EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT

Agenda of: November 5, 2008

Item No.: 4.a.

Staff: Robert Peters

SPECIAL USE PERMIT

FILE NUMBER: S08-0002/MetroPCS Mother Lode

APPLICANT: MetroPCS

PROPERTY OWNER: Leo and Victoria Roberts

REQUEST: Special use permit to allow the construction and operation of a wireless communications facility on an existing approximately 96-foot tall Pacific Gas & Electric (PG&E) tower to include three (3) panel antennas at the centerline of 100 feet above ground and related ground equipment within a 192 square-foot (12' x 16') proposed lease area approximately 30 feet south of the existing tower. The facility is proposed to be enclosed within an open ceiling concrete block structure.

LOCATION: On the north side of Pleasant Valley road approximately 425 feet east of the intersection with El Dorado Road, in the El Dorado area, Supervisorial District III (Exhibit A).

APN: 331-101-13 (Exhibit B)

ACREAGE: 1.19 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial-Design Control (C-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Zoning Administrator take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines; and

2. Approve Special Use Permit S08-0002, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The applicant submitted the proposed Special Use Permit, S08-0002, on January 29, 2008, and the application was deemed complete for processing on May 15, 2008. A Technical Advisory Committee Meeting for the project review was held on June 30, 2008, at which time comments and conditions from responding County departments and outside agencies were presented and discussed with the applicant.

STAFF ANALYSIS

Project Description: The project applicant requests to construct and operate a wireless communications facility on an existing approximately 96-foot tall Pacific Gas & Electric (PG&E) tower to include three (3) panel antennas at the centerline of 100 feet above ground and related ground equipment (see Exhibit F, Sheet A-2). Installation of the panel antennas will require a six (6) foot extension of the overall height of the existing tower to an ultimate height of approximately 104.25 feet (104'4"). The ground equipment will be located within a 192 square-foot (12' x 16') proposed lease area approximately 30 feet south of the existing tower (see Exhibit F, Sheet A-1). The facility is proposed be enclosed within an open ceiling concrete decorative block wall structure (10.75 feet tall on the east side) (see Exhibits F, Sheet A-2, G-1, and G-2).

The proposed 192 square-foot lease area will be accessed from an existing gravel road off of Pleasant Valley road within an existing 50-foot wide non-exclusive road and public utilities easement, utilizing the existing road and a proposed turnaround. Two utility easements are proposed for the project and include a six (6) foot utility easement from the proposed lease area north to the existing tower and a six (6) foot utility easement from the proposed lease area which heads south within the existing 50-foot road and utilities easement to the southern property line, then bounds the southern property line heading west to the southwest corner of the property (see Exhibit F, sheet C-1).

Ground equipment shall consist of up to 3 radio cabinets, a 200 amp electrical panel with receptacle, a 200 amp meter main, a Telco panel, and a GPS unit (Exhibit F, sheet A-1). Back-up cooling fans would be located within the proposed radio cabinets. No back-up generator is proposed. A new 300 watt floodlight is proposed for the interior of the block wall structure. No outdoor lighting is proposed. One The ground equipment will be accessed via a proposed four (4) foot wide decomposed granite path extending from the existing roadway to the project lease area. A four (4) foot wide solid core steel weather proof door will provide access to the interior of the lease area. Ground equipment will be constructed on top of a 192 square foot (12' x 16') concrete slab (see Exhibit F, sheet A-1).

The facility will be maintained by a technician who will visit the site approximately once to twice a month to perform any necessary maintenance which may be required. The testing will be

required to be conducted during normal business hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. (see Condition of Approval No. 1, Attachment 1).

Site Description: The project site is located on a 1.19-acre parcel that is located at approximately 1,620-foot elevation above sea level. The subject site is located immediately north of Pleasant Valley Road, a County maintained road. The site is currently an undeveloped commercial lot with an existing 50-foot road and public utilities easement with an access road within which bisects the eastern portion of the property (see Exhibit F, sheet A-1 and Exhibit H). Soils on the site consist of mainly of Auburn silt loam, 2 to 30 percent slopes, which have moderate permeability, slow to medium surface runoff, and light to moderate erosion hazard. No significant vegetation exists on-site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DC	C	Undeveloped Commercial Property
North	C-DC	C	Single Family Residence
South	C-DC	C	Residential and Commercial land uses
East	CG-DC	C	Single Family Residence
West	R2-DC	MFR	Multifamily Residential

Discussion: The project site is an undeveloped commercial site which is designated Commercial (C) by the General Plan Diagram and zoned Commercial-Design Control (C-DC). The adjoining parcels to the north and east are designated Commercial (C) by the General Plan Diagram and zoned Commercial-Design Control (C-DC) and General Commercial (CG), however, both parcels are currently developed with single-family residences. The adjoining parcel to the west is designated Multifamily Residential by the General Plan Diagram and zoned Limited Multifamily Residential (R2) and is developed with multi-family housing. The parcels to the south of the subject site, across Pleasant Valley Road, are designated Commercial (C) on the General Plan Diagram, zoned Commercial-Design Control (C-DC), and are developed with single-family, commercial (office), and light industrial (manufacturing) land uses.

