

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



Agenda of: November 8, 2012
Item No.: 9.c
Staff: Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S04-0047-R/AT&T Telecommunications Tower-Pilot Hill

APPLICANT: AT&T

AGENT: Forza Telecom

ENGINEER: Borges Architectural Group

REQUEST: Revision to an approved Special Use Permit to allow the removal of the existing wooden monopole telecommunications tower, replace it with a monopine and adding six new antennas for a total of 12.

LOCATION: On the east side of SR 49, approximately 1.50 miles north of the intersection with Rattlesnake Bar Road, in the Cool area, Supervisorial District 4. (Exhibit A)

APN: 071-410-15 (Exhibit B)

ACREAGE: 7.02 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit D)

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

ENVIRONMENTAL DOCUMENT: Previously adopted Negative Declaration

RECOMMENDATION: Staff recommends that the Planning Commission 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 significant environmental impacts; and

2. Approve Special Use Permit revision S04-0047-R subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description: Request to revise Special Use Permit S47-0047 to allow the removal of the existing wooden monopole and replace it with a monopine. The new monopine would be the same height as the existing tower (80 feet) and is proposed to add six new antennas, for a total of 12, to be mounted at the centerline of 72 feet above ground level. The monopine, along with the proposed equipment cabinets and other support equipment would be located within the existing 30-foot by 40-foot chain link fenced lease area enclosure with no expansion needed.

Site Description: Niegel Lane is a cul-de-sac that originates on State Route 49 at that point and provides access to the site. Three of the four parcels of land accessed by Niegel Lane, including the proposed project site, are vacant. The fourth is the subject parcel owner’s home site. A graveled drive from the cul-de-sac provides access to the subject site. There is a utility easement and an overhead electrical distribution line on the eastern property line. The site and surrounding vicinity have been heavily grazed for many years. There are scattered oak trees and annual grasses growing on the site with very compacted soil. The applicant has proposed a monopine to attempt to blend with the surrounding views. There is a pioneer cemetery (Hogg’s Diggings Cemetery) located on the parcel and the headstones are protected by fencing. Horses currently graze up to the lease area fencing.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential/Single-family residence; “Hogg’s Diggings Cemetery.”
North	RE-5	LDR	Residential/Single-family residence
South	RE-5	LDR	Residential/Single-family residence
East	RE-5	LDR	Residential/Single-family residence
West	RE-5	LDR	SR 49, Open Space

Discussion: The surrounding parcels are designated for residential uses by the General Plan. The closest residential structure on a surrounding parcel is located approximately 300 feet southeast from the lease area.

STAFF ANALYSIS

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 (17.28.200.C), provided they follow standards and permitting requirements defined in Section 17.14.210.F of

the County Code. These standards include screening, compliance with setbacks, and proper maintenance and they are discussed below in the Design and Development Standards section.

Project Issues: The primary discussion items for this project include access, aesthetics, cultural resources, and land use compatibility.

Access: The project site is accessed from State Route 49 to Niegel Lane. At the end of Niegel Lane is a cul-de-sac and an unlocked gate to a second graveled cul-de-sac within the parcel. The existing 12-foot wide driveway starts from the second cul-de-sac and extends to the existing turnaround at the lease area. Currently the vegetation is encroaching into that driveway.

General Plan Policy 6.2.3.2 (adequate access) directs that the applicant demonstrate that adequate access exists, or can be provided, to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. The El Dorado County Fire Protection District has recommended additional conditions assuring that an adequate turnaround and emergency ingress/egress capabilities will be maintained to the site. They have also recommended new conditions to require that the vegetation is managed for fire safety. As conditioned, the Fire District has no outstanding concerns with the project. DOT had no new recommended conditions of approval for this revision.

