



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Lou Rain, District 1
Tom Heflin, District 3
Brian Shinault, District 5

Char TimClerk of the Planning Commission

Minutes

Regular Meeting September 13, 2012 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:33 a.m. Present: Commissioners Rain, Heflin, Pratt, Mathews and Shinault; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (5-0), to adopt the agenda as presented.

AYES: Mathews, Shinault, Heflin, Rain, Pratt
NOES: None

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 member of the public requested that Item 4.b be pulled from the Consent Calendar for discussion.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (5-0), to pull Item 4.b from the Consent Calendar.

AYES: Rain, Shinault, Heflin, Mathews, Pratt
NOES: None

a. Minutes: August 9, 2012

Staff Recommendation: Approve Meeting Minutes as presented

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to approve Item 4.a of the Consent Calendar.

AYES: Rain, Heflin, Mathews, Pratt

NOES: None

ABSTAIN: Shinault

Five-Year Cell Tower Review – Special Use Permit

[Clerk's Note: Item 4.b was heard at the start of the Public Hearing portion.]

b. **S04-0028/AT&T Latrobe-Old Station** submitted by AT&T Wireless (Agent: Catherine Funtanilla) for a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 087-091-01, consisting of 38.71 acres, is located on the west side of Old Station Road, approximately 1,800 feet west of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District 2. *[Project Planner: Gina Paolini]* (Previously adopted Negative Declaration)

Staff Recommendation: Clarify motion made on August 9, 2012 included recommended changes to Condition 1 as identified in submitted Staff Memo 08-08-12

Item 4.b was pulled from the Consent Calendar at the request from a member of the public.

Gina Paolini stated that this item had been on the Consent Calendar when heard at the previous hearing and a Staff Memo recommending changes to Condition #1 had been provided to the Commission that day and there was concern that the Commission had not seen it. Peter Maurer explained that this project was brought back today to ensure that the modification recommended in the Staff Memo dated 08-08-12 was included in the Commission's motion.

John Bohatch, owner of the property in question, described the difficulties he has been having with AT&T locking the gates and, thereby, denying him access to his property. In addition, there is a condition that requires emergency phone numbers to be posted on the gates and that is not being followed. Mr. Bohatch explained that since he has not been able to resolve the issue with AT&T, he was hoping the Commission could assist.

Commissioner Shinault felt that this was more of an issue between landlord and tenant.

Chair Pratt didn't believe that this type of issue was in the Commission's purview.

Commissioner Mathews suggested directing staff to notify AT&T of the access issue with the landlord.

Commissioner Heflin felt it was a civil matter.

Mr. Maurer stated that Condition #13.d addressed the gates but only as they related to the Fire Department.

Chair Pratt suggested adding a new condition, Condition #13.g, requiring AT&T to provide a landlord lock.

Evan Turburgen, applicant's agent, was in agreement with the new condition.

County Counsel Paula Frantz confirmed that Commissioner Shinault could vote on this item as it was based on the evidence presented at today's hearing.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (5-0), to take the following actions: 1. Confirm prior action taken on August 9, 2012 included the recommended changes to Condition 1 as identified in Staff Memo dated 08-08-12; and 2. Amend Condition #13 to add #13.g requiring the applicant to provide a landlord lock.

AYES: Heflin, Shinault, Rain, Mathews, Pratt
NOES: None

Conditions of Approval

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below:

Exhibit D.....Site Plan
Exhibit EElevation

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 allowing the construction and operation of a multi-user wireless telecommunication facility within an existing 38.71 –acre parcel identified as APN 087-091-01, and consisting of the following:

- a. One 80-foot steel monopole,

- b. A 20 foot by 20 foot fenced lease area. The fence shall be six feet tall and constructed of chain link with three strands of barbed wire on top.
- c. Three antenna sectors and four antennas per sector (12 total antennas) for AT&T mounted at an 80 foot center line above ground level.
- d. One microwave dish mounted at a 73 foot center line above ground level.
- e. One microwave dish mounted at a 34 foot -6 inch center line above ground level.
- f. A 3 foot by 4 foot concrete slab to accommodate a Purcell cabinet measuring 30 inches in height, 21 inches in width and 27 inches in depth.
- g. Power and telco cabinets, utility rack and addition expansion area for four future cabinets.
- h. One, 12 foot wide access and utility easement, for a distance of approximately 830 feet. The easement would be utilized to underground the electrical and telecommunications utilities and for providing a 12-foot wide gravel driveway for the required unobstructed fire access to the site.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.

