



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.edcgov.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Dave Pratt, Chair, District 2  
Walter Mathews, First Vice-Chair, District 4  
Tom Heflin, Second Vice-Chair, District 3  
Rich Stewart, District 1  
Brian Shinault, District 5

Char Tim .....Clerk of the Planning Commission

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## MINUTES

### **Regular Meeting November 14, 2013 – 8:30 A.M.**

#### **1. CALL TO ORDER**

Meeting was called to order at 8:31 a.m. Present: Commissioners Stewart, Pratt, Heflin, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

#### **2. ADOPTION OF AGENDA**

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

**AYES: Stewart, Heflin, Mathews, Shinault, 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. Minutes: October 24, 2013**

**Motion: Commissioner Mathews moved, seconded by Commissioner Stewart, and carried (3-0), to approve the October 24, 2013 meeting minutes as presented.**

**AYES: Stewart, Mathews, Pratt**  
**NOES: None**  
**ABSTAIN: Heflin, Shinault**

b. 2014 Planning Commission Meeting Schedule

**Motion:** Commissioner Mathews moved, seconded by Commissioner Stewart, and carried (5-0), to approve the 2014 Planning Commission Meeting Schedule as presented.

**AYES:** Heflin, Shinault, Stewart, Mathews, Pratt

**NOES:** None

**END OF CONSENT CALENDAR**

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

Peter Maurer provided the following summary of Current Planning items:

- PD12-0003/Green Valley Convenience Center: This item was appealed to the Board of Supervisors by a member of the public. The Board conceptually approved the project with changes to the road design. The project will return to the Board on December 10, 2013.
- Z11-0007/TM11-1504/Wilson Estates: The Board of Supervisors denied the rezone request. Significant discussion ensued between the Commission and staff on the Board's action and their concern on not knowing what the rules were when considering development requests such as rezones.

6. COMMISSIONERS' REPORTS

Commissioner Shinault announced that TRPA had extended grading until further notice.

Commissioner Mathews stated he had attended a real estate meeting as a Planning Commissioner.

Commissioner Stewart indicated that he had attended various community meetings recently.

Commissioner Heflin announced that the economy is booming in Apple Hill.

Chair Pratt made the following comments:

- Attended a recent Diamond Springs-El Dorado meeting as a representative for the Fair Play Winery Association;
- Pollock Pines held a Town Hall meeting recently and Long-Range Planning staff were the presenters;
- Participant on Fire Safe Council; and
- Felt that speed limit signs are needed on Slug Gulch Road and Perry Creek Road as a result of higher speeds of traffic due to the recent re-paving of the roads.

9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. SPECIAL USE PERMIT (Public Hearing)

a. **Five-Year Cell Tower Review and S01-0030-R-4/Cedar Grove** submitted by AT&T MOBILITY to request a five-year review of an existing cellular telecommunications facility and a revision to allow for the installation of: (a) Three new antennas; and (b) Two equipment cabinets and ancillary equipment. The property, identified by Assessor's Parcel Number 043-290-59, consisting of 20.2 acres, is located on the north side of Pony Express Trail, approximately 400 feet west of the intersection with Crystal Springs Road, in the Cedar Grove area, Supervisorial District 3. [*Project Planner: Gina Paolini*] (Previously Adopted Negative Declaration)

Gina Paolini presented the item to the Commission with a recommendation of approval. She informed the Commission that Condition 3 should be struck out and replaced with the standard indemnity clause, which can be viewed in the Conditions of Approval of the next agenda item (8.b).

Gordon Bell/applicant's agent stated that AT&T is conducting a 4G upgrade in El Dorado County, which resulted in the revision request.

Chair Pratt closed public comment.

There was no further discussion.

**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 S01-0030-R-3; and 3. Approve the Special Use Permit revision S01-0030-R-4 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 3 by striking out existing language and replacing it with the standard indemnity clause language.**

**AYES: Stewart, Shinault, Mathews, Heflin, Pratt**  
**NOES: None**

This action can be appealed to the Board of Supervisors within 10 working days.

**Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

**1.0 CEQA FINDINGS**

- 1.1 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.

**2.0 ZONING FINDINGS**

- 2.1 The proposed use is specifically permitted by Special Use Permit.**

The cellular telecommunication facility use is permitted by Special Use Permit in the Select Agricultural Ten-Acre (SA-10) district pursuant to Section 17.14.210 of the County Code.

