

**Agenda of:** September 8, 2005

**Item No.:** 7.b.

**Staff:** Tom Purciel

**STAFF REPORT - SPECIAL USE PERMIT**

**FILE NUMBER:** S04-0050

**APPLICANT:** Nextel Communications

**AGENT:** SiteCom, Inc./Timothy Miller

**REQUEST:** Special use permit to allow the establishment of a wireless telecommunications facility to include ground-mounted equipment and a 120-foot monopine cellular tower.

**LOCATION:** On the north side of Twin Mountain Road, approximately one-half mile southeast of the intersection with US Highway 50 and Twin Mountain Road, in the Pollock Pines area (Exhibit A).

**APN:** 009-640-031

**ACREAGE:** 14.19 acres

**GENERAL PLAN:** Low Density Residential (LDR) (1996 and 2004 General Plan)  
(Exhibit B)

**ZONING:** Residential Agriculture-Twenty-acre (RA-20)  
(Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** The Telecommunications Act of 1996 preserves the authority of a state or local government over decisions regarding the placement, construction, and modification of personal wireless services, with the following pertinent limitations:

SEC. 704.(7)B(iii)

Any decision by a state or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

SEC.704.(7)B(iv)

No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.

**STAFF ANALYSIS**

**Project Description:** Nextel Communications is requesting a special use permit to construct and operate a wireless telecommunications facility. The facility will consist of a 120-foot monopine cellular tower and will be designed to accommodate up to three wireless service providers, including Nextel Communications. The facility will be unmanned and visited on an average of one visit per month by representatives from the individual service provider for routine maintenance purposes.

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.

Site plans are included as Exhibit D. Project elevations are included are included as exhibit E.

**Proposed Access:** Access to project site is from Twin Mountain Road, located on the south side of U.S. Highway 50, approximately one-half mile east of the Sly Park exit, in the Pollock Pines area. The 0.5 mile long dirt road will provide access to the project lease area through Assessor's Parcel Number 009-640-031.

**Site Description:** The project is located in a forested area, surrounded by pine, fir, cedar, and black oak trees. The top of the tree canopy is approximately 60 to 80 feet above ground level at the project site. Recent selective logging activity has taken place on the neighboring parcel, west of the project lease area. The cell tower and equipment shelter will be located in a gently sloping cleared area, measuring approximately 20 by 35 feet.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>1996 &amp; 2004 General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RA-20	LDR	Undeveloped
<b>North</b>	R2A	MDR	Undeveloped
<b>South</b>	TPZ	LDR	Timberland
<b>East</b>	RA-20	LDR	Single-Family Residence
<b>West</b>	TPZ	LDR	Timberland

**2004 Adopted General Plan and 1996 Writ-Constrained General Plan:**

Under both General Plans, the designation of the subject site is Low-Density Residential (LDR). This designation permits single-family residential uses. 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. All project-related environmental issues have been evaluated in the Initial Study. Therefore, staff finds that the project, as conditioned and mitigated, conforms to the General Plan.

**Zoning:** The proposed use is permitted in the Residential Agricultural Twenty-acre (RA-20) Zone District, pursuant to Section 17.14.299(D) (5) (a-b), which states the following:

- “5. **New Towers or monopoles:** The construction or placement of communication facilities on new towers or monopoles or an increase in height of existing towers or monopoles, may be permitted as set forth below:
- a. In the industrial, commercial and research and development zone districts a new tower or monopole may be permitted subject to approval of a minor use permit by the zoning administrator, pursuant to Section 17.22.400, except where located adjacent to a state highway or designated scenic highway or within 500 feet of any residential zone district.
  - b. In all other zone districts, new towers or monopoles shall be subject to approval of a special use permit by the planning commission pursuant to Section 17.22.500 et seq.”

This project requires a special use permit because it is located in a residential zone (exhibit C) and also located adjacent to US Highway 50 (Exhibit A).

**Development Standards:** Section 17.14.200(E) and (F) of the County Code require that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

The proposed project is located in a residential zoning district and, therefore, the applicant has submitted a request for a special use permit, in compliance with County regulations.

The proposed project is subject to the County development standards for wireless facilities. These standards are set forth in Section 17.14.200 (F) of the County Code, which states the following:

- a. **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 (trees, barns, etc.). The facility shall be painted to blend with the prevalent architecture, natural features, or vegetation of the site.

The lease area will be enclosed by a 6-foot high chain link fence with brown vinyl slats.

The surrounding natural vegetation will screen the project. The pole has also been designed as a tree to further blend with the surroundings. The pole and equipment pad comply with the minimum setbacks established for the zoning district. The use will be maintained on a weekly basis to ensure continued compliance with the conditions of approval.

- b. **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. As this project is located in the Residential Agricultural Twenty-acre (RA-20) Zone District, the minimum setbacks are 30 feet from all property lines. This project will be located 40 feet from the west property line and over 100 feet to the next closest (southeast) property line, and, therefore, this project complies with this requirement.
- c. **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 relating to color.