- ~~1. Issuance of Special Use Permit S04-0028 for an 80 foot steel monopole with up to 12 panel antennas to be located at 1500 Old Station Road. Twelve panel antennas in three groups of fours (sectors) would be mounted on an antenna array mount. The antenna panels would be approximately 10.4 inches wide, 51 inches long and 4.6 inches deep. All antennas would be made of non-reflective materials.~~

~~This special use permit authorizes Cingular Wireless to place the monopole and ground equipment within a 20 by 20 foot lease area to be enclosed by a 6-foot-high chain link fence, with three strands of barbed wire. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint utility pole. There would be a 12-foot-wide gate on the east side of the enclosure.~~

~~Access to the site is provided from Old Station Road. An 830-foot access road is to be constructed to access the lease area and tower. The access to the tower is to be widened to 12 feet and will have a 4 inch thickness of three-quarter inch Class II aggregate base, as required by the Department of Transportation. Modifications have been required to~~

~~accommodate fire turn-around access and to maintain a minimum 15-foot vertical clearance above the access road, as required by the Latrobe Fire Protection District.~~

~~This special-use permit authorizes maintenance personnel to visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation.~~

Mitigation Measures

2. During all grading and construction activities in the project area, an archaeologist or historian approved by the ~~Deputy~~ Director of Development Services shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

3. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

PROJECT CONDITIONS

4. All site improvements shall conform to the site plan(s) and elevations attached as Exhibits D and ~~the elevations as shown on E.~~
5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.
6. For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed

leased area and provided that any one of the proposed carrier installs no more than three antenna sectors and four antennas per sector (12 total antennas)24 panel antennas per carrier are placed on the monopine at any one time, and that there shall not be an increase in overall height of the tower with no increase in height.

7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
8. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
9. All obsolete or unused communication facilities shall be removed within six (6) 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 condition.
10. ~~Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Planning Commission every five (5) years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the Special Use Permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this Special Use Permit. The applicant shall pay a fee as determined by the Deputy Director of Development Services to cover the cost of processing a 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 determine whether to:

- a. Allow the facility to continue to operate under all applicable conditions; or
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the

special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

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

El Dorado County Building Services

11. The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.

El Dorado County Environmental Management Department

12. The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department-Hazardous Materials Division for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

Latrobe Fire Protection District

13. The project shall comply with the following requirements of the Latrobe Fire Protection District which include but shall not be limited to:
 - a. The Latrobe Fire Protection District shall review and approve the project plans prior to issuance of a building permit.
 - b. The applicant shall install an approved all weather surface turnaround at the site of adequate size to turn a fire engine around. The access road and turnaround shall be approved by the Latrobe Fire Protection District and shall be installed prior to final inspection of the facility.
 - c. The applicant shall install a minimum 10 foot wide traffic lane with a vertical clearance of 15 feet. The Latrobe Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
 - d. The applicant shall provide low priority "knox" access to the structure and "knox" padlock for emergency access to the 12- foot gate. The Latrobe Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.

- e. The applicant shall install a sign with the emergency phone numbers on the fence by the gate. The Latrobe Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
- f. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the Latrobe Fire Protection District prior to issuance of a building permit.
- g. The applicant shall provide a landlord lock.

El Dorado County Department of Transportation

14. The project shall comply with the requirements of the Department of Transportation which shall include the following:
 - a. The applicant shall place a minimum of 4 inch thickness of three-quarter inch Class II aggregate base along a 12-foot wide access easement from the leased area to Latrobe Road. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
 - b. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit

END OF CONSENT CALENDAR

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

Roger Trout, Development Services Director, spoke on the following items:

- Board of Supervisors approved an Ordinance rescinding the Oak Woodlands Management Plan Ordinance, removing Option B;
- Meyers Community Plan;
- A07-0018/Z07-0054/PD07-0034/P08-0017/Diamond Dorado Retail Center was approved by the Board of Supervisors and the Development Agreement will be coming before the Commission in the near future;
- Summarized progress on the LUPPU and Zoning Ordinance Update;
- Department budget;
- Welcomed Brian Shinault to the Planning Commission;
- Pending Projects: Dixon Ranch, San Stino, and 3 Specific Plans (Marble Valley, Central El Dorado Hills, and Gallo Company); and

- Urgency Sign Ordinance was passed last month and expires 45 days from adoption, therefore, an Ordinance extending this is being brought before the Board of Supervisors for review next week.

Paula Frantz provided more information on Rescission Ordinance (OWMP), Diamond Dorado Retail Center, Development Agreements, and Specific Plans.