- 2.2 The Cellular Telecommunication Facility is in Compliance with the Conditions of Approval based on the 5-year Review Status Report.**

The Planning Commission reviewed the status report of the facility on November 14, 2013 and determined that the screening efforts to improve the monopine's appearance, including the addition of new branches and the requirement to replace the existing antenna socks will bring the site into conformance with the development standards contained within Section 17.14.210.F of the County Code, which include screening and maintenance requirements. The facility will be reviewed every five years to ensure continued compliance with County Code requirements.

- 2.3 The collocation is consistent with the original approval.**

The wireless collocation facility and associated equipment will not create a hazard and will not be detrimental to the public health, safety and welfare based on the information supplied within the RF emissions report prepared for the site. The project site will not

exceed the FCC standards. The antennas will be screened in accordance with the project Conditions of Approval, and verified by staff. As proposed, the project is consistent with the County requirements for collocation of wireless facilities.

**Conditions of Approval**

El Dorado County Planning Services

1. This special use permit revision is based upon and limited to compliance with the approved project description, ~~the Zoning Administrator hearing exhibits marked Exhibits A through I dated November 7, 2007,~~ and conditions of approval set forth below.

Exhibit E .....Antenna Plan and Details  
Exhibit F.....Elevations  
Exhibit G.....Overall Site Plan

Further, Any deviations from the project(s) descriptions, 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 described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation.

**The project description is as follows:**

Approval of a Special Use Permit allowing the construction and operation of multi-user wireless telecommunication facility within an existing 20.2 acre parcel identified APN 043-290-59 and consisting of the following:

- a. One 165- steel monopine;
- b. A 3,200 square foot lease area enclosed by a seven foot tall chain link fence with brown vinyl slats and three strands of barbed wire;
- c. Two, 12 foot by 20 foot equipment shelters;
- d. Twelve panel antennas located at a height of 138 feet above ground level;
- e. Six panel antennas located at a height of 148 feet above ground level;
- f. Six panel antennas located at a height of 128 feet above ground level;
- g. Three panel antennas located at a height of 60 feet above ground level and, Power and telco, utility rack and ten equipment cabinets.

~~The project (S01-0030), as approved, consists of a new cellular communication facility, including a 165-foot mono-pine with antenna arrays to support four wireless carriers and a 3,200-square-foot lease area. In addition to the mono-pine, the lease area will contain one 12 foot x 20 foot equipment shelter, two 12 foot x 28 foot equipment shelters, two 12 foot x 14 foot equipment pads, and a utility service pedestal. A seven foot high chain-link fence with brown vinyl slats and three strands of barbed wire will surround the lease area for security purposes. The project includes accommodations for the anchor tenant,~~

~~Cingular Wireless. Future collocation by other carriers is subject to the approval of additional minor use permits or special use permits.~~

~~Revision No. 1 (S01-0030-R1) consists of the collocation of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 138 foot level on an existing 165 foot monopine tower, and a 12 foot by 20 foot equipment shelter to be placed within the existing and fenced facilities yard.~~

~~Revision No. 2 (S01-0030-R2) consists of six (6) panel antennas on an existing 165 foot mono pine at the 148 foot level within a 40 foot by 80 foot lease area on the Larsen property. Also proposed are three 4 foot 4 inches wide by 3 foot 1 inch deep by 6 foot tall equipment cabinets to be placed on the ground in the footprint of the existing fenced lease area. The antennas colors will be painted to match the tower color.~~

~~Revision No. 3 (S01-0030-R3) consists of six (6) antennas at a height of 128 feet on a 165 foot monopine and up to three (3) radio cabinets within the existing fenced compound.~~

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.

2. **Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
3. ~~In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant agrees 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 applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or 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.~~

4. ~~All site improvements related to the original tower and cell site (S01-0030) shall conform to Exhibits D and E as found in the staff report for S01-0030. All site improvements~~

related to revision No. 1 shall be substantially compliant to Exhibits E-1, E-2, E-3, and F as found in the staff report for S01-0030-R1.

3. ~~**Colors of Structures:** All equipment shelters, cabinets or other auxiliary structure added by way of any revision or collocation additions shall be painted in a matching color and style to the existing facility. Development Services shall verify the painting of the structures prior to final inspection of the facility.~~

**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.

4. **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 the tower and other improvements shall be maintained to ensure the appearance remains consistent.~~ Development 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.
5. **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 ~~Planning Department~~ Development Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
6. **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 three antenna sectors and four antennas per sector (12 total antennas-per carrier at any one time, and that there shall not be an increase in overall height of the tower.
7. **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.

