



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 TimClerk of the Planning Commission

MINUTES

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

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

Motion: Commissioner Stewart moved, seconded by Commissioner Heflin, and carried (4-0), to adopt the agenda as presented.

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

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: January 24, 2013

Staff Recommendation: Approve Meeting Minutes as presented

END OF CONSENT CALENDAR

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

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

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

Pierre Rivas stated that for Long-Range Planning, the Mineral Resource Zone was being reviewed. He also provided an update for Current Planning on the following large projects the Department is currently processing:

- Tilden Park: The Focused Environmental Impact Report (EIR) is moving forward.
- Dixon Ranch: Project was modified after receiving public comments in the Notice of Preparation (NOP) and a second NOP has now closed and the draft EIR is being prepared.
- San Stino: Anticipate the release of the NOP in the next week.
- Specific Plans that are scheduled to have their NOP released on February 20, 2013 are:
 - Central El Dorado Hills
 - Lime Rock Valley
 - Marble Valley

6. COMMISSIONERS' REPORTS

In response to Chair Pratt's inquiry on the Bucks Bar Bridge project, County Counsel David Livingston stated that DOT would be going before the Board of Supervisors in the near future to discuss that project.

Chair Pratt stressed the importance of the County establishing Road Event criteria, particularly addressing cycling events. According to the Sac Wheelmen's website, they are planning on returning to South County for another bike event. Chair Pratt stated that jurisdictional control is needed and also an event support organization. He said that the Ag community would like to hear DOT's approach on this and request that a workshop be scheduled at the Commission's March 14th meeting

Commissioner Stewart stated that he had watched, on-line, staff's presentation to the Board of Supervisor's on the County's organization, the Brown Act and other various informational items. It was suggested that a Brown Act Workshop be scheduled for a future Commission meeting.

9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT – None

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission, although they did have a quorum to make decisions. He stated that Commissioner Shinault would not be present for today's hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds

of not having a full Commission. At this time, the earliest that there may be a full Commission would be at the March 28, 2013, hearing.

8. SPECIAL USE PERMIT (Public Hearing)

S12-0010/Verizon Wireless Telecommunications Tower-Pilot Hill submitted by VERIZON WIRELESS (Agent: On Air, LLC/Aaron DeLaO) to allow the construction of a wireless telecommunications facility consisting of a 65-foot tall monopine telecommunications tower and related ground mounted equipment. The property, identified by Assessor's Parcel Number 104-450-03, consisting of 5.03 acres, is located on the south side of Nance Drive, approximately 450 feet southeast of the intersection with Pedro Hill Road, in the Pilot Hill area, Supervisorial District 4. [*Project Planner: Aaron Mount*] (Negative Declaration prepared)*

Aaron Mount presented the item to the Commission with a recommendation for approval. He stated that there were no major issues and no public comment had been received.

Aaron DeLaO/applicant's agent was available for questions.

Patricia Leffler voiced opposition to the project and made the following comments:

- Health risks;
- Decrease in property values;
- Other open land in area to choose from;
- Inquired if any alternate location had been identified;
- Lives close by and was approached by Verizon for a cell tower but declined the offer due to the health risks;
- Verizon reception is fine for area; and
- Would be able to see tower when standing on the knoll on her property.

Mr. DeLaO made the following rebuttal comments:

- A RMF Emissions Study was conducted and it was 2.7% of the Federal Standards;
- These are low power cell towers;
- The bottle brush-looking cell towers are the older versions and distributed pictures of the newer, improved versions;
- Did investigate other sites and they were reviewed for capacity and coverage;
- Prime objective is providing service to roadways for emergency assistance;
- Verizon tries to hide cell towers as much as possible; and
- Due to being a co-location cell tower, it would be 20-30 feet over the tree line instead of 10 feet.

Commissioner Mathews confirmed with Mr. DeLaO that they were talking about radio waves and not high frequency waves.

County Counsel David Livingston spoke on the Telecommunications Act for cell towers.

Pierre Rivas made reference to page 15 of the Initial Study that contained a full discussion on hazardous materials.

Chair Pratt closed Public Comment.

Commissioner Stewart stated that the applicant had done a good job reviewing the site and identifying an area that would require no tree removal. In response to if it was standard to not have the property owner's name in the Staff Report, staff stated that the owner's name was in the project file and there was also an authorization form for the agent.

There was no further discussion.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S12-0010 based on the Findings and subject to the Conditions of Approval as presented.

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

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 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 Pilot Hill and Highway 49 corridor area;
- 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 as well as the turnaround capacity for emergency vehicles at the lease area site to the satisfaction of the El Dorado County Fire Protection District; and
- c. 6.5.1.7 (noise exposure) because the acoustical analysis for the air conditioners and generator 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, and the project is conditioned for future carriers to do an additional noise analysis for their building permits to re-verify project compliance at each building permit.