Peter Maurer had no items to report for Current Planning.

6. COMMISSIONERS' REPORTS

Commissioner Rain spoke on the late Planning Commissioner Alan Tolhurst's memorial that had been held the previous weekend.

Commissioner Heflin complimented staff in the guidance provided on a recent variance project in the Fallen Leaf Lake area. He was in that vicinity recently and the project had been done very nicely. He referred to a letter he received from Barbara Winje regarding the David Girard project that had been continued off-calendar and confirmed with staff that a copy was in the project file.

9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. SPECIAL USE PERMIT

a. Special Use Permit Revision and Five-Year Cell Tower Review – S02-0030-R/AT&T-Tahoma submitted by AT&T WIRELESS (Agent: John Yu/Lyle Company) for a five-year review of an existing 95-foot monopine cellular telecommunications facility and revision to the Special Use Permit to allow for the addition of: A) Two equipment cabinets; B) Two antennas mounted at a height of 75 feet; C) Six radio units (RRU's) mounted along the new antennas; and D) One GPS antenna. The property, identified by Assessor's Parcel Number 015-331-29, consisting of 0.75 acres, is located on the east side of Wilson Avenue, approximately 0.2 miles south of the intersection with Highway 89, in the Tahoma area, Supervisorial District 5. *[Project Planner: Gina Paolini]* (Previously prepared Negative Declaration)

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

Peter Maurer indicated that public comment had been received on this item.

John Yu, applicant's agent, said staff presented a good overview of the project.

Chair Pratt closed Public Comment.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (5-0), to take the following actions: 1. Find that the previous Negative Declaration prepared for the project sufficiently analyzed the project and the modifications made to the Conditions of Approval do not raise new environmental impacts; 2. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S02-0030-R; and 3. Approve revisions to Special Use Permit S02-0030-R based on the Findings and subject to the Conditions of Approval as presented.

AYES: Rain, Shinault, Mathews, Heflin, Pratt
NOES: None

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 Staff has determined that, pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

Conditions of Approval

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below:

Exhibit D.....Site Plan
Exhibit E.....Enlarged Site Plan
Exhibit F.....Elevations
Exhibit G.....Details
Exhibit H.....Antenna Details
Exhibit I.....Equipment Details
Exhibit J.....Electric Plan
Exhibit K.....Antenna Plumbing Diagram

~~1. This special use permit revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through G dated May 24, 2007 and conditions of approval set forth below.~~

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of the Special Use Permit allowing the construction and operation of a multi-user wireless telecommunication facility within an existing 0.75 –acre parcel identified as APN 015-331-29, and consisting of the following:

- a. One 123-foot steel monopine.
- b. A 18 foot by 30 foot fenced lease area, with fence being six feet tall and constructed of chain link with three strands of barbed wire on top.
- c. One equipment shelter, with equipment cabinets enclosed within the shelter.
- d. Power, telco cabinet and utility rack located outside the equipment enclosure.
- e. Two antennas mounted at a 110 foot center line above ground level.
- f. Two antennas mounted at a 105 foot center line above ground level.
- g. Two antennas mounted at a 75 foot center line above ground level, with four remote radio units and one surge suppressor.
- h. One GPS antenna mounted to existing post within enclosure.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.

~~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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.~~

The project, as approved, consists of the following:

~~Collocation of eight (8) new wireless antennas at the 95-foot centerline elevation, to be located on an existing 110-foot monopole wireless communication tower disguised as a pine tree. The new antennas would be screened within the existing branches of the monopine. The project includes a 20-foot by 30-foot (600 square feet) lease area for a new 10-by 16-foot (160 square feet) equipment shelter adjacent to the base of the tower and east of an existing AT&T equipment shelter. The existing lease area, enclosed by an existing six (6)-foot tall chain link fence with wood slats, would be enlarged to accommodate the proposed additional equipment shelter. Access to the facilities would involve an extension of the existing A.C. pavement from the County parking lot. A 10-foot wide gate would be constructed for entrance on the northwest side of the lease area. Plans, included as Exhibits D-1 through D-4, show 300 square feet of pavement would be removed and replaced with the proposed equipment shelter and its concrete stoop, while also resulting in 95 square feet of area to be planted with native grasses. The facility would be unmanned and visited approximately once per month for maintenance purposes.~~

2. **Project Implementation:** Pursuant to County Code (Section 17.22.250) implementation of the project (i.e., obtaining building permit) must occur within twenty-four months (24) 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 the conditions of approval.
3. **Maintenance:** All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with the approved conditions, site plans, and photo simulations. The proposed T-Mobile equipment shelter shall be wood-sided and painted to match the existing AT&T wood-sided equipment shelter.
- ~~46.~~ **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased, or the facility has been abandoned. The applicant shall notify the Planning Department at the time of

abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition.