8. **Panel Antenna Screening:** All panel antennas shall be fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be approved by Development Services prior to issuance of a building permit and photographs of sock installation shall be provided to Development Services prior to final building inspection.
- ~~12. The building permits required by Condition No. 16 for the construction of any collocations shall not be issued until the building permits for any prior collocations have been finalized.~~
913. **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 on a time and materials basis.
10. **Panel Antenna Screening:** All panel antennas shall be fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be approved by Development Services prior to issuance of a building permit and photographs of sock installation shall be provided to Development Services prior to building final.
11. ~~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 May 9, 2002, and last reviewed for collocation by the Zoning Administrator on April 6, 2005, is still operational. Based upon the review conducted for this collocation application, the facility is considered approved for use through a date five years after Zoning Administrator 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 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:~~
- ~~a. Modify the conditions of approval in order to reduce identified adverse impacts;  
and~~
  - ~~b. 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;  
or~~
  - ~~c. Allow the facility to operate under all applicable conditions.~~



~~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 on a time and materials basis.~~

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 every five years. At each five-year review, the permit holder shall provide the Development Services 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 Division Director to cover the cost of processing a five-year review on a time and materials basis.

El Dorado County Building Services

12. **Building Permit Required:** The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.
14. ~~Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department.~~

El Dorado County Fire Protection District

1315. **Fire Department Compliance:** ~~The project shall comply with all applicable requirements of the El Dorado County Fire Protection District. Documentation of this compliance shall be presented to the Planning Division prior to or concurrent with the requirements of Condition No. 16~~ 13.
16. ~~Prior to final inspection, the applicant shall post, or verify the existence of, the address for the property, clearly visible from both directions of the access road.~~

1417. **Knox Box Requirements:** Prior to final inspection, the applicant shall provide the new equipment shelter(s) with high-priority "Knox box" access, with keys for emergency access. Further, the applicant shall demonstrate that the existing gate meets "Knox" padlock requirements.

~~18. — Prior to final inspection, the applicant shall provide or verify the existence of a minimum 12-foot width, all-weather access road to the tower site. This access road shall have a minimum vertical clearance of 13 feet 6 inches and be capable of supporting a load of at least 40,000 pounds. The minimum inside turning radius of this road shall be 25 feet. The grade of this road shall not exceed 15 percent. The access road must contain an approved emergency vehicle turn-around within 50 feet of the structure.~~

El Dorado County Environmental Management Department

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

~~7. — Prior to construction of the subject facility, the applicant shall provide plans of sufficient detail to clearly identify the alternative or back-up power source, should the same exist. This plan shall identify all fuel sources together with a detail of fuel storage. Based on the information contained on the plan, the Environmental Management Department will determine whether a Hazardous Materials Business Plan is required. Should a plan be required, the applicant will be responsible for the preparation of such a plan together with the payment of all appropriate fees to the Environmental Management Department.~~

El Dorado County Department of Transportation

~~8. — The applicant shall comply with all County transportation requirements including, but not limited to the Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, the State of California Handicapped Accessibility Standards, the County Traffic Impact Mitigation Fee program and the State System Infrastructure Traffic Mitigation Fee program.~~

169. **Road Construction and Maintenance:** The access road from Pony Express Trail to the project site shall be surfaced with a minimum of 4-inch aggregate base for 12 feet in width. Any damage to said access road shall be repaired prior to finaling of the building permits required for the construction of any prior collocations. Further, the access road is to be maintained as required at all times.

b. **S13-0011/Verizon Wireless Telecommunications Tower-Garden Valley** submitted by VERIZON WIRELESS (Agent: Complete Wireless Consulting) to allow the construction of a wireless telecommunication facility consisting of a 75-foot monopine tower with 12 antennas, equipment shelter, and related ground equipment. The property, identified by Assessor's Parcel Number 060-320-23, consisting of 10.32 acres, is located on the west side of Hackomiller Road, approximately 2,300 feet south of the intersection with Black Oak Mine Road, in the Garden Valley area, Supervisorial District 4. [*Project Planner: Tom Dougherty*] (Negative Declaration prepared)\*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He stated that public comment had been received. Mr. Dougherty recommended a new condition on generator testing be added and read into the record the proposed language. He also identified a typo in Finding 2.1.

David Downs/applicant's agent supported the Conditions of Approval. He indicated that they had done a thorough review process and this was the only location due to the topography and coverage. Mr. Downs explained that this was a coverage site vs. a capacity site and that they had looked at four other parcels.

In response to written public comment received, Commissioner Mathews inquired if the AC unit could be moved to the wall furthest from the closest residence in order to reduce noise issues. Mr. Downs was agreeable to that recommendation and also stated that the AC units are heat-sensored.