Aesthetics: The lease area is located approximately 440 feet to the east of State Route 49. Although State Route 49 through El Dorado County is eligible for listing as a State Scenic Highway; it has not been designated by Cal Trans. The project site and vicinity is not identified by the County as a scenic view or resource as determined in the 2004 General Plan E.I.R. However, Policy 2.6.1.8 directs the County to preserve the scenic resources along the highway and apply appropriate land use controls until the County applies for the State Scenic Highway designation. As shown in the Visual Simulations provided in Exhibits G-1 and G-2, the top of the proposed monopine would be visible from State Route 49. The existing vegetation would block the ground equipment fully from view from the highway, but only partially from the surrounding residences. The top portion of the monopine would blend more efficiently with the existing trees between the site and the highway than the monopole did. Conditions are recommended that would assure all antennas would be covered with antenna socks that match the color and texture of the branch needles. The "branches" would be conditioned to be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree as best as possible with the current available technology. The native pines in the vicinity of the project site are ponderosa (*Pinus ponderosa*) and gray (foothill) pine (*Pinus sabiniana*). There are monopines available in a dark green color that somewhat resemble a ponderosa pine, and with a light bluish color that somewhat resembles a gray pine. The Color Board dated July 24, 2012, included as Exhibit F, shows the proposed color of the monopine branches which appear to more closely resemble the ponderosa pine.

The applicant is proposing to place equipment cabinets and support equipment within the existing chain link enclosure that currently is not screened with slats. Planning is recommending that dark green or brown slats would be inserted into the fencing to buffer views into the enclosed lease area from the closest residences. 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.

Cultural Resources: The existing cemetery located on the parcel was protected by a 50-foot setback, as mitigated during the original approval. The existing monopole facility was approved as it exists today and that setback was enforced during that grading and building permit processes. Although the current proposal does not include any work outside of the existing lease area other than tree limbing on the access driveway, Planning is recommending leaving the mitigation measure in the conditions because of the importance of assuring the applicants are aware of the importance of protecting the cemetery.

Land Use Compatibility: 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. Policy 2.2.5.21 directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. A cellular telecommunications facility is considered to be a public utility facility, though owned privately. The project would be compatible and consistent with the medium density residential land use designation for residential uses because it has been designed to minimize the visual and noise 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 these policies.

Noise Impacts: 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. No generator or air conditioners accompanies the current request, however, in the future a standby diesel power generator for emergency use in the event of a power outage could be installed within the fenced enclosure. Future carriers may utilize air conditioners and/or generators. Because air conditioner technology and specific model types may change in the future, a condition is recommended that requires that each future carrier submit a cumulative noise analysis for the entire project that demonstrates compliance with the General Plan noise standards prior to issuance of a building permit.

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.

Design and Development Standards:

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 to the exhibits approved with the application. Photo simulations of the proposed wireless facility are included as Exhibits G-1 and G-2.

F. Development Standards:

1. **Screening:** The applicant is proposing to place equipment cabinets and support equipment within the existing chain link fence enclosure. 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 and the recommended slats be added to the chain link fencing.
2. **Setbacks:** The RE-5 Zone District requires 30-foot side setback from the property lines for a structure such as a telecommunications facility. The existing lease area meets these setbacks
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). Based on the submitted RF Emissions Compliance Report dated April 16, 2012, the maximum power density at this location is 5.03464 mW/cm². Therefore, the maximum permissible exposure for the general population at this site is equivalent to 3.771 percent of the recommended limit. Therefore, the risk of release of hazardous materials or emissions to the public is remote. 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 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 tower has been designed to permit the collocation of additional carriers, depending on their needs and requirements. The project has been conditioned to allow the continued co-location at this facility, with approval of a building permit, as determined by the Development Services Director.

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.

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.

ENVIRONMENTAL REVIEW

An initial study and Mitigated Negative Declaration was prepared for the original approval of this cell tower and adopted by the Planning Commission on August 11, 2005. That analysis found that there were no significant environmental impacts as a result of construction of this tower. No new or changed significant environmental issues have been identified; therefore, the previously prepared Mitigated Negative Declaration is adequate to support this review and the minor modifications of the conditions of approval.

