



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.edcgov.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Lou Rain, Chair, District I  
Dave Pratt, First Vice-Chair, District II  
Tom Heflin, Second Vice-Chair, District III  
Walter Mathews, District IV  
Alan Tolhurst, District V

Char Tim ..... Clerk of the Planning Commission

---

## MINUTES

**Regular Meeting  
December 9, 2010 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:36 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews; Paula Frantz-County Counsel\*; and Char Tim-Clerk of the Planning Commission.  
*[\*Arrived at 8:47 a.m. and was in attendance at the start of the public hearing portion.]*

### 2. ADOPTION OF AGENDA

**Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to adopt the agenda as presented.**

**AYES: Pratt, Heflin, Mathews, Rain**  
**NOES: None**  
**ABSENT: Tolhurst**

### 3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. Minutes: November 18, 2010

**Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (3-0), to approve the Minutes of November 18, 2010.**

**AYES: Heflin, Mathews, Rain**  
**NOES: None**  
**ABSENT: Tolhurst**  
**ABSTAIN: Pratt**

- b. **2009 Annual Report on the River Management Plan:** Receive and File  
*[Staff: Noah Rucker-Triplett/Environmental Management]*

Item was pulled by Melody Lane, President of COMPAS, for comment.

Noah Rucker-Triplett presented the item to the Commission with a recommendation to receive and file.

Ms. Lane distributed a copy of the River Management Advisory Committee (RMAC) meeting agenda of July 16, 2009. She felt that the public's input did not receive adequate representation in the report.

Mr. Rucker-Triplett responded that Appendix G of the Annual Report contained public comments. He also stated that every month the RMAC meets in order to receive public comment.

Commissioner Mathews said that they obviously want to be informed when public meetings are not public, but felt that was not the situation in this case. He also commended staff for a very comprehensive report.

**Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to receive and file the 2009 Annual Report on the River Management Plan.**

**AYES: Heflin, Mathews, Pratt, Rain**

**NOES: None**

**ABSENT: Tolhurst**

## **END OF CONSENT CALENDAR**

### **5. DEPARTMENTAL REPORTS AND COMMUNICATIONS (Development Services, Transportation, County Counsel)**

Pierre Rivas stated that he would be attending the SACOG RUCS meeting this week and would report back to the Commission with a summary.

Peter Maurer informed the Commission that at the December 7, 2010 meeting, the Board of Supervisors received the Draft Wildlife Movement and Corridors Report for the INRMP.

### **6. COMMISSIONERS' REPORTS**

Chair Rain commended Pierre Rivas on the recent front page article in the Mountain Democrat regarding his term ending as Mayor of Placerville.

Commissioner Heflin indicated that he has received public complaints regarding the Treehouse Ministries housing people at 2700 Barkley Road.

9:00 A.M.

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. SPECIAL USE PERMIT

a. **S08-0018/ComSites West Communications Tower-Coloma** submitted by COMSITES WEST, LLC (Agent: Tim Miller/SiteCom, Inc.) to allow the construction of a wireless communications facility to include a 100-foot tall monopine tower, nine antennas at the 93-foot level, and ground support equipment to be located in a 50-foot by 55-foot fenced lease area. The property, identified by Assessor's Parcel Number 006-011-68, consisting of 12.59 acres, is located on the north side of Mt. Murphy Road, approximately 0.35 mile east of the intersection with Bayne Road, in the Coloma area, Supervisorial District IV. *[Project Planner: Tom Dougherty]* (Negative declaration prepared)\* *[continued from 10/14/10 meeting]*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He provided a detailed presentation which identified particular Staff Report exhibits that addressed issues brought up by the public. Mr. Dougherty indicated that the State and County have not identified Highway 49 as a scenic corridor. In addition to the 15 e-mails/letters from the public, staff received a letter from the State Department of Parks and Recreation-Gold Fields District on December 6, 2010, which stated that they were changing their position and no longer supported the project.

Tim Miller/applicant's agent provided the following comments:

- In agreement with the Staff Report;
- Site was carefully chosen in order to best serve the residents and businesses in and around the State park area;
- Acknowledged the recently approved cell tower on Sagebrush Road and of the proposed cell tower on Gold Hill Road, which was on today's agenda, and felt that this project fit in well with them;
- To service inside a building, cell range is approximately one mile;
- 17 million 9-1-1 calls were made from cell phones last year;
- Met with State Parks personnel twice in the past two weeks in an attempt to resolve their concerns with the project; and
- Acknowledged that project has both support and opposition from area residents.

Mike Okey, docent at Coloma State Park, stated that since he has a daughter with medical issues, he understands the need to have cell coverage in the area. However, he is concerned with the project's affect on the viewshed and that there was no analysis done regarding the historical significance resource in the park.

Jim Micheaels and Jeremy McReynolds, State Department of Parks and Recreation-Gold Fields District, explained that in 2009 they had supported the project. However, since recently discovering that another cell tower in the area, located on Sagebrush Road, was approved, they are no longer supporting the project due to the impacts of the park's viewshed. Although the

Sagebrush Road tower will not provide the same service, coverage will at least be available. They recognized that the applicant has worked in good faith, but that their mission is to preserve the park's viewshed. It was also requested that if the Commission approved this project, that the cell tower height be reduced.

Robin Center said that she has lived for 30 years in close proximity to Mt. Murphy and voiced the following concerns, which were provided in written form for the record:

- Visitors would be impacted by the viewshed;
- Compromises the scenic view;
- Probable health risks;
- Sagebrush Road cell tower will serve the same area;
- Mt. Murphy historically burns approximately every five years; and
- Questioned examination of any alternative sites.