Chris Shelton/resident stated a corner of his property was near the cell tower location. He made the following comments:

- Main issue was for the human and animal health welfare from microwaves;
- Cited website that identifies cell tower locations and warns the public not to buy property by those towers;
- Spoke on public movement that is opposing cell towers due to health safety;
- Roads are not drivable during inclement weather and needs to be paved;
- Hackomiller Road has many residences, including nearby schools;
- Area needs to be protected for the many endangered species that are located in the area; and
- Project needs more studies conducted.

Joan Newton, property owner of site, made the following comments:

- Has lived in the area since 1975 and used the graveled road in question;
- Cell tower won't be seen due to the topography;
- School can be seen, but is not close;
- Took serious consideration on request to put cell tower on property; and
- Just learned today of neighbor's concerns.

Sterling Rorden/resident referred to his submitted written comments and summarized his conclusions.

Gary Newton, property owner of site, bought the property in 1975 and moved onto it in 1979. Today was the first time he has heard any opposition to the project. He has been receiving positive comments due to the current cell coverage issues in the area.

Chair Pratt closed public comment.

There was no further discussion.

**Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (5-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S13-0011 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Finding 2.1 to correct typo; and (b) Add new condition for generator testing.**

**AYES: Stewart, Heflin, Shinault, Mathews, Pratt**

**NOES: None**

This action can be appealed to the Board of Supervisors within 10 working days.

### **Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Rural Residential-Agricultural Lands-Important Biological Corridor-Mineral Resource (RR-AL-IBC-MR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a

telecommunications tower, which is consistent with the allowed uses for the RE-5 Zone District with an approved Special Use Permit, ~~and revised Development Plan.~~

- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
- 2.2.1 2.2.5.21 (compatibility with surroundings) because 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 Garden Valley, Georgetown, and Kelsey areas;
- 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing water, electrical, and telecommunication facilities currently existing within the parcel;
- 2.2.3 6.2.3.2 (adequate access) because the project will utilize an existing graveled driveway surface for access; and
- 2.2.4 6.5.1.7 (noise exposure) because the air conditioner and generator specification sheets 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.

### **3.0 ZONING FINDINGS**

- 3.1 The project site is zoned Estate Residential Five-Acre (RE-5), which allows wireless communication facilities, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance, have been provided.

### **4.0 SPECIAL USE PERMIT FINDINGS**

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

The 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 significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall chain link fence, and the tower antennas will be buffered by the monopine “branches” and antenna socks. The view of the tower will be buffered by the existing trees. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise 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 one 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 Section 17.14.210.E through J (facility requirements/analysis), and 17.28.210 (minimum yard setbacks for RE-5 Zone District).

**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 E-1 .....	Plot Plan, Sheet C-1; dated March 18, 2013
Exhibit E-2 .....	Overall Site Plan, Sheet A1.1; January 29, 2013
Exhibit E-3 .....	Enlarged Equipment Plan, Antenna Plan; January 29, 2013
Exhibit E-3 .....	East and South Elevation, Sheet A3.1; January 29, 2013
Exhibit E-4 .....	West and North Elevation, Sheet A3.2; January 29, 2013
Exhibits F-1 to F-3 .....	Visual Simulations
Exhibit G .....	Oak Tree Canopy Replacement Plan (four pages)

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 the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 10.32-acre parcel identified by Assessor’s Parcel Number 060-320-23, and consisting of the following:

- a. Up to 12 panel antennas mounted at the centerline of 64 feet on a 68-foot tall monopine pole, with the top branches not to exceed 75 feet;
- b. Two microwave dishes;
- c. One 12-foot by 16-foot prefabricated ground equipment shelter to house equipment cabinets, generator, and associated equipment;
- d. One 6-foot tall chain link fence constructed around the perimeter of the 25 foot by 35-foot lease area for the equipment shelter, with two, six-foot wide gates for access;
- e. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A-2.1;
- f. One standby diesel generator located as shown on Sheet A2.1;
- g. One, six-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 325 feet between the equipment shelter and the source to the southeast, to be located as shown on Sheet A-1.1.

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.

#### **Development Services Department (Planning)**

2. Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9 a.m. and 3 p.m. Monday through Friday.
- 2.3. **Oak Canopy Replacement:** The project will remove 875 square feet (0.02 acre) of oak canopy. The applicant shall plant, maintain and monitor the required replacement of oak canopy as described in the Oak Tree Canopy Replacement Plan in Exhibit G. The applicant shall supply Planning Services with proof that the planting has occurred prior to building permit final.
- 3.4. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four 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.
- 4.5. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an

inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.

5.6. **Co-location:** 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 Division Manager of the Development Services Division if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Division Manager find that additional noise may create a significant impact; the Division Manager 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.

6.7. **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 branches shall have a dark green color that resembles the surrounding conifer trees.

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.

7.8. **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.

8.9. **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.