

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



Agenda of: November 6, 2013
Item No.: 4.b.
Staff: Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S12-0007-R/AT&T Colocation–Lakehills Community Covenant Church

APPLICANT: AT&T

AGENT: Frank Schabarum

ENGINEER: Rome and Associates

PROPERTY OWNER: Lakehills Community Covenant Church

REQUEST: Special Use Permit revision to allow the colocation nine antennas on the existing 78-foot monopine tower, and to construct an additional equipment shelter, and related ground equipment.

LOCATION: North side of White Rock Road, approximately 1,100 feet north of the intersection with Valley View Parkway, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APN: 121-280-20

ACREAGE: 12.33 acres

GENERAL PLAN: El Dorado Hills Specific Plan-Commercial (EDH-SP-C) (Exhibit B)

ZONING: General Commercial-Planned Development (CG-PD) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Previously Adopted Mitigated Negative Declaration

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

1. Find that pursuant to Section 15162 of the CEQA Guidelines, the previously approved Negative Declaration adequately analyzes the potential impacts of this revision and no subsequent Negative Declaration needs to be prepared for the project; and;
2. Approve the revisions to Special Use Permit S12-0007 subject to the modified Conditions of Approval as listed in Attachment 1, based on the Findings listed in Attachment 2.

PROJECT INFORMATION

Project Description: Request to revise Special Use Permit S12-0007 to allow the colocation of nine panel antennas at the 51-foot centerline level on an approved monopine tower that will have a 73-foot tall pole with the top branches reaching a maximum of 78 feet and bottom branches at 16 feet above ground level. Also proposed is an 11.5 foot by 28 foot prefabricated equipment shelter with a backup generator room, two wall-mounted air conditioners, and a 500 gallon propane tank outside, within a 47 foot by 20 foot lease area, surrounded by a six-foot tall black wrought iron fence, and associated landscape vines and trees.

The applicants are proposing that the pre-fabricated shelter, surrounding fencing, and associated landscaping would be constructed/installed to match the Verizon Wireless facility.

Site Description: The site is located on a 12.33-acre parcel, approximately 700-feet above sea level. There is an existing church facility on the site. The site has moderately sloping, rolling topography consisting primarily of grassland vegetation with some shrubs. Large power poles run through the utility easement that is recorded on the eastern perimeter of the property. Two of those towers have cellular antennas mounted on them. The parcel is elevated on a knoll and is visible from long distances in all directions. The existing church building is approximately 380 feet east/southeast of the proposed tower location.

Background: The approval of Special Use Permit S12-0007 by the Planning Commission on May 9, 2013 allowed the wireless telecommunications facility to be separated from the Planned Development for the purposes of site specific analysis for that facility. Future revisions to the wireless telecommunications facility project are able to be processed in the future without having to revise the approved Development Plan. The Division Manager of the Development Services Division is to determine whether those revisions were significant enough to be approved by either Planning Services, the Zoning Administrator, or the Planning Commission. The construction of that facility is in progress and near completion.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CG-PD	EDH-SP	Lakehills Community Covenant Church facilities
North	R1A	C	Clarksville Cemetery
South	VV-SP	EDH-SP	Valley View Specific Plan/Undeveloped

East	AE	R&D	Vacant
West	CG-PD	EDH-SP	Town Center East

STAFF ANALYSIS

The parcel is zoned General Commercial-Planned Development (CG-PD). County Code Section 17.14.210.D.5.a permits wireless communication facilities in Commercial Zone Districts adjacent to a state highway with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210 D of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided a project narrative explaining the project details, and potential benefits to the community, and site selection which is provided in attached Exhibit F.

Project Issues: The primary issue with this project is aesthetics. Other discussion items include land use compatibility, noise impacts, and utilities.

Aesthetics: The proposed fencing and ground equipment would be visible from various surrounding local views. The top of the tower would be visible from various points in the surrounding area. The tower is a “monopine” to attempt to disguise the antennas and tower with brown, green, and tan colors and materials. The existing antennas are each covered with foliage socks to further camouflage them with the green branch needles and the subject antennas would have the same requirement.

The applicants have proposed to plant six trees around the perimeter of the equipment shelter building lease area as shown on Sheet A-1. They also propose to plant evergreen vines to cover the six-foot tall wrought iron fencing proposed to enclose the lease area. Both are the same plantings as the tower approval and are intended to buffer views of the tower and ground equipment. While still visible from the surrounding areas, these measures should reduce the visible impact of the project.

