 2.2.5.21 (compatibility with surroundings) because a cellular telecommunications facility has historically been considered to be a public facility and the project would provide residential support uses. As conditioned, it 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 Greenwood, Garden Valley, and Cool areas;

- c. 5.6.1.4 (Special Use Permit required) because the applicant has designed the wireless facility to comply with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. The aesthetics of the proposed monopine tower 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;
- d. 6.2.3.2 (adequate access) because the project will meet the minimum Fire Safe standards for the on-site access driveway width and surfacing as well as the turnaround capacity for emergency vehicles at the lease area site to the satisfaction of the Garden Valley Fire Protection District;
- e. 6.5.1.2 and 6.5.1.7 (noise exposure) because the acoustical analysis demonstrates that the project will 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;
- f. 7.4.2.9 (Important Biological Corridor) because the project parcel is 5.58 acres in size and the development of the 30-foot by 60-foot fenced lease area, a 195-foot long trench within a six-foot wide easement, and re-surfacing of the existing access driveway within previously graded parcel areas devoid of trees, will not create significant negative effects on the existing wildlife corridors within the vicinity of the lease area.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned RE-5, which allows wireless communication facilities subject to the standards and permitting requirements of Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

4.0 SPECIAL USE PERMIT FINDINGS

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

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 as set forth in Finding 2.1.

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 project is anticipated to result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. 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 0.59 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 (monopoles subject of a special use permit; 17.14.210.E through J (facility requirements/analysis), 17.28.200.C (special use permit required for public utility structures in the RE-5 Zone District), and 17.28.210.D (minimum yard setbacks for RE-5 Zone District).