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 an eight-foot tall redwood fence and existing vegetation. The project is anticipated to result in insignificant environmental, visual, noise, and traffic

impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than three percent of the public safety standard established by the FCC, the risk of Radio Frequency (“RF”) emissions to the public is remote.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use complies with the requirements of County Code Sections 17.14.210.5.b (telecommunications towers subject of a special use permit); 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 F-1Title Sheet
- Exhibit F-2Site Plan, Sheet C-1
- Exhibit F-3Site Plan, Equipment Plan, and Antenna Details, Sheet A-1
- Exhibit F-4Northern Elevations, Sheet A-2
- Exhibit F-5Southern Elevation, Sheet A-3
- Exhibit F-6Eastern Elevation, Sheet A-4
- Exhibit F-7Western Elevation, Sheet A-5
- Exhibits G-1 to G-4.....Visual Simulations

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

Approval of the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 5.03-acre parcel identified by Assessor’s Parcel Number 104-450-03, and consisting of the following:

- a. A 65-foot tall monopine telecommunications tower;
- b. Nine antennas at a centerline of 57 feet above ground level;
- c. One 16-foot by 11.5-foot prefabricated ground equipment shelter to house equipment cabinets and associated equipment, consistent with that shown on Sheets C-1 and A-1;

- d. One 8-foot tall redwood fence constructed around the perimeter of the 30 by 40-foot lease area with two 6-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-1;
- f. One, 15-foot wide access and utility easement for driveway construction and undergrounding the electrical and telecommunications utilities from Nance Drive to the tower lease area, to be located as shown on Sheet C-1.

The approval also allows additional carriers to collocate on the tower through the building permit process for antennas and related ground support equipment. Each future carrier shall submit a cumulative noise analysis with their building permit application that demonstrates the entire project is in compliance with General Plan noise standards as set forth in Condition 8.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

- 2. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
- 3. **Project Conformance:** Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits F-1 to G-4. Minor variations are allowed, however, any major changes in any element of the approved project including but not limited to expansions to the lease area, increases in pole height, or additional antennas mounted on the monopine shall require review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas or other changes to the approved project may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.
- 4. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.

5. **Lighting:** One exterior emergency light is approved and shall be located on the equipment shelter. The light shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting fixture specification sheet and location shall be submitted for review and approval by Planning Services prior to issuance of a building permit. The light shall be activated with motion-sensor or timer. All future carriers shall demonstrate the same compliance prior to issuance of any future building permit for that carrier.

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

6. **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 creates 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.
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 redwood fencing. 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.
8. **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.

9. **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.
10. **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.

11. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
12. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
13. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to

be a “unique archaeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

14. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

15. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action. The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

Environmental Management-Solid Waste and Hazardous Materials Division

16. Under the CUPA programs, because the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Department and applicable fees paid.

Air Quality Management District

17. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Mitigation Plan (FDMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
18. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
19. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
20. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501.3.A)

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

El Dorado County Fire Protection District

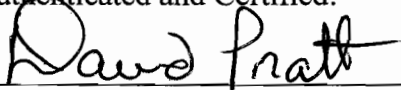
22. Site/Inspection Review Fee: The applicant shall submit a site review fee of \$150.00 prior to issuance of building permit.
23. Street Address Sign: The applicant shall post 12 inch minimum street address or identification sign at the main entrance prior to building permit final.
24. Turnouts: Driveways exceeding 150 feet in length shall provide a turnout near the midpoint of the driveway. Turnouts shall be a minimum of 10-feet wide and 30-feet long with a minimum of 25-foot taper at each end. Proof of compliance shall be received from the applicant prior to building permit final.
25. Fire Apparatus Access Roads: Fire Apparatus Access Roads shall be minimum 20 feet in width. Said fire access road width shall be waived and current proposed road width shall be accepted with Condition #25 being met.
26. Turnarounds: The applicant shall provide a turnaround approved by El Dorado County Fire Protection District.
27. Padlocks: All Gates shall have Knox padlocks. Application can be obtained at the District's office: 4040 Carson Rd., Camino, CA 95709. Proof of compliance shall be received from the applicant prior to building permit final.
28. Knox Box: The applicant shall provide a Knox Box for the shelter. Application can be obtained at the district office. Proof of compliance shall be received from the applicant prior to building permit final.
29. Keys: The applicant shall provide keys for the shelter, generator and any locked cabinet. Proof of compliance shall be received from the applicant prior to building permit final.
30. Vegetation Management: Vegetation control is required inside the fence perimeter in perpetuity.
31. 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).
32. Fire Extinguisher: The applicant shall provide a fire extinguisher with a minimum 20BC rating. The extinguisher must be within 75 feet of the generator and mounted in

weatherproof cabinet. Proof of compliance shall be received from the applicant prior to building permit final.

9. ADJOURNMENT

Meeting adjourned at 9:24 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:



Dave Pratt, Chair