

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: January 21, 2009
Item No.: 4.a.
Staff: Robert Peters

SPECIAL USE PERMIT REVISION

FILE NUMBER: S03-0024-R3/Wedge Hill Site

APPLICANT: AT&T

AGENT: Frank Schubarum

PROPERTY OWNER: Frank Cunha Enterprises, LLC

REQUEST: Revision to a special use permit to allow collocation of eight (8) wireless antennas (3 proposed and 5 future) on three (3) sectors at two (2) centerline heights, 70-foot and 49.5-foot, on an existing approximately 66-foot tall water tower. Additionally, AT&T will install up to six (6) radio cabinets (2 proposed and 4 future) placed within a new 260 square foot (13' x 20') fenced enclosure with privacy slats.

LOCATION: On the south side of Wedge Hill Road, approximately 0.5 miles west of the intersection with Missouri Flat Road, in the Diamond Springs area, Supervisorial District III. (Exhibit A)

APN: 327-260-22 (Exhibit B)

ACREAGE: 0.06 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

ZONING: One-Acre Residential (R1-A) (Exhibit D)

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

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

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. Approve Special Use Permit S03-0024-R3 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

BACKGROUND: The original Special Use Permit, S03-0024, was approved by the County Zoning Administrator (ZA) on December 3, 2003. It allowed collocation of six (6) antennas mounted at the 70-foot level on an existing water tower. The project included an equipment shelter located on the ground at the base of the tower, situated within an existing chain-link fence enclosure. At the time of approval the water tower was listed as approximately 85 feet tall and 20 feet in diameter. The water tower has since been verified at a height of approximately 66 feet above ground level. The first revision to the Special Use Permit, S03-0024-R1, was approved by the ZA on September 21, 2005, to allow the removal of the existing antennas and installation of three (3) replacement antennas at approximately 60-foot above ground level and relocation of related ground equipment within an adjacent equipment shelter and addition of a back up generator constructed within a new woodcrete fenced enclosure with wooden gates. The second revision to the Special Use Permit, S03-0024-R2, was approved by the ZA on May 7, 2008, to allow collocation of three (3) pipe mounted antennas at an overall height of 72 feet and installation of up to three (3) radio cabinets within an existing chain-link fenced compound, directly under the existing tower.

STAFF ANALYSIS

Project Description: The project applicant requests a revision to a special use permit to allow collocation of eight (8) wireless antennas (3 proposed and 5 future) on three (3) sectors at two (2) centerline heights, 70-foot and 49.5-foot, on an existing 66-foot tall water tower. Additionally, AT&T will install up to six (6) radio cabinets (2 proposed and 4 future) placed within a new 260 square foot (13' x 20') fenced enclosure with privacy slats (see Exhibit E).

The proposed project would be located within a 14-foot (14-foot at west end and 13-foot on south end) by 20-foot lease area, and include an eight (8) foot tall chain-link fenced enclosure with brown colored slats. The lease area will support up to six (6) new radio equipment cabinets, adjacent to the existing fenced compound south of the base of the water tower and west of an existing concrete equipment shelter and woodcrete fenced enclosure now operated by Verizon Wireless. All damaged or missing slats on existing project fencing will be replaced (see Condition of Approval No. 1, Attachment 1). All AT&T equipment within the leased area will be mounted atop a concrete slab. Proposed construction would also include a new AT&T Telco panel, a Marconi electrical cabinet, a Global Positioning System (GPS) unit, and a motion-controlled floodlight with glare shield (see Exhibit F) which Planning Services will require to be directed downward to eliminate light glare on neighboring properties (see Condition of Approval No. 13, Attachment 1).

Additionally, the applicant proposes to replace the remaining chain link fencing on the northern portion of existing fencing with wood fencing designed to match the existing fencing of the Verizon Wireless fenced compound. The applicant proposes this additional fencing simply to increase the reduction of

sound that may come from all of the wireless communication facilities to neighboring residents to the north. Planning Services recommends that the replaced fencing be constructed of woodcrete material and be designed to match the existing fencing constructed on the southern and western portions of the existing Verizon Wireless fenced compound (see Exhibit G). The project has been conditioned to require this additional fencing to be constructed of this woodcrete fencing and match the existing Verizon Wireless fencing (see Condition of Approval 1, Attachment 1).

The facility will continue to be served via an existing approximately 100-foot long 12-foot wide gravel driveway. The facility will remain unmanned, and visited approximately once to twice per month for maintenance purposes.