General Plan: The subject site is located in the El Dorado/Diamond Springs Community Region. The General Plan designation of the subject site is Commercial (C). This land use designation which provides a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The Commercial designation is considered appropriate only within Community Regions and Rural Centers.

General Plan **Policy 2.2.5.21** states that *development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.* The proposed wireless communications facility and related ground equipment has been designed to minimize the effects on adjacent properties. The antennas will be required to be painted to match the existing tower, and the project ground equipment will be located within a decorative block wall structure (open ceiling)

(see Exhibits G-1, G-2, and G-3). The block wall structure will allow the project to conform to the acceptable noise levels of General Plan Table 6-2. The block wall structure and the acceptable noise levels are discussed more in depth in the General Plan **Policy 6.5.1.7** Section below.

General Plan **Policy 5.6.1.4** states that *Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.* The applicant is proposing the wireless communications facility on an existing commercially zoned parcel, however, residential land uses exist in the project vicinity. The project will utilize an existing PG&E tower within a 50-foot road and public utilities easement. The project ground equipment has been located within the existing utility easement, at distances consistent with PG&E requirements, and in an area which will not impede commercial development on the parcel. The proposed antennas will painted to match the existing PG&E tower. The project ground equipment will be located within a decorative block wall structure (open ceiling) approximately one (1) foot from the eastern property line which contains a single-family residence (see Exhibits G-1, G-2, and G-3). The block wall structure will allow the project to conform to the acceptable noise levels of General Plan Table 6-2. The block wall structure and the acceptable noise levels are discussed more in depth in the General Plan **Policy 6.5.1.7** Section below.

General Plan **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 level standards of Table 6-2 for noise-sensitive uses.* The applicant is proposing the wireless communications facility on an existing commercially zoned parcel, however, residential land uses exist in the project vicinity. The adjoining parcel to the east is designated by the General Plan as Commercial and zoned General Commercial, however, the land use on the parcel is a single-family residence. The project was originally proposed to include outdoor cabinets but the project proposal; however, the back-up cooling fan located within the outdoor cabinets did not meet the noise level performance protection standards for noise sensitive land uses affected by non-transportation sources as listed in General Plan Table 6-2. The project ground equipment is now proposed to be located within a decorative block wall structure (open ceiling) (see Exhibits F, Sheets A-1 and A-2, G-1, and G-2). Inclusion of the proposed block wall structure allows the project to meet the standards listed in Table 6-2 as demonstrated in the project environmental noise assessment (see Exhibit I). The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns.

It has been determined that the project is consistent with the El Dorado County General Plan. Findings of Consistency with the General Plan are provided in Attachment 2.

Zoning: The County permits wireless communication facilities in all districts, provided they comply with development standards and permitting requirements as defined in Section 17.14.200 of the County Code. Section 17.14.200 (D)(3) of the County Code requires a Minor Use Permit for collocation of antennas on utility poles and towers which meet the following criteria:

a. The antennae shall not exceed fifteen (15) feet in height above the height of the existing structure. Those that exceed 15 feet are subject to a special use permit;
b. The antennae and mounting brackets shall be painted to blend with the design of the structure, natural features or vegetation of the site;
c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;
d. If proposed to be attached to a structure, utility pole or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.

Those facilities not meeting the criteria above are subject to a special use permit. The proposed collocation of the wireless telecommunication facility on the proposed PG&E tower meets the requirements a., b., and d. above, however, cannot meet requirement c. because the shelter and cabinets are not within the structure being utilized for the communication facility, and due to its proposed location cannot be screened entirely from public view. Therefore, a special use permit for the proposed wireless telecommunication facility is being processed with Planning Services. The project proposal and its application and associated materials have been submitted and reviewed in accordance with the requirements of Section 17.22.500 et seq.