**Radiofrequency Radiation (RF) Requirement:** Section 17.14.200 (G) requires that the applicant submitted a report determining that the power density at a distance of 100 feet from the base of the tower is less than 1.29 percent of the maximum allowable exposure limit. This is well within the allowable limitation established in the required ANSI standards for RF exposure levels.

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 emissions that exceed the guidelines. PCS facilities, such as the

proposed project, are categorically excluded from the FCC evaluation process if they are located ten meters or more off the ground (other than on a rooftop), or if the total power of all channels is 2000 watts (Effective Radio Power [ERP]) or less. The proposed facility is expected to transmit no more than 100 watts ERP; therefore, it is excluded from the FCC evaluation. Based on the information provided for the proposed wireless facility, it can be determined that the risk of release of hazardous emissions to the public is remote.

**Availability:** Pursuant to Section 17.14.200 (H), all existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist. This facility would be designed to accommodate up to 3 wireless providers.

### **OTHER ISSUES**

**General Plan Lawsuit:** On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court. On July 19, 1999, Judge Bond issued the Final Writ of Mandate. Paragraph 5, subparagraph 1 of the Final Writ permits the County to issue permits for non-residential development, subject to the findings in subparagraph (8).

Subparagraph (8) establishes that the County cannot approve or undertake any such project unless it finds, based on substantial evidence, that:

- (a) The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.

**Discussion:** The project was reviewed and it has been determined that none of the environmental issues identified in the February 5, 1999 Court ruling will be affected by this project. Zoning regulations and the General Plan allow for cellular facilities with the issuance of special use permit.

- (b) The approval or project complies with all other requirements of law.

**Discussion :** The project will comply in all instances with the provisions of the County Code and State regulations regarding cell tower facilities, including Section 17.14.200 (Wireless Communications Facilities Ordinance).

- (c) The approval of the project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.

**Discussion :** A review of the text and maps of the 2004 Adopted General Plan and the 1996 Writ-Constrained General Plan, determined the consistency of the proposed project. General Plan Policy 5.6.1.4 states that special use permits shall be required for the installation of community telecommunications facilities within residential areas. The project area is zoned for residential uses; therefore, the applicant has submitted a special use permit application, in accordance with County regulations.

In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood. Based on comments received from public agencies, as discussed below, staff finds that the project will not be detrimental to the public health, safety and welfare and will not be injurious to the neighborhood. As designed, the project complies with the County's development standards.

**Agency and Public Comments:** The following agencies provided comments on this application:

Air Quality Management District: The Air Quality Management District has reviewed the application and has recommended approval of the application with conditions. These conditions have been incorporated in Attachment 2, Conditions of Approval.

El Dorado County Fire Protection District: The Department has reviewed the application and has recommended approval of the application with conditions. These conditions have been incorporated in Attachment 2, Conditions of Approval.

El Dorado County Department of Transportation: The Department has reviewed the application and has recommended approval of the application with conditions. These conditions have been incorporated in Attachment 2, Conditions of Approval.

El Dorado County Building Services: Building Services has reviewed the application and has recommended approval of the application with conditions. These conditions have been incorporated in Attachment 2, Conditions of Approval.

El Dorado County Department of Agriculture, Weights and Measures: The Department has reviewed the application and has determined that there will be no impacts to agriculture or the surrounding parcels in agriculture.

El Dorado County Environmental Management Department, Environmental Health Division: The Department has reviewed the subject application and has no comments.

Copies of their written comments are available at the Planning Services office. All issues raised in the written comments have been addressed in the Initial Study for the project. At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing that will be discussed at that time.

**ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project, as mitigated, will have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Per Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Approve the mitigation monitoring program as contained in the conditions of approval in Attachment 1; and
3. Approve the special use permit based on the findings in Attachment 2, subject to the conditions in Attachment 1.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Site Plan
Exhibit E.....	Project Elevations
Exhibit F.....	Visual Simulations
Exhibit G .....	Initial Study

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**

**NEXTEL COMMUNICATIONS**

**FILE NUMBER S04-0050**

**September 8, 2005**

El Dorado County Planning Services:

1. This special use permit approval is based upon and limited to compliance with the project description, dated March 21, 2005, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

- a. A 120-foot steel monopine with up to six (6) panel antennas mounted at a centerline of 110 feet at 7401 Twin Mountain Road, Assessor's Parcel Number 009-640-03. Six panel antennas in two groups of three (sectors) would be mounted on an antenna array mount, to avoid horizontal expansion of the overall structure beyond the proposed foliage. The antenna panels would be approximately 10 inches wide, 96 inches long and 5 inches deep. The monopine will be constructed with branches and tree foliage extending down at least 50 percent of the pole. The monopine shall be constructed to hold a total of three wireless networks.
- b. The monopine and prefabricated ground equipment shelter shall be located within a 30-foot by 40-foot lease area to be enclosed by a 6-foot high chain link fence.

**MITIGATION MEASURES FROM MITIGATED NEGATIVE DECLARATION:**

2. Air Quality District Rule #223, which addresses the regulation 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 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

3. Burning of wastes that result from "Land Development Clearing" must be permitted through



the Air Quality District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).