Land Use Compatibility: Policy 2.2.5.21 directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. A cellular telecommunications facility is considered to be a public utility facility, though owned privately. The project would be compatible and consistent with the El Dorado Hills Specific Plan-Commercial land use designation because it has been designed to minimize the visual and noise effects on adjacent properties, as directed by Section 17.14.210 of the Zoning Ordinance. All facility components would be painted colors that would blend with the church building, the existing telecommunications facility shelter building, and eventually the existing and proposed landscape trees. As proposed and conditioned the colocation on the existing communications tower would be consistent with this policy.

Noise Impacts: The project includes two wall-mounted air conditioners facing southward, and an emergency generator located within the shelter, both of which emit noise. **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 noise level standards of Table 6-2 for noise-sensitive uses.

The “Property Line Noise Assessment” dated July 20, 2013 analyzed the effects of the air conditioners on surrounding “noise sensitive land uses” concluded that no noise mitigations are warranted.

Utilities: Approximately 567 feet of trenching would be required to underground the electric and telephone wires from the existing electrical transformer and telephone/data service boxes located near the church building. The existing junction points are located to the west of the proposed lease area within the project parcel. The trench would be located within a proposed five-foot wide utility easement to be located as shown in the attached Sheet A-0. The service would connect with the existing transformer and telephone communication.

Conclusion: The project has been reviewed in accordance with the General Plan policies, and it is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Design and Development Standards:

Section 17.14.210.B of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. The applicant has provided a project description (Exhibit F), and coverage maps (Exhibit G) in which they discuss how the subject parcel location was chosen. The collocation of antennas is proposed in order to allow wireless communication to provide in-building coverage in the local area and to fill up the cellular communications gap in coverage. Their supplied analysis found the site to be the most optimum to achieve their needed coverage area.

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:** Photo-simulations show 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 conforms to the exhibits approved with the application. Photo simulations of the proposed wireless facility are included as Exhibits E-1 and E-5.

F. Development Standards:

1. **Screening:** As illustrated in the photo simulations, site plan and elevations, the tower and ground equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing surrounding buildings and landscaping.
2. **Setbacks:** The CG Zone District requires a ten-foot front yard setback, and five-foot side and rear setback from the property lines for a structure such as a telecommunications facility and components. The Site Plan, Sheet A-0, shows

the closest property line is approximately 30 feet to the north of the proposed structures.

3. **Maintenance:** Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The conditions are recommended to require that the colors and materials of the equipment building, ground support equipment be maintained at all times and to be consistent with the features depicted in the visual simulations and elevations. A condition of approval has been included requiring the perpetual 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). The AT&T RF EME Compliance Report dated July 17, 2013 found that for a person anywhere at ground level, the maximum RF exposure level due to the installation of antennas was calculated to be 3.20 percent of the applicable public exposure limit for the AT&T antennas and 4.00 percent for both carrier's antennas combined. 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 was determined to be remote.
- 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 tower was constructed with the ability to hold up to three antenna elevations, depending on their needs and requirements.
- 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.
- 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. This project parcel is not governed by CC&Rs. There are classes held within the church facility but there is no public school district site within 1,000 feet of the proposed project site.

After review of the site plan and visual simulations, staff finds that the project meets the standards contained in Section 17.14.210.E through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there are no unresolved issues with the project.

Public Comments: The El Dorado Hills Area Planning Advisory Committee reviewed the project at their September 11, 2013 to review this project. APAC voted 6-1 for support of the project. Their letter dated September 24, 2013 is included as Exhibit H.

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause a significant effect on the environment. This is a proposal for colocation of nine antennas on an existing monopine tower and the construction of an equipment shelter. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the landscaping condition, ensure compliance of the project proposal with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment. All conditions of approval, environmental commitments, and Best Standard Practices included in the previous IS/ND adopted in 2012 will continue be incorporated into this document for the entire project area.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	General Plan Land Use Designations Map
Exhibit C	Zoning Designations Map
Exhibit D-1	Site Plan, Sheet A-0; July 30, 2013
Exhibit D-2	Enlarged Site Plan, Sheet A-1; July, 2013
Exhibit D-3	Equipment Plan, Antenna Plan, Sheet A-1.1, July 30, 2013
Exhibit D-4	North Elevation, Sheet A-2; July 30, 2013
Exhibit D-5	South Elevation, Sheet A-3; July 30, 2013
Exhibit D-6	East Elevation, Sheet A-4; July 30, 2013
Exhibit D-7	West Elevation, Sheet A-5; July 30, 2013
Exhibits E-1 to E-5	Visual Simulations
Exhibit F	Applicant-submitted Project Description; July 31, 2013 (two pages)
Exhibit G	Coverage Maps (two pages)
Exhibit H	El Dorado Hills Area Planning Advisory Committee (EDHAPAC) Letter; September 24, 2013
Exhibits I-1, I-2	Site Photos
Exhibit J	Environmental Checklist Form and Discussion of Impacts