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, however only one filing fee needs to be paid per project (14 CCR § 753.5(e)(3)). The Fish and Game CEQA document filing fee was paid during the Planning Commission's adoption of the previous Mitigated Negative Declaration so a duplicate fee is not required. However, the County Clerk processing fee of \$50.00 will be required to file the Notice of Determination for the subject revision and is to be submitted to Planning Services and must be made payable to El Dorado County.

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	General Plan Land Use Designations Map
Exhibit D	Zoning Designations Map
Exhibit E-1	Overall Site Plan and Enlarged Site Plan, Sheet A-1; April 26, 2012
Exhibit E-2	Elevations, Sheet A-2; April 26, 2012
Exhibit E-3	Enlarged Antenna Plan Details, Sheet D-1; April 26, 2012
Exhibit F.....	Color Board; July 24, 2012
Exhibits G-1, G-2	Visual Simulations; April 20, 2012
Exhibit H	Applicant-submitted Project Description; August 6, 2012
Exhibits I-1, I-2	Site Visit Photos
Exhibit J.....	Aerial Photo
Exhibit K	RF Emissions Compliance Report; April 16, 2012
Exhibit L.....	Adopted Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S04-0047-R/AT&T Telecommunications Tower-Pilot Hill
Planning Commission/November 8, 2012

Planning Services

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

Exhibit E-1 Overall Site Plan and Enlarged Site Plan, Sheet A-1, dated April 26, 2012
Exhibit E-2 Elevations, Sheet A-2, dated April 26, 2012
Exhibit E-3 Enlarged Antenna Plan Details, Sheet D-1, dated April 26, 2012
Exhibit F..... Color Board, dated July 24, 2012
Exhibits G-1, G-2 Visual Simulations, dated April 20, 2012

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.

Approval of S04-0047 allowed the Erection of an 80-foot wood monopole with 6 panel antennas, 3 mounted at centerlines of 78 feet and 3 at 73 feet at Assessor's Parcel Number 071-050-04. The antenna panels ~~would be~~ are approximately 10.4 inches wide, 51 inches long, and 4.6 inches deep. All antennas ~~will be~~ were made ~~to be~~ made of non-reflective materials. ~~That~~is special use permit authorizeds Cingular Wireless (now AT&T) to place the monopole and 4 equipment cabinets within a 40-foot by 30-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire atop. The facility ~~was~~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 ~~was constructed~~ on the northeast side of the enclosure.

Approval of S04-0047-R allows the removal of the existing wooden monopole and replacement with a monopine. The new monopine shall be the same height as the existing tower (80 feet) and shall add six new antennas, for a total of 12, to be mounted at the centerline of 72 feet above ground level. The monopine, along with the equipment cabinets and other support equipment as shown in the approved project plans listed in the exhibits above, would be located within the existing 30-foot by 40-foot chain link fenced lease area enclosure with no expansion permitted.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking, access roads and vehicle turnaround 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.

~~Access to the site is provided from Niegel Lane to a dirt driveway originating from the cul de sac at the end of the lane. A new driveway is to be improved to provide access to the cellular facility from the existing cul de sac as it enters the subject property. This access road to the tower is to be widened to 12 feet, be capable of supporting a 40,000 load, include a fire turnaround, and a 13 foot 6 inch vertical clearance will be maintained and will meet Fire Safe standards as required by the El Dorado County Fire Protection District.~~

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

2. County Recorder Fee: The applicant shall submit a \$50.00 administrative processing fee prior to filing the Notice of Determination which may be filed immediately upon approval of the project. The payment is to be submitted to Planning Services and must be made payable to El Dorado County.

2.3. Project Conformance: Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits E-1 to G-2. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas or other changes to the approved project may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications. All site improvements shall conform to the site plan and elevations attached as Exhibit D.

3.4. Facility Appearance and Maintenance: All equipment shelters, cabinets or other auxiliary structures for all carriers 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. 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.