MONITORING: The District shall be consulted prior to any burning of wastes at the project site. Planning Services shall review the grading plan to determine that this notation has been placed on the plan prior to issuance of a grading permit.

4. Project construction may involve road development and should adhere to Air Quality District rule 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Quality District prior to start of project construction. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

5. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director shall be on-call. 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. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that this notation has been placed on the plan prior to issuance of a grading permit.

6. 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. The project grading plans shall include this mitigation on the plans.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

**PROJECT SPECIFIC CONDITIONS**

1. The project, as approved, consists of the construction, operation and maintenance of a 120-foot monopine-type cellular tower and equipment shelter building with associated site improvements.
- 1b. All site improvements shall conform to the site plan(s) attached as Exhibit D and approved elevations attached as Exhibit E.
2. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground mounted equipment is located within the existing leased area and provided that no more than four (4) antennas are placed on the pole at any one time
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
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. All obsolete or unused communication facilities shall 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.
6. 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 o 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.

El Dorado County Building Services

7. Project facilities shall be subject to issuance of a building permit from El Dorado County Building Services.

El Dorado County Department of Environmental Management

8. The project shall comply with all requirements of the El Dorado County Air Pollution Control District.

El Dorado County Department of Transportation

9. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion, and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. A commercial grading permit shall be required.
10. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
11. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction. If existing access way is determined to be adequate by the fire district, this condition shall be deemed fulfilled.

El Dorado County Fire Protection District

12. The project shall comply with all requirements of the El Dorado County Fire Protection District, including, but not limited to:
  - a. Access roads shall meet all applicable “Fire Safe” standards and maintain a 13-foot, 6-inch vertical clearance.
  - b. Provide Fire District approved turn-a-round at the project site.
  - c. Provide high-priority “Knox” box access with keys for equipment shelter and “Knox” padlock for fenced area at site and gate.
  - d. Gates to comply with Fire Prevention Officer’s standard (2 feet wider than the road).
  - e. Minimum inside turning radius is 40 feet, and road grades shall not exceed 16 percent. The access road shall be capable of supporting a 40,000 pound load.

**ATTACHMENT 2**  
**FINDINGS**

**NEXTEL COMMUNICATIONS**

**FILE NUMBER S04-0050**  
**September 8, 2005**

**1.0 CEQA FINDING**

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public hearing process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning Department at 1850 Fairlane Court, Placerville, CA
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.5 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.

**2.0 ADMINISTRATIVE FINDINGS**

**2.1 Special Use Permit Findings**

Special Use Permit S04-0050 has been requested by Nextel for the purpose of installing a 120-foot steel monopine with up to six (6) panel antennas mounted at a centerline of 110 feet at 7401 Twin Mountain Road. To facilitate future collocation, the monopine will be constructed to hold a total of three wireless networks. This Special Use Permit authorizes Nextel to place the monopine and prefabricated ground equipment shelter within a 30-foot by 40-foot lease area to be enclosed by a 6-foot high chain link fence. The Special Use Permit shall only be approved or conditionally approved if all of the following findings are made:

- 2.1.1** The proposed use is allowed in the Residential Agricultural-20 Acre Zone District under special use permit pursuant to Section 17.14.299.D.5 of the County Code.
- 2.1.2** The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study and the mitigation measures identified therein, and a Mitigated Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
- 2.1.3** **The use is found to comply with the requirements of County Code Section 17.14.200, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.**

This is a new wireless proposal designed as a multi-carrier facility, to allow for future co-location, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once a month to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving cellular service. After review of the submitted site plan(s) and a visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the monopine in the Pollock Pines/Fresh Pond area.

- 2.1.4** **The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999 and the 2004 El Dorado County General Plan adopted July 19, 2004, and the cellular facility has been designed in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.**

Nextel proposes a monopine to provide enhanced cellular service within the Highway 50 corridor. The main use of the site is residential; therefore, the cellular facility would be incidental to the main residential use of the property. The design of the monopine and location on the site has been carefully considered, and will blend with the surroundings. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.

**2.1.5 This project may be approved subject to the following findings established in Paragraph 5, Subparagraph 1, which permits the County to approve non-residential projects, and Subparagraph 8 in the Final Writ issued by the Court on July 19, 1999, as follows:**

- a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.**

The project was reviewed and it has been determined that none of the environmental issues identified in the February 5, 1999, Court ruling will be affected by this project. Zoning regulations and the General Plan allow for cellular facilities with the issuance of Special Use Permit.

- b. The approval or project complies with all other requirements of law.**

The project will comply in all instances with the provisions of the County Code and State regulations regarding cell tower facilities, including Section 17.14.200 (Wireless Communications Facilities Ordinance).

- c. The approval or project is consistent with the text and maps of the 1996 General Plan, as amended through February 4, 1999.**

A review of the text and maps of the 1996 General Plan, as amended through February 4, 1999, determined the consistency of the proposed project. The General Plan designation of the subject site is Low-Density Residential (LDR). The wireless facility will be incidental to the main residential use of the site.