ATTACHMENT 1

REVISED CONDITIONS OF APPROVAL

Special Use Permit S12-0007-R/AT&T Colocation–Lakehills Community Covenant Church
Zoning Administrator/November 6, 2013

Planning Services

1. This Special Use Revision Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit E-1Overall Site Plan, Sheet A-1; March 14, 2013

Exhibit E-2Site Plan and Antenna Layout, Sheet A-2; March 14, 2013

Exhibit E-3West and South Elevation, Sheet A-3; March 14, 2013

Exhibit F-4East and North Elevation, Sheet A-4; March 14, 2013

Exhibits G-1 to G-6.....Visual Simulations

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

Approval of the Special Use Permit S12-0007 and revised Development Plan PD03-0007-R-2 alloweded the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 12.33-acre parcel identified by Assessor’s Parcel Number 121-280-20, and consisting of the following:

- a. Nine panel antennas (each six feet tall by 12 inches wide, by 7 inches deep) mounted at the centerline of 70 feet on an 73-foot tall monopine pole, with the top branches not to exceed 78 feet, and bottom branches at a minimum of 16 feet (all measurements above ground level);
- b. One 26-foot by 11.5-foot prefabricated ground equipment shelter to house equipment cabinets, generator, and associated equipment, the height shall be consistent with that shown on Sheets A-3 and A-4;
- c. One 6-foot tall black wrought iron fence constructed around the perimeter of the 17 by 35-foot lease area for the equipment shelter, with two 8-foot wide gates for access;
- d. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A-2;
- e. One 6-foot tall black wrought iron fence constructed around the monopole base measuring 8 feet by 8 feet, within a 12 by 12-foot lease area, with two 4-foot wide gates for access;

- f. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 51 feet between the tower and equipment shelter lease areas, to be located as shown on Sheet A-2;
- g. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 575 feet between the equipment shelter and the source at the existing church building, to be located as shown on Sheet A-1; and
- h. The nine antennas shown on the elevations at 51 feet above ground level are not approved with this permit.

Approval of S12-0007-R allows the following:

- a. Colocation of nine panel antennas at the 51-foot centerline level on the existing monopine tower;
- b. Construction of an 11.5 foot by 28 foot prefabricated equipment shelter with a backup generator room, two wall-mounted air conditioners, and constructed to match the existing enclosure by another carrier in materials and colors; and
- c. Installation of a 500 gallon propane tank outside the equipment shelter, all within a 47 foot by 20 foot lease area that shall be surrounded by a six-foot tall black wrought iron fence, with associated landscape vines and trees.

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.

The previously approved uses of PD03-0007 remain unchanged and all conditions remain in full force and affect.

Development Services Department (Planning)

- 2. **Lighting:** ~~Two lights are approved, one located above the shelter door, and one above the generator access door, as shown on Sheet A-2, Exhibit E-2. Both~~Any shelter security lights shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting fixture specification sheet and location shall be submitted for review and approval by Planning Services prior to issuance of a building permit. The lights shall be activated with motion-sensor or timer.

Should the installed light be non-compliant with full shielding requirements, the applicant

shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

3. **Landscaping:** ~~Both~~ All wrought iron fenced areas shall have evergreen vines planted on them which shall be maintained to prevent views into those enclosures. The ~~seven~~ trees to be planted around the ~~17-foot by 35-foot~~ equipment shelter lease areas shall be planted as shown on ~~Sheet A-2~~ the approved exhibits, and shall include ~~a combination of~~ deodar cedars (*Cedrus deodora*), Chinese pistache (*Pistachia chinensis*), foothill pines (*Pinus sabiniana*), blue oak (*Quercus douglasii*), and/or interior live oaks (*Quercus wislizenii*) and shall be 25 gallon or larger sized trees.

The planting area shall be mulched with tree service chipper mulch or equivalent heavy type mulch spread in a 20-foot wide minimum band on the west side, a 15-foot wide minimum band on the south side, and 12-foot wide minimum band on the east side (southern ½). Those areas shall have the top few inches of soil hand picked or ripped prior to laying the mulch, and the mulch shall be a minimum of three inches thick. The tree holes shall not be glazed by shovels and/or an auger, and trees shall not be pot bound. Any large roots with the potential to cause girdling later shall be pruned off or straightened prior to planting.