Site Description: The site is located on Wedge Hill Road, slightly to the west of Missouri Flat Road at approximately 1,880 feet above mean sea level and is surrounded by single-family residential land uses. The site contains an existing water tower which was constructed in 1924 (see Exhibit G). The water tower contains previously approved wireless collocations consisting of six (6) wireless antennas and related ground equipment located directly under the water tower and in an adjacent fenced compound. The site is accessed via an existing gravel driveway off of Wedge Hill Road. No significant native or non-native vegetation exists on-site.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|---------------|---------------------|---|
| Site | R1A | MDR | Water Tower with Verizon Wireless Antennas and Equipment. |
| North | R1A | MDR | Single-Family Residence |
| South | R1A | MDR | Single-Family Residences |
| East | R1A | MDR | Single-Family Residence |
| West | R1A | MDR | Single-Family Residence |

The proposed collocation of a wireless communication facility and related ground equipment at the project site, which currently contains the water tower and previously approved wireless communication facilities, would not create a conflict with the existing residential land uses in the project vicinity. The project site is located within a residential area; however, no residences are currently located immediately south of the project parcel. The neighboring residential parcel to the south contains residential land uses on the eastern portion of the property but is undeveloped in the area adjacent to the project site, and industrial uses exist further south (see Exhibit H).

General Plan: The project site is located within the Shingle Springs Community Region (see Exhibit C), and is designated as Medium-Density Residential (MDR) by the General Plan which establishes areas suitable for detached single-family residences with larger lot sizes enabling limited agricultural land management activities. The MDR designation is considered appropriate within Community Regions.

General Plan **Policy 2.2.5.21** states: “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.” Also, **General Plan Policy 5.6.1.4** states: “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 has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns to avoid incompatibility with adjoining land uses. The proposed wireless antennas would be painted a rust-brown color matching the existing tower and attached wireless antennas (see Exhibits I-1 through I-3). The proposed ground equipment would be screened from adjacent residential land uses by proposed chain-link fencing with brown colored slats, consistent with existing project site fencing (see Exhibits E and I-1 through I-3). The project applicant will submit a structural analysis on the water tank to demonstrate conformance with the safety requirements of the Uniform Building Code (see Condition of Approval No. 14, Attachment 1). The project will be required to conform to all applicable regulations from the El Dorado County Air Quality Management District and Environmental Management – Hazardous Materials Division. All project-related environmental issues have been evaluated during the research leading up to this staff report.

Conclusion: Staff finds that the project, as proposed and conditioned, conforms to the General Plan, specifically Policies 2.2.5.21 and 5.6.1.4.

Zoning: The project site is located within the One-Acre Residential zone district (see Exhibit D). The County permits wireless communication facilities in all districts, provided they follow development standards and permitting requirements defined in Section 17.14.200 of the County Code. Section 17.14.200 (D)(3) of the County Code allows collocation of antennas on signs, water tanks, utility poles and towers, light standards and similar structures subject to approval of a special use permit by the County Zoning Administrator. The project proposal and associated materials have been submitted and reviewed in accordance with the requirements for Special Use Permits, 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. Communication service providers are, therefore, encouraged to: a) Employ all reasonable measures to site their antenna equipment on existing structures as façade 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 applicant has designed the proposed project to utilize a collocation opportunity on an existing wireless telecommunications facility site in accordance 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 standards. 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 (3) photo simulations from three different vantage points have been submitted to Planning Services (see Exhibits I-1 through I-3). The visual simulations show the addition of the three additional wireless telecommunication antennas which would be painted rust-brown to blend in with the existing tower and previously approved wireless telecommunication antennas. Also, the proposed ground equipment would be shielded from view by adjacent land uses by an existing chain-link fence with brown colored slats which attempt match the color of the existing tower.

- 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 proposed ground equipment will be screened from adjacent land uses by existing chain-link fencing with brown colored slats consistent with existing site fencing and previous approvals. The brown colored slats help to blend in the ground equipment with the existing water tower and support structure.

- 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 project site is 50-foot by 50-foot (50' x 50', 2,500 square feet) in total area (Exhibits B, and E, Sheet A-0). Pursuant to Section 17.28.080 the R1A zoning district requires 30-foot front and rear setbacks and 15-foot side yard setbacks which would not allow for proposed ground equipment to meet required setbacks. However, for this particular site locating the facilities within the required setbacks is the most practical and unobtrusive location possible, and is consistent with the existing improvements.

- 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 be allowed to 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 all improvements associated with the telecommunication facility shall be maintained at all times and be consistent with the features depicted in the visual simulations (See Condition of Approval No. 7, 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.*

There have been concerns expressed by some federal and state public health agencies about possible negative effects from exposure to electromagnetic fields (EMF). EMF is emitted from all electrical sources, including utility power lines (i.e., PG&E electrical transmission lines) and from sources such as wireless facilities. In order to ensure that all proposed wireless facilities comply with the allowable limits established by the Federal Communication Commission (FCC), a Radio Frequency (RF) Report is required to be prepared for all wireless facilities. The RF Report for the proposed project is attached to this staff report as Exhibit J. The report lists the calculated maximum combined emission level of this site is 0.54 percent of the FCC maximum exposure limit. Thus, the report concludes that RF emissions from the existing and proposed antennas would not exceed the FCC exposure limits for the general population.