Section 17.14.200 (B) of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. Section 17.14.200(B)(1) encourages communication service providers to: a) Employ all reasonable measures to site their antenna equipment on existing structures as facade mounts, roof mounts, or collocation on existing towers prior to applying for new towers or poles; b) Work with other service providers and planning staff to collocate where feasible. Where collocation on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location thereby reducing the number of sites countywide; and c) Develop communication facilities (i.e. tower companies) with commitments from licensed carriers. The proposed wireless telecommunication facility is being collocated on an existing PG&E tower consistent with Section 17.14.200 (B) of the County Code.

Section 17.14.200(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

E. *Visual: Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation or other means.*

Three photo simulations from three different vantage points have been submitted to Planning Services (Exhibits G-1, G-2, and G-3). The visual simulations illustrate the addition of the panel antennas above the tower which will be pained to mach and blend in with the existing tower and the proposed block wall structure which will be constructed of earth tone colored decorative blocks and will utilize a earth tone colored access door.

F.1. *Screening: All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the*

surrounding area (tees, barns, etc.). The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.

The applicant is proposing to construct and operate a wireless communications facility on an existing approximately 96-foot tall Pacific Gas & Electric (PG&E) tower to include three (3) panel antennas at the centerline of 100 feet above ground and related ground equipment. The ground equipment is proposed be enclosed within an open ceiling concrete block wall structure. Visual simulations of the wireless facility and the proposed block wall structure have been submitted (Exhibits G-1, G-2, and G-3). As illustrated in the simulations, the proposed panel antennas will be pained to match the existing tower and the block wall structure will utilize earth tone colored decorative block to help blend with the surrounding area. Also, the access door to the block wall structure will be painted an earth tone color to help blend with the surrounding area.

F.2. *Setbacks: As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site.*

The proposed collocation of wireless telecommunication facility on the existing PG&E tower is located in the most practical spot within the existing 50-foot road and public utility easement. Setbacks are generally taken form the property line or from the road easement for which the parcel takes access. The Commercial (C) zoning district prescribes a ten (10) foot front yard setback, and side and rear setbacks of five (5) feet or zero (0) feet and fireproof wall. Because all project equipment will be located within the existing easement, the project is not subject to setback requirements. The project block wall enclosure would be approximately one (1) foot from the eastern property line, and equipment within would be approximately five (5) feet from that property line. The project has been designed to be as unobtrusive as possible without having to relocate the facility elsewhere on the undeveloped commercial property, possibly impeding future development. Impacts to the adjoining development has been analyzed and incorporated in project design, including aesthetics and noise.

F.3. *Maintenance: All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions related to color.*

Maintenance personnel would visit the site approximately once to twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of proposed improvements associated with the telecommunication facility will be maintained at all times and will be consistent with the features depicted in the visual simulations attached to this staff report as Exhibits G-1,G-2, and G-3 (see Conditions of Approval No. 3, Attachment 1).

G. *Radio Frequency Radiation (RF) Requirement: The application for a land use permit shall contain a report or summary of the estimates of the non-ionizing radiation*

generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.

The Power Density Study for MetroPCS Site 371 – Mother Lode is discussed in more detail in the "Environmental Review" section below. The project would result in 0.24 percent of the public safety standard for RF requirements established by the ANSI (Exhibit E). Therefore, the risk of release of hazardous materials or emissions to the public is remote.

H. *Availability: All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.*

The project proposes collocation of a wireless telecommunication facility on an existing PG&E tower. Collocation of other carriers on this tower is limited. Other towers in the project area would most likely be utilized for future collocation opportunities.

I. *Unused Facilities: All obsolete or unused communication facilities are to be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the planning department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.*

The project has been conditioned to comply with this requirement (see Condition of Approval No. 5, Attachment 1).

J. *Permit Application Requirements: In order to protect the visual character of established neighborhoods and to protect school children for potential safety hazards due to a potentially attractive nuisance, in addition to the noticing requirements of Chapter 17.22, the following shall be provided by the applicant:*

1. The school district(s) in which the facility is located shall be identified. If the proposed wireless facility is located within 1000 feet of a school, the school district listed shall be notified during the initial consultation.

2. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association established by CC&Rs which might govern the property. Any homeowners association identified will be notified during the initial consultation.

There are no schools within 1,000 feet of the site; however, Mother Lode School District was notified during the initial project consultation. The project is located on a commercially zoned parcel.

After review of the submitted project plans, including site plan and elevations, and visual simulations, it has been determined that the proposed project meets the standards contained in

Section 17.14.200 E through J of the County Code. Also, it has been determined that the project is consistent with the El Dorado County Zoning Ordinance. Findings of Consistency with the Zoning Ordinance are provided in Attachment 2.