All landscaping trees shall be watered with drip irrigation bubblers. The bubblers shall be placed at the dripline and shall be moved outward to coincide with the expanding dripline location. All tree support poles shall have all support ties loosened at three months so the trees can move in the wind but could catch them if blown over. All tree supports shall be removed at one year or sooner if they can stand alone. No heavy vehicles or equipment shall be permitted within the mulched area to prevent compaction.

The final landscape plan shall be submitted to Planning Services for review and approval prior to issuance of a grading and/or building permit. The applicant shall provide Planning Services with proof of compliance with this condition prior to building permit final. The evergreen vines, trees, and mulch thickness shall be maintained in perpetuity.

4. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
5. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.

6. **Co-location:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Division Manager of the Development Services Division if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Division Manager find that additional noise may create a significant impact; the Division Manager shall decide if the changes can be approved administratively through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
7. **Appearance:** All equipment shelters, cabinets or other auxiliary structures for all carriers shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antenna shielding shall be painted with non-reflective paint and maintained to match the color of the pole. The fenced enclosure shall not have gaps at any portion where it touches ground level. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.
8. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
9. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
10. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:
 - a. Allow the facility to continue to operate under all applicable conditions; or

- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility’s removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

11. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
12. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

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

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

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

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner

shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

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

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

14. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a ~~\$2,156.25 Department of Fish and Game fee~~ prior to filing of the Notice of ~~Determination~~ Exemption by the County. No permits shall be issued until said fees are paid.
15. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

Environmental Management-Solid Waste and Hazardous Materials Division

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

Air Quality Management District

17. ~~**Fugitive Dust:** **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction. (Rules 223 and 223.2) if the project will move more than 20 cubic yards of earth or requires a Grading Permit. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.~~ ~~The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Mitigation Plan (FDMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)~~
18. **Paving:** Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224).
19. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
20. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
21. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall

include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)

22. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

El Dorado Hills Fire Department

23. **KNOX Box:** The applicant shall install a Fire Department approved KNOX box on the equipment shelter structure to contain the master key to open all exterior doors. KNOX box order forms are available at El Dorado Hills Fire Department, located at 1050 Wilson Blvd, El Dorado Hills, CA 95762. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
24. **Gates:** Any access gate(s) shall have a Fire Department approved KNOX box padlock installed to allow for emergency access. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
25. **Knox Key:** A Knox Key shunt system shall be installed by the applicant to terminate power to generators. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
26. **Fire Extinguisher:** The applicant shall provide and maintain a minimum of one 2A 10B: C fire extinguisher. The extinguisher shall be mounted where readily available within the building. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
27. **Vegetation Clearance:** The applicant shall maintain a 30 foot clearance of dry weeds to a height of two inches or less shall be completed annually by June 1.

ATTACHMENT 2

FINDINGS

Special Use Permit S12-0007-R/AT&T Colocation–Lakehills Community Covenant Church Zoning Administrator/November 6, 2013

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

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project that would cause a significant effect on the environment. This is colocation on the existing telecommunications tower facility authorized under the original special use permit. The review of compliance with the conditions of approval for the original special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the colocation request with the original special use permit. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.
- 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 project is consistent with the General Commercial (CG) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of the colocation of antennas on an existing telecommunications tower, which is consistent with the allowed uses for the CG-PD Zone District with an approved Special Use Permit, and revised Development Plan.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the El Dorado Hills community and Highway 50 corridor areas;

- 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing water, electrical, and telecommunication facilities currently existing within the parcel;
- 2.2.3 6.2.3.2 (adequate access) because the project will utilize an existing paved surface for access; and
- 2.2.4 6.5.1.7 (noise exposure) because the submitted noise analysis demonstrates that the project will have noise levels anticipated to comply with the County’s standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels.

3.0 ZONING FINDINGS

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

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.1.

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

The use will not significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall wrought iron fence and evergreen vines, and the tower antennas will be buffered by the monopine “branches” and antenna socks. The view of the tower will eventually be buffered by the planted trees. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than one percent of the public safety standard established by the FCC, the risk of Radio Frequency (“RF”) emissions to the public is remote.

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

The proposed use complies with the requirements of County Code Sections 17.14.210.5.a (telecommunications towers adjacent to a state highway subject of a special use permit); 17.14.210.E through J (facility requirements/analysis), and 17.32.200 (minimum yard setbacks for CG Zone District).