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

The applicant has designed the proposed project to allow collocation on an existing wireless telecommunications facility site. A structural analysis will be performed on the water tower to demonstrate conformance with the safety requirements of the Uniform Building Code. This structural analysis will be provided at the time of the building permit application (See Condition of Approval No. 14, Attachment 1).

- 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. 8, 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 located within 1,000 feet of the site and the parcel is not part of a subdivision which is governed by CC&Rs. The noticing requirements of Chapter 17.22 are sufficient.

After review of the submitted project plans, including site plan, 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.

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17.

Federal Communication Commission (FCC): The Federal Communication Commission (FCC) prohibits local governments from denying a wireless facility project based on concerns about the dangers of exposure to radio frequency/EMF. This is due to inconclusive evidence about the health risk of exposure to radio frequency EMF.

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 Federal communication Commission (FCC) Compliance Study on Non-Ionizing Electromagnetic Radiation (NIER) Exposure, dated September 26, 2008, the maximum public RF exposure from the site with all channels on antennas operating at full capacity is 0.54 percent of the general public safety standard established by the ANSI and the FCC (Exhibit J). Therefore, the risk of release of hazardous materials or emissions to the public is remote.

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines which states that Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... which include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.

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:

- Attachment 1 Conditions of Approval
- Attachment 2 Findings

- Exhibit A Vicinity Map
- Exhibit B Assessor’s Parcel Map
- Exhibit C General Plan Land Use Map
- Exhibit D Zoning Map
- Exhibit E..... Project Plan Set
- Exhibit F..... Lighting Specification
- Exhibit G Site Photos
- Exhibit H Aerial Photo
- Exhibit I-1, I-2, and I-3 Visual Simulations
- Exhibit J..... Radio Frequency (RF) Report

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision
File Number S03-0024-R3/AT&T Wedge Hill Site
Zoning Administrator/January 21, 2009

PROJECT DESCRIPTION

1. This special use permit revision is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked; ~~Exhibits E-1 and E-2 dated October 25, 2007, Exhibits F, G, and H dated May 7, 2008, A through J dated January 21, 2009~~, 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, as originally approved, consists of the following:

The project shall consist of the co-location of six (6) antennas at the sixty-foot (60') level onto an existing and abandoned water tower, approximately sixty-six feet (66') in height. The supporting facilities are to be one (1) 69" x 34¹/₄" x 31³/₄" equipment cabinet within a fenced 55" x 66" area on a concrete pad.

Revision S03-0024 consisted of the following:

The project shall consist of the removal of three (3) antennas and the installation of three (3) replacement antennas at the sixty (60') level onto an existing and abandoned water tower, approximately ~~sixty-two 66 feet (62'11")~~ in height. The supporting facilities are to be a 12' x 20' equipment shelter and a 9' x 3.75' backup generator within the 23' x 28' ground lease area. ~~A revision to a special use permit to allow an addition of a second equipment box at an existing wireless telecommunications facility.~~

Revision S03-0024-R2 consistsed of the following:

A revision to a special use permit to allow collocation of three (3) pipe mounted antennas at a height of 72 feet on an existing 66-foot tall water tower. Additionally, MetroPCS will install up to three (3) radio cabinets within the existing chain-link fenced compound.

Project equipment shall be located within a 16-foot by 10-foot (16' x 10', 160 square feet) lease area, within an existing six (6) foot tall chain-link fenced enclosure with brown colored slats. The lease area shall support up to three (3) new radio equipment cabinets, adjacent to the base of the water tower and west of an existing concrete equipment shelter and

woodcrete fenced enclosure now operated by Verizon Wireless. The existing fencing shall not be enlarged to accommodate the additional equipment. All damaged or missing slats shall be replaced. All MetroPCS equipment within the leased area shall be mounted atop a 16 foot by 10 foot (16' x 10', 160 square feet) concrete slab. Proposed construction would also include a new 200 amp electrical panel and meter, a Global Positioning System (GPS) unit, and a motion-controlled fully-shielded floodlight.

The facility shall continue to be served via an existing approximately 100-foot long gravel driveway. The facility shall remain unmanned, and visited approximately once to twice per month for maintenance purposes.

Revision S03-0024-R3 consists of the following:

A revision to a special use permit to allow collocation of eight (8) wireless antennas (3 proposed and 5 future) on three (3) sectors at two (2) centerline heights, 70-foot and 49.5-foot, on an existing 66-foot tall water tower. Additionally, AT&T will install up to six (6) radio cabinets (2 proposed and 4 future) placed within a new 260 square foot (13' x 20') fenced enclosure with privacy slats.