ENVIRONMENTAL REVIEW

The Telecommunications Act of 1996 became effective on February 8, 1996. This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704(7)B(iii) requires any denials to be in writing and supported by "substantial evidence." Section 704(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with Federal regulations.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	**Occupational Exposure (mW/cm^2)**	**General Public Exposure (mW/cm^2)**
0.3-1.34	100	100
1.34-3.0	100	$180/F^2$
3.0—30	$900/F^2$	$180/F^2$
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Based on the Power Density Study for MetroPCS Site 371 – Mother Lode, dated January 15th, 2008, the maximum public RF exposure from the site, at 1,900 MHz frequency, with all channels on antennas operating at full capacity, is 0.0024 mW/cm^2 or 0.24 percent of the general public safety standard established by the ANSI and the FCC (Exhibit E). Therefore, the risk of release of hazardous materials or emissions to the public is remote.

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(d) of the CEQA Guidelines which considers Class 3 exemptions consisting of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures including but not limited to water mains, sewage, electrical, gas, and other utility extensions. The proposed collocation of wireless telecommunication facility is not listed specifically in this exemption; however, proposed installation of new small equipment and wireless telecommunication facility on an existing PG&E tower is similar to listed exemptions.

Pursuant to Resolution No. 240-93, a $50.^{00}$ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Power Density Study for MetroPCS Site 371 – Mother Lode
Exhibit F	Project Plan Set
Exhibit G-1, G-2, and G-3	Visual Simulations
Exhibit H	Aerial Photo
Exhibit I	Environmental Noise Assessment

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit
File Number S08-0002/MetroPCS Mother Lode
Zoning Administrator/November 5, 2008

I. PROJECT DESCRIPTION

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Zoning Administrator hearing exhibits Marked Exhibit A through I dated November 5, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

   The project description is as follows:

   Construction and operation of a new MetroPCS wireless communications facility on an existing approximately 96-foot tall Pacific Gas & Electric (PG&E) tower to include three (3) panel antennas at the centerline of 100 feet above ground and related ground equipment (see Exhibit F, Sheet A-2). Installation of the panel antennas shall consist of a six (6) foot extension of the overall height of the existing tower to an ultimate height of approximately 104.25 feet (104'4"). The ground equipment shall be located within a 192 square-foot (12' x 16') proposed lease area approximately 30 feet south of the existing tower (see Exhibit F, Sheet A-1). The ground equipment shall be enclosed within an open ceiling concrete decorative block wall structure (10.75 feet tall on the east side) (see Exhibit F, Sheet A-2 and Exhibit G-1).

   The proposed 192 square-foot lease area shall be accessed from an existing gravel road off of Pleasant Valley road within an existing 50-foot wide non-exclusive road and public utilities easement, utilizing the existing road and a proposed turnaround. Two utility easements are proposed for the project and include a six (6) foot utility easement from the proposed lease area north to the existing tower and a six (6) foot utility easement from the proposed lease area which heads south within the existing 50-foot road and utilities easement to the southern property line, then bounds the southern property line heading west to the southwest corner of the property (see Exhibit F, sheet C-1).

   Ground equipment shall consist of up to 3 radio cabinets, a 200 amp electrical panel with receptacle, a 200 amp meter main, a Telco panel, and a GPS unit (see Exhibit F, sheet A-1). Back-up cooling fans would be located within the proposed radio cabinets. No back-up generator is proposed. A new 300 watt floodlight is proposed for the interior of the block wall structure. No outdoor lighting is proposed. The ground equipment shall be

accessed via a proposed four (4) foot wide decomposed granite path extending from the existing roadway to the project lease area. A four (4) foot wide solid core steel weather proof door shall provide access to the interior of the lease area. Ground equipment shall be constructed on top of a 192 square foot (12' x 16') concrete slab (see Exhibit F, sheet A-1).

The facility shall be maintained by a technician who will visit the site approximately once to twice a month to perform any necessary maintenance which may be required. The testing will be required to be conducted during normal business hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. The proposed panel antennas shall be painted a flat tan color to match the existing tower. The decorative block wall structure shall be constructed of earth tone colored decorative blocks to further screen the facility. The access door to the block wall structure shall be pained an earth tone color to further screen the facility. Planning Services shall verify the painting of the structures and the instillation of the decorative block wall structure prior to final inspection and approval of the facility.

3. All improvements associated with the communication facility, including equipment shelters, antennae, and block wall structures 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.

4. 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.

5. 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.

6. 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 report and present that report to the Zoning Administrator with a recommendation whether to:

(1) Allow the facility to continue to operate under all applicable conditions; or
(2) 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 communication system.

