

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



Agenda of: January 6, 2010
Item No.: 4.a.
Staff: Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S05-0044-R-1/Clearwire Communication Tower–Hensley Circle
SAC0683A

APPLICANT/AGENT: Clearwire Wireless/Karen Lienart

REQUEST: Revision to a Special Use Permit to allow collocation of 3 panel antennas, 3 microwave dishes and amplifiers at a height of approximately 132 feet on an existing 140-foot Pacific Gas and Electric (PG&E) transmission tower and the 100 square-foot expansion of the lease area to accommodate support equipment.

LOCATION: East side of Hensley Circle approximately 1.2 miles west of the intersection with El Dorado Hills Boulevard, in the El Dorado Hills area, Supervisorial District I. (Exhibit A)

APN: 125-521-19 (Exhibit B)

ACREAGE: Approximately 6.40 acres

GENERAL PLAN: Open Space (OS) (Exhibit C)

ZONING: One-Family Residential (R1) (Exhibit D)

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

RECOMMENDATION: Staff recommends the Planning Commission 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 Revision to Special Use Permit S05-0044-R-1 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

BACKGROUND: Special Use Permit S05-0044 was approved by the Zoning Administrator on April 5, 2006 allowing Nextel Wireless Communications to co-locate nine wireless communication panel antennas, each 8-foot tall, and one, 4-foot wide microwave dish mounted at the 70-foot level, on top of an existing 125-foot PG&E transmission tower. Antennas are attached to a 12-foot extension to the top of the existing tower, increasing the tower height to 137 feet, 4-inches tall. A 27-foot by 27-foot lease area was constructed within the footprint of the existing transmission tower, and contains the ground equipment cabinets which are enclosed by an 8-foot-high solid wood fence with two 6-foot wide access gates. Within the lease area is an 11.5-foot x 20-foot x 10-foot 6-inch tall equipment shelter with two air conditioners, and backup batteries. No generator is proposed.

STAFF ANALYSIS

Project Description: ClearWire Wireless is requesting a minor revision to the Special Use Permit to add three panel antennas, three microwave dishes and amplifiers at a height of approximately 132 feet on an existing 140-foot PG&E transmission tower. There would be no height increase on this tower. A new 10-foot by 10-foot lease area would be added to the east side of the existing fenced ground facilities area for a radio equipment cabinet within the tower foot print. There would be a 6-inch thick concrete retaining wall which would be approximately 24-inches tall below the ClearWire lease area. The lease area would be fenced with a 6-foot high redwood fence to match the existing Sprint fence. The existing 4-foot 9-inch Nextel access gate that is located on the north east end of the lease area will be removed and a new 4-foot access gate would be installed on the northeast end of the ClearWire lease area. ClearWire proposes a light above the cabinets. The light would be a motion sensor 150 watt halogen light which would be directed downwards (see attached specification sheet in Exhibit H).

Site Description: The transmission towers are located within a 300-foot wide utility easement running east to west. PG&E holds 100 feet of the easement and SMUD holds 200 feet of the southerly portion. This swath contains scattered blue oaks (*Quercus douglasii*) and annual grasses. No trees are proposed to be removed. The El Dorado Hills Community Services District owns fee title to the land on which the towers are located.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	OS	Open Space/Transmission towers and wires.
North	R1	HDR	Residential/ Single-family residences.
South	R1	HDR	Residential/ Single-family residences.
East	R1	OS	Open Space/Transmission towers and wires.
West	R1	OS	Open Space/Transmission towers and wires.

Discussion: The easement is separated from the single-family residences on the north and south by miscellaneous types of fences on most of the properties.

General Plan: The General Plan designation of the subject site is Open Space, (OS). This land use category can be used *to designate public lands under governmental title (County, State Parks, BLM, U.S. Bureau of Reclamation, U.S. Forest Service, etc.), where no development other than that specifically needed for government-related open space uses is desired.* The site is currently owned by the El Dorado Hills Community Services District.

Discussion: The proposed site is currently being utilized by PG&E and Sacramento Municipal Utility District (SMUD) for utility purposes. Clearwire Wireless proposes to install wireless antennas on the existing PG&E transmission tower to provide enhanced cellular service within the El Dorado Hills Community Region. Utility distribution is the primary dominant feature on the site, and the PG&E power pole, with the Clearwire co-locating use is incidental to the main use. The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would conform to the General Plan.

Zoning The proposed use is permitted in the One-Family Residential Zone District (R1), pursuant to Section 17.14.210.D.3, (a-d), which state the following:

Co-location on existing non-building structures or public facilities. In all zone districts, the co-location of antennas on signs, water tanks, utility poles and towers, light standards and similar structures may be permitted subject to approval of a minor use permit by the Zoning Administrator pursuant to Section 17.22.400 et seq. and subject to the following criteria. Those facilities not meeting the criteria below are subject to a Special Use Permit.

- 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.*

Discussion: The antennas would not project above the current tower height. The towers are not painted but the antennas would be required to match in color and be non-reflective.