~~8. No building permits shall be issued until final lease agreements are signed, as needed, between AT&T (owner of the existing monopine) and the applicant T Mobile, Inc. for operation of the new antennas, as well as between T Mobile and the County for placement of the new ground equipment.~~

59. **Conformance Documentation:** Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site.

~~67. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. The original facility, approved by the Planning Commission on January 9, 2003, is still operational. Based upon the review conducted for this collocation application, the facility is considered to be approved for use through a date five years after Planning Commission approval of the revised special use permit. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communication technology, and possible local or cumulative impacts, determine whether to: 1) Modify the conditions of approval in order to reduce identified adverse impacts; and 2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.~~

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 determine whether to:

- a. Allow the facility to continue to operate under all applicable conditions; or
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

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

~~740.~~ **Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.

8. **Co-location:** For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carrier installs no more than two antenna sectors and two antennas per sector (4 total antennas) per carrier at any one time, and that there shall not be an increase in overall height of the tower.

9. **Television Interference:** The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.

~~1011.~~ 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, as provided in Section 66474.9(b) of the California Government Code.

~~The subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.~~

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.

El Dorado County Building Services

11. **Building Permit:** The applicant shall obtain a building permit from El Dorado County Building Services for project facilities prior to the commencement of construction.

Meeks Bay Fire Protection District Department

124. **Building Permit Review:** Plans shall be reviewed and approved by the Meeks Bay Fire Protection District prior to issuance of a building permit.

Tahoe Regional Planning Agency (TRPA)

135. **TRPA Approval:** The applicant will be required to obtain all necessary permits from TRPA prior to issuance of a County building permit. Any TRPA conditions of approval that require modification of the project as approved by the County must be re-reviewed and approved by the County for conformity with this approval.

El Dorado County Environmental Management Department

14. **Hazardous Materials Plan:** The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department-Hazardous Materials Division for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

b. Special Use Permit Revision S89-0071-R/Borello Commercial Kitchen submitted by ANTOINETTE BORELLO to allow the installation of a commercial kitchen for the purpose of preparing food to be sold/catered off-site. The property, identified by Assessor's Parcel Number 071-032-43, consisting of 70 acres, is located South side of State Route 193 approximately one mile east of State Route 49, in the Cool area, Supervisorial District 4. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)**

Tom Dougherty presented the item to the Commission with a recommendation for approval. He referenced Staff Memo dated September 13, 2012 recommending modification to Condition #10.

The applicant was present and available for any questions.

Chair Pratt closed Public Comment.

Commissioner Rain recommended deleting the last 2 sentences in Condition #9 as they were not applicable.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (5-0), to take the following actions: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and 2. Approve Special Use Permit Revision S89-0071-R based on the Findings and subject to the Conditions of Approval modified as follows: (a) Amend Condition #10 as identified in Staff Memo dated September 13, 2012; and (b) Amend Condition #9 by deleting the last two sentences.

AYES: Heflin, Shinault, Mathews, Rain, Pratt
NOES: None

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 determined that the project is exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which exempts the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the land use designation of LDR because as a home occupation it is allowed with an approved Special Use Permit.
- 2.2 The project is consistent with the following General Plan policies:

As conditioned, the proposal is consistent with the intent of 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 10.1.7, 10.1.7.2, and 10.1.7.4 (promotion of home-based occupations), because the project would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste. The project would not create excessive noise nor affect biological resources because it is proposed within an existing accessory building with no changes to the exterior structure. The project provides an opportunity for home-based employment.

3.0 ZONING FINDINGS

- 3.1 The project is zoned Estate Residential Five-Acre which allows home occupations not listed in subsection C of Section 17.28.190, which require special considerations with an approved Special Use Permit and pursuant to Section 17.28.200.G.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because the project would be located entirely within an existing, approved structure.

4.0 SPECIAL FINDINGS

- 4.1 **The issuance of the permit is consistent with the General Plan.** The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of these findings.
- 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 it will occur entirely within an existing building. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. The proposed use would not 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.
- 4.3 **The proposed use is specifically permitted by Special Use Permit.**

Section 17.28.200.G permits by Special Use Permit home occupations within an accessory building.

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 ESite Plan
- Exhibit F.....Floor Plan
- Exhibit G.....Elevation

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.