- 4.5. 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 through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. For collocation 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 there is no increase in overall height.
- 5.6. 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. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
- 6.7. Responsibility for 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.
- 7.8. Obsolete Equipment: All obsolete or unused communication facilities shall be removed by the applicant 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 condition.

8-9. 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.~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five 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 Planning Director to cover the cost of processing a five year review.~~

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 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

~~9. The applicant shall obtain a building permit from El Dorado County Building Services for the project facilities prior to the commencement of construction.~~

El Dorado County Fire Protection District

~~10.11. Site/Inspection review fee: The applicant shall submit a site review fee of \$150.00 prior to issuance of building permit. The applicant shall be subject to a site plan review fee of \$50.00 payable to El Dorado County Fire Protection District. The site plan review fee shall be due to the District prior to commencement of any work performed.~~

~~11.12. The applicant shall ~~construct a minimum~~ maintain the 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches with a minimum of six foot side-of-the-road branch and brush clearance, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit. The applicants shall provide the Fire District with proof that the vegetation has been pruned to provide the required vertical and horizontal clearance prior to building permit final.~~

~~12.13. The applicant shall ~~provide a~~ maintain the Fire District approved turn-a-round existing within 50 feet of the project site with vegetation control and by assuring the graveled surface continues to have the ability to support a 40,000 pound load and provide.~~

~~13.14. The applicant shall provide high priority "Knox" access padlock for emergency access through the 12 foot gate and into the fenced enclosure site. Padlocks: Gates to have Knox padlocks. Knox Box: Provide a Knox Box for any shelter if not currently installed. Application can be obtained at the District office~~

~~15. Street address signs: The applicant shall post 12" minimum street address at main entrance if not already provided.~~

~~16. Keys: The applicant shall provide keys to the Fire District for the shelter, generator and any locked cabinet prior to building permit final.~~

~~17. Vegetation Management: Vegetation shall be controlled inside the fence perimeter.~~

18. Defensible Space: The applicant shall maintain defensible space of 100 feet from each side and from the front and rear of the structure. (For the purposes of clarification, defensible space shall conform to the Applied Forest Management Report, PRC 4291 fire safe clearance).
19. Fire Extinguisher: The applicant shall provide a fire extinguisher with a minimum 20BC rating. The extinguisher must be within 75 feet of any generator and mounted in weatherproof cabinet.

El Dorado County Department of Transportation

- ~~14. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Storm Water Management Plan*, the *Off Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. A commercial permit is required.~~
- ~~15. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.~~
1620. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction. If existing access way is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.

Mitigation Measures from Mitigated Negative Declaration

- ~~1721.~~ During all grading and construction activities involving ground disturbing activities in the project area, an archaeologist approved by the Planning Director shall be on-site. 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: The Planning Services shall review the contract for services with the archeologist prior to issuance of a grading permit.

- ~~1822.~~ 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.

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S04-0047-R/AT&T Telecommunications Tower-Pilot Hill Planning Commission/November 8, 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 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. The use is not intensified by the switch from a monopole to a monopine and the addition of six antennas. The monopine will provide greater antenna camouflage and the modifications to the conditions ensure greater compliance by the telecommunications facility with the special use permit. There is no substantial evidence 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.

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 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 Cool and Pilot Hill areas;
 - b. 6.2.3.2 (adequate access) because as conditioned, the project will meet the minimum Fire Safe standards for the on-site access driveway width and surfacing, turnaround capacity for emergency vehicles at the lease area, as well as safe vegetation clearance for access and wildfire defense capabilities to the satisfaction of the El Dorado County Fire Protection District.

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. The project has demonstrated that as proposed and conditioned, it is compliant with Zoning Ordinance Section 17.14.210.

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 adding slats to the existing six-foot tall 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.

- 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.E through J (facility requirements/analysis), and 17.28.200.C (special use permit required for public utility structures in the RE-5 Zone District).