Clearwire Wireless proposes to locate on an existing PG&E electrical transmission tower, therefore, the application is subject to a Minor Use Permit by the Zoning Administrator. Until the minor use permit process is amended, Planning utilizes the Special Use Permit process for this purpose.

Development Standards: Section 17.14.210(E) thru (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. **Visual:** The project provides photo-simulation to adequately reflect the changes that are being requested under this action. The photo-simulation would be used during the plan check permit process to ensure that the project adequately reflects approval of the Zoning Administrator and as part of the exhibits approved with the application. The photo simulations are provided as Exhibits I-1 to I-3.

- F. **Development Standards:**
 - 1. **Screening:** The applicant is proposing to place the equipment shelter and related equipment within the lease area that is to be surrounded by an eight-foot tall solid wooden fence enclosure to match the existing fencing. The fencing would blend with the surrounding area. The panel antennas are conditioned to blend in with the tower color and be non-reflective.

 - 2. **Setbacks:** The request for co-location would expand the lease area by 100 square feet. The 20-foot setbacks required in the R1 zone district would be maintained. Refer to Site Plan in Exhibit F2.

 - 3. **Maintenance:** The site is required to be maintained at all times. A Condition of Approval has been included requiring the maintenance of the facility.

- G. **Radio Frequency (RF) Requirements:** Section 17.14.210(G) of the County Code requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC). Clearwire Wireless submitted a report, *Clearwire MPE Calculator*, showing the total maximum power density at ground level operations produced by both the proposed Clearwire Wireless equipment and existing Nextel equipment would be 0.016664 (mW/cm²), which is 0.033329 percent of the ANSI maximum exposure limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions.

- H. **Availability:** Section 17.14.210(H) of the County Code requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been conditioned to allow continued co-location at this facility, with approval of a Special Use Permit reviewed by either the Zoning Administrator or the Planning Commission, depending on future requests and project conformance with the applicable regulations.

- I. **Unused Facilities:** Section 17.14.210(I) of the County Code requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement (Condition 8).
- J. **Other Permit Requirements:** Section 17.14.210(J) of the County Code states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site and this site is not governed by CC&Rs.

After review of the submitted site and elevation plans, (Exhibits F1 to F5), 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. The aesthetic impacts associated with the project have been fully considered. A wooden enclosure has been designed to blend in with the surrounding area. There would be a minor discernable visual change from the addition of the panel antennas to the existing PG&E transmission top, but it can be found the change does not increase the visual impact any more than the existing towers already do. Two other cellular facilities exist on two towers connected to the same transmission line to the east. As designed and conditioned, there are no unresolved issues with the project.

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, would be 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/cm²)	General Public Exposure (mW/cm²)
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 submitted report, *Clearwire MPE Calculator*, received September 3, 2009, the total maximum power density at ground level operations produced by both the proposed Clearwire Wireless equipment and existing Nextel equipment would be 0.016664 (mW/cm²), which is 0.033329 percent of the ANSI maximum exposure limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

This project has been found to be Categorically 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.

A \$50.00 administrative 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	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E.....	Governor's West Subdivision map pages H-48 and H48B
Exhibit F1	Title Sheet, T-1, revised August 31, 2009
Exhibit F2.....	Site Plan, A-1, revised August 31, 2009
Exhibit F3.....	Elevations, A-2, revised August 31, 2009
Exhibit F4.....	Details, A-3, revised August 31, 2009
Exhibit F5.....	Survey, C-1, revised July 28, 2009
Exhibit G	Applicant's Project Narrative, dated October 29, 2009
Exhibit H	Lighting specification sheet
Exhibits I1 to I3.....	Visual Simulations
Exhibits J1, J2	Site Photos
Exhibits K1, K2.....	Aerial Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision
File Number S05-0044-R-1/Clearwire Communication Tower–Hensley Circle SAC0683A
Zoning Administrator/January 6, 2010

PROJECT DESCRIPTION

1. The project, as approved, consists of the following:

Special Use Permit S05-0044 was approved to allow the ~~to~~-co-location of nine (9) wireless communication panel antennas, each eight-feet tall, and one four (4) –foot wide microwave dish mounted at the 70-foot level, on top of an existing 125’-foot 4” Pacific Gas and Electric (PG&E) transmission tower at the parcel surrounded by Hensley Circle that is identified as Assessor’s Parcel number 125-521-19. Antennas ~~would be~~ were attached to a twelve (12)-foot extension to the top of the existing tower, increasing the tower height to 137 feet, four (4)-inches tall. A 27-foot by 27-foot lease area ~~is proposed to be located~~ was constructed within the footprint of the existing transmission tower, and ~~will~~ contains the ground equipment cabinets which ~~will be~~ are enclosed ~~by an~~ within an 8-foot-high solid wood fence with two 6-foot wide access gates. Within the lease area ~~will be an~~ is an 11.5’ x 20’ x 10’6” tall equipment shelter with two air conditioners, and backup batteries. No generator ~~is~~ was proposed.