By operation of this condition, it is the intent of the Zoning Administrator to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator 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 Development Services Director or his designee to cover the cost of processing a five-year review on a time and materials basis.

7. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

8. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.

9. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

10. Prior to final inspection, 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.

11. 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. Prior to issuance of a building permit, the proposed on-site turnaround shall be reviewed and approved by Diamond Springs/El Dorado Fire Protection District.

Environmental Management - Air Quality Management District

13. Prior to start of project construction, an Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).

14. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.

15. The proposed project is within the Asbestos Review area; therefore the District will require the paving of the proposed gravel access road or application of a minimum of three inches in depth, asbestos free gravel.

16. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

17. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

18. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
    - Use low-emission on-site mobile construction equipment
    - Maintain equipment in tune per manufacturer specifications.
    - Retard diesel engine injection timing by two to four degrees.
    - Use electricity form power poles rather than temporary gasoline or diesel generators.
    - Use reformulated low-emission diesel fuel.
    - Use catalytic converters on gasoline-powered equipment.
    - Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
    - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
    - Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
    - Configure construction parking to minimize traffic interference.

- Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Environmental Management – Hazardous Materials

19. Under the Certified Unified Program Agency (CUPA) programs, if the operation, at any time, 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 must be submitted to the Department and applicable fees paid.

Diamond Springs-El Dorado Fire Protection District

20. Building and Fire codes will have to be adhered to but can not be determined until a full set of building and site plans are received by the District.

21. Knox Box shall be installed per District Requirements. Knox Box shall contain proper keys for any gates and structures.

22. Appropriate vegetation and fuels management shall be performed in accordance with Public Resources Code 4290 and 4291.

23. Additional requirements may be necessary once a full set of plans are submitted to the District for review.

Building Services

24. The project shall be subject to a building permit from the El Dorado County Building Services Department.

ATTACHMENT 2

FINDINGS

Special Use Permit
File Number S08-0002/MetroPCS Mother Lode
Zoning Administrator/November 5, 2008

The special use permit may be approved or conditionally approved based on the following findings:

1.0 CEQA FINDING

1.1 Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303(d) of the CEQA Guidelines which considers Class 3 exemptions consisting of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures including but not limited to water mains, sewage, electrical, gas, and other utility extensions. The proposed collocation of wireless telecommunication facility is not listed specifically in this exemption; however, proposed installation of new small equipment and wireless telecommunication facility on an existing PG&E tower and is similar to listed exemptions.

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 subject site is located in the El Dorado/Diamond Springs Community Region. The General Plan designation of the subject site is Commercial (C). This land use designation which provides a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The Commercial designation is considered appropriate only within Community Regions and Rural Centers. As proposed, the project is consistent with the Commercial (C) land use designation of the subject site, and the El Dorado/Diamond Springs Community Region

2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.6.1.4 (telecommunication facility within residential areas), 6.5.1.7 (non-transportation noise sources), and Table 6-2 (noise level performance protection standards for noise sensitive land uses affected by non-transportation sources). Because of the project's provision to address siting, aesthetics, health and safety concerns, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

3.1 The subject site is zoned Commercial-Design Control (C-DC) and has been reviewed in accordance with the development standards outlined in Sections 17.32.010 through 17.32.040, Sections 17.74.010 through 17.74.040, and Section 17.74.115 of the County Zoning Ordinance.

3.2 The proposed wireless telecommunication facility requires a special use permit pursuant to Section 17.14.200(D)(3) and has been reviewed in accordance with Section 17.22.500 et al of the County Zoning Ordinance. As proposed, the project conforms to all applicable section of communication facilities, wireless section of the County Zoning Ordinances, specifically 17.14.200(E) through (J) regarding visual simulations, development standards, RF requirements, availability of collocation, unused facilities, and permit application requirements.

4.0 SPECIAL USE PERMIT FINDINGS

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

General Plan findings of consistency have been addressed within the General Plan Findings section above.

4.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;*

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less then 0.24 percent of the public safety standard established by the ANSI and FCC the risk of the release of hazardous materials or emissions to the public is remote. Also, improved cellular coverage in the area will assist in backing-up land lines for emergency uses.

4.3 *The proposed use is specifically permitted by a special use permit pursuant to this Title.*

Section 17.14.200 (D)(3)(c) of the County Code requires a Special Use Permit for collocation of antennas on towers where all equipment shelters, cabinets, or other ancillary structures that are not located within the structure being utilized for the communication facility, or are on the ground and not screened from public view, subject to approval of a special use permit by the zoning administrator pursuant to Section 17.22.500 et seq.