The proposed project would be located within a 14-foot (14-foot at west end and 13-foot on south end) by 20-foot lease area, and include an eight (8) foot tall chain-link fenced enclosure with brown colored slats. The lease area will support up to six (6) new radio equipment cabinets, adjacent to the existing fenced compound south of the base of the water tower and west of an existing concrete equipment shelter and woodcrete fenced enclosure now operated by Verizon Wireless. All damaged or missing slats on existing project fencing shall be replaced. All AT&T equipment within the leased area shall be mounted atop a concrete slab. Proposed construction also includes a new AT&T Telco panel, a Marconi electrical cabinet, a Global Positioning System (GPS) unit, and a motion-controlled floodlight with glare shield.

Additionally, the applicant shall replace the chain-link fencing on the northern portion of existing fencing compound surrounding the existing water tower with woodcrete fencing designed to match the existing fencing of the Verizon Wireless compound.

The facility shall continue to be served via an existing approximately 100-foot long 12-foot wide gravel driveway. The facility will remain unmanned, and all facilities shall be visited approximately once to twice per month for maintenance purposes.

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.

EL DORADO COUNTY PLANNING SERVICES

2. 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 and landowner 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.

The applicant 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 ~~subdivider~~ applicant/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

4. All site improvements shall conform to Exhibits ~~E₁, E₂, F, and G~~, and I-1 through I-3. Conformance to these Exhibits shall include:
 - a. All antennas and connecting infrastructure shall be painted and maintained in a rust/brown color matching that of the existing tower (tank and legs).
 - b. The fence surrounding the equipment yard area shall be a minimum of six feet (6') in height. At no time shall any supporting equipment housed within the equipment yard extend above the top of the fence.
 - c. The equipment yard fence shall be lined with slats, and both the fence and the slats shall be painted a rust/brown color such that a blending of the fence and slats with the surrounding area is achieved.
5. The project shall be subject to a building permit from the El Dorado County Building Department. During the construction and location of the facilities allowed by this special use permit and the building permit referenced above, all reasonable precautions shall be taken to protect the existing tower from damage or deterioration. The measures by which this shall be done shall be shown on the building permit.
6. The applicant shall repair all damage to the access road (Wedge Hill Road) from Missouri Flat Road to the project site.
7. 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 relating to color. Should the colors change as the result of time or conditions currently unforeseen, appropriate modifications to the facility colors

must be changed as well.

8. All obsolete or unused communication facilities shall be removed within six (6) months after the use of the facility has ceased or after 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.
 9. 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. ~~The original facility approved by the Zoning Administrator on December 3, 2003, 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 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:
 - (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 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 Planning Services Director to cover the cost of processing a five-year review on a time and materials basis.
10. 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. All future development plans shall include this condition on the submitted plans.
 11. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
 12. Future collocations shall be considered by the Zoning Administrator in accordance with Section 17.14.200(3) of the County Zoning Ordinance.

13. Outdoor Lighting shall only be used for night-time maintenance and shall operate by a motion sensor only, be directed downward, and be fully-shielded.
14. At the time of building plan submittal, the project applicant will submit a structural analysis on the water tank to demonstrate conformance with the safety requirements of the Uniform Building Code.
15. 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.

ATTACHMENT 2 **FINDINGS**

Special Use Permit
File Number S03-0024-R3/AT&T Wedge Hill Site
Zoning Administrator/January 21, 2009

1.0 CEQA FINDINGS

- 1.1 Although collocation of wireless telecommunication facilities is not specifically listed in Section 15303 of the CEQA Guidelines, the items listed in Section 15303 are similar to collocation of wireless communication equipment at an existing facility. Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 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.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed use is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies including Policies 2.2.5.21(land use compatibility) and 5.6.1.4 (special use permit required) because the aesthetics of the proposed collocation and related ground equipment have been addressed and the design attempts to minimize the effects on adjacent properties. The proposed antennas will be painted a rust brown color to match the existing tower. The proposed ground equipment will be screened from adjacent land uses by existing chain-link fencing with brown colored slats which also blend with the existing water tower.

2.2 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 than one percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

Section 17.14.200 (D) (3) of the County Code requires a Special Use Permit for collocation of new antennas on existing non-building structures or public facilities. Section 17.22 outlines the

requirements for special use permits and the project and associated materials have been reviewed in accordance with this section. Also, the proposed use complies with the requirements of County Code Sections 17.14.200 (E) through (J) and 17.28.050 thru 17.28.080. As proposed, the project is consistent with these requirements.