~~Included also is a~~ A hammerhead style turnaround ~~will be~~ is located approximately 20 feet to the east of the lease area. Telco and power ~~will~~ comes from an existing pedestal and vault that ~~will be~~ was brought underground from the west side of Hensley Circle through a bored hole under the road and then within the twelve (12)-foot wide graveled access and public utility easement traveling approximately 457 feet underground.

Revision S05-0044-R-1 consists of the following:

This Special Use Permit revision is based upon and limited to compliance with the project description, the hearing exhibits marked A through K2 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 shall constitute a violation of permit approval.

The revision amends the original permit to allow the installation of three panel antennas, three microwave dishes and amplifiers at a height of approximately 132 feet on an existing 140-foot PG&E transmission tower. The lease area shall be expanded by a 10-foot by 10-foot area added to the east side of the existing fenced ground facilities lease area for a radio equipment cabinet within the tower foot print. The expanded lease area shall be fenced with a six-foot high redwood fence to match the existing fenced lease area. The existing 4-foot by 9-inch access gate located on the north east end of the lease area shall be removed and a new 4-foot access gate shall be installed on the north west end of the ClearWire lease area. The facility

shall continue to be served via the existing access driveway traveling from the lease area west to Hensley Circle.

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. All site improvements shall conform to the site plans attached as Exhibits D1, D2, and D3 and elevations attached as Exhibits E1, E2, and E3 F1 to F5. All The site plan and elevation exhibits in Exhibits F1 to F4 were revised August 31, 2009 and Exhibit F5 was revised on July 28, 2009 are dated 11/29/05, (November 29, 2005).
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. All facility RF antennas shall be painted with non-reflective paint and maintained to blend with the color of the branches. Planning Services shall verify the painting of the structures and antennas prior to issuance of final occupancy of the facility through Building Services.
4. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent.
5. Expansions to the lease area or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area or antennas may create a visual impact, the Director shall refer the project to the Planning Commission for review and approval.
6. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent. The monopine shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep of the earth-tone color, as referenced by photo-simulation Exhibits G1 and G2. Colors of the monopine, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent.
7. 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.
- 5.8. 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 condition.

9. The one outdoor lighting shall conform to Exhibit H, 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 plan shall be submitted for review and approval by Planning Services with the building permit application and shall be reviewed for conformance with the approved Exhibit H, prior to issuance of a building permit. The light shall be activated with motion-sensor.

Should final, installed lighting 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.

- ~~6.10:~~ Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the Special Use Permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this Special Use Permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review. 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.

~~7.11. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.~~

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

~~8. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.~~

~~9.12. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption. A \$50.00 administrative 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.~~

~~13. 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.~~

~~14. 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.~~

15. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.

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

El Dorado County Department Air Quality Management District:

~~10.~~17. An Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to issuance of a Building Permit or Grading Permit.

~~11.~~18. Burning of wastes on site requires that the applicant shall contact the DISTRICT prior to the commencement of any burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.

~~12.~~19. The applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a Building Permit. All architectural coating shall adhere to District Rule 215 Architectural Coatings.

~~13.~~20. The applicant shall submit a list to the District stating which of the following mitigations measures will be used to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project for approval prior to the issuance of a Building Permit:

Heavy Equipment and Mobile Source Mitigation Measures.

- 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 from 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 trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

El Dorado County Environmental Management Department, Solid Waste and Hazard Materials Division:

21. The applicant shall prepare and submit a hazardous materials /hazardous waste generator management plan for review by the Department all applicable fees paid for all hazardous wastes generated by and for the hazardous materials stored in excess of reportable quantities (55 gallons, 500 pounds or 200 cubic feet).

El Dorado Hills Fire ~~Protection District~~ Department:

~~15.22.~~ The project shall comply with all requirements of the El Dorado Hills Fire ~~Protection District~~ Department.

~~23.~~ The gated access shall have a Fire Department approved Knox padlock installed. Oder forms are available at the El Dorado Hills Fire Station 85. Proof of compliance with said condition shall be received by the Fire Department prior to issuance of any future building permit.

~~24.~~ All vegetation shall be cleared a minimum of 30 feet away from any combustibile fence surrounding the project by June 1st of every year. The vegetation shall be cleared to no less than a two-inch stubble to the ground. This clearance shall be maintained throughout the fire season.

Environmental Management – Solid Waste/Hazardous Material Division

~~25.~~ If this facility will store reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) or generate hazardous waste, prior to commencing operations the owner/operator shall:

- a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
- b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
- c. Train all employees to properly handle hazardous materials and wastes.
- d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

ATTACHMENT 2 **FINDINGS**

Special Use Permit Revision
File Number S05-0044-R-1/ Clearwire Communication Tower–Hensley Circle SAC0683A
Zoning Administrator/January 6, 2010

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 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 Policy 5.6.1.4 (special use permit required) because the aesthetics of the proposed collocation and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed antennas will be painted to match the existing tower. The proposed ground equipment will be screened from adjacent land uses by redwood fencing which will blend with the existing enclosure.

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 17.14.210.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. The proposed use complies with the requirements of County Code Sections 17.14.210.E through J and 17.28.010 thru 17.28.040. As proposed, the project is consistent with these requirements.