James Goodspeed/resident explained that when he built his house, which is located in the park's viewshed, he purposely designed it to look like it was from the 1850s and ensured that all utilities were placed underground. He requested that the Commission redirect, not deny, the project in order to locate an area outside of the park's viewshed and that has more pine trees in order to conceal the tower better.

Kelly Ahola/resident wants to preserve the rural character of the area and felt it was important to wait on taking action on this project in order to determine the type of service the Sagebrush Road cell tower would be able to provide. She submitted her testimony in written form for the record, along with an article titled "Epidemiological Evidence for a Health Risk from Mobile Phone Base Stations".

Bill Center distributed a map and a copy of his testimony to the Commission and made the following comments:

- Interested in having cell service in the area, but felt the Sagebrush Road cell tower would adequately provide that coverage;
- Proposed project would be located less than 100 feet from the park's property; and
- This particular viewshed is specifically protected in the General Plan and, therefore, felt a General Plan amendment would be required.

Mark McCluskey/resident said that although cell phones are a necessity in this modern age, this location attracts visitors from all over the world and the project is near a primary viewshed of the park. He recommended that other locations be identified for the cell tower.

Sandy Mancuso/resident stated that when they built their house, they purposely chose a location outside the park's viewshed. She suggested that their property would be a good alternative site and had spoken with Mr. Miller on this approximately 1 ½ years ago but has not been contacted since.

Greg Dietersen/resident supports cell service in area as he works from home. He understood the viewshed concerns but felt that the homes within the viewshed are just as much an eyesore as the cell tower.

Melody Lane, President of COMPASS, provided the following comments:

- Proposed location is 250 feet from her home and her primary importance is to preserve her home and the sanctuary that it provides;
- Spoke on alternative sites;
- Project has brought tension between community residents;
- Wireless infrastructure is a booming business;
- Concern that politics is taking over resource protection;
- Although this location is next to her house, she was not notified by ComSites regarding this project; and
- The owners of the parcel that the cell tower will be located on should have the burden of its view since they will have a financial benefit of it.

At the request of Chair Rain, Ms. Lane identified other alternative locations on the wall map. Ms. Lane distributed a copy of an e-mail and letter that she sent to Mr. Miller containing numerous questions she was seeking responses on.

Tyla Biale/park resident stated that she has poor cell and internet service at home and encouraged the cooperation of the park and community to find a resolution.

Howard Penn, resident and area business owner, felt conflicted with the project because although he does not want the tower in his viewshed, as a business owner he needs the cell service. He suggested that the County work with cell service providers on a long-term plan that would not interfere with the historical nature of the area.

Keith Chambers, General Manager of ComSites West, provided a rebuttal with the following comments:

- FCC mandates a review of impacts on historical resources and they did submit FCC Form 620 to the State, but it was not submitted with their application. He read into the record the State's "salient determination". They have abided by FCC rules regarding historical issues;
- Does not believe that the tower would be visible from many park locations due to the tree cover;
- Met with State Parks personnel last week requesting they be part of the solution and they declined; during that time, he had offered to reduce the height of the cell tower;
- Signal performance may be impacted due to height reduction as the antennas need to clear the top of vegetation;
- Study done a couple of years ago shows that property values are not affected due to a cell tower;
- Photosimulation previously submitted by them shows Ms. Lane's house is more prominent than the proposed cell tower;
- This is a spec tower and it will only be built if there is a carrier demand; and
- Location is on a mid-slope bench and the tower tree will be blended into the slope.

Chris Baker/applicant's consultant responded to Commissioner Pratt's request for clarification on the Sagebrush Road cell tower coverage by stating that no analysis had been done and it would be better to have the applicant of that project respond to coverage questions. Mr. Baker provided detailed information on the two different bands of frequency. He also explained that his company did not select the proposed site nor was it in their scope of work to analyze alternative locations.

Mr. Chambers explained that during site selection many variables are used, such as proximity to utilities, access, site conditions, and construction costs. He explained that if the Mancuso's property is used as an alternative site and is in close proximity to the cell tower on Sagebrush Road, then it would be duplicate coverage. Mr. Chambers stated that the proposed site was to cover a specific area and that there will always be opposition to a proposed location of a cell tower.

In response to Chair Rain's inquiry on which takes precedence, the General Plan or the FCC 1996 regulations, County Counsel Paula Frantz stated that Federal law pre-empts State and local law only to the extent that it states it pre-empts. She explained the various types of basis that can and cannot be used for denial of a cell tower. County Counsel Frantz felt that this was a unique situation because it is not being proposed by a carrier, but instead as a future site for future carriers. She also stated that currently there are no standards developed for viewshed protection, but the General Plan did specifically identify this site as general importance to protect the viewshed.

Commissioner Pratt made the following comments:

- State Parks should be part of the solution now that they have changed their position due to the viewshed;
- Questioned where the State Parks' influence ends regarding viewshed (i.e., at the park's boundaries);
- Questioned the coverage area going farther than the park as it appears that the site is geared towards the park area;
- Inquired if there were other tree towers available (i.e, oak) instead of pine; and
- Agreed that more support is needed for businesses and telecommuters in that area, but not sure if this location does that.

Commissioner Mathews is opposed to this site because Mt. Murphy is the viewshed to the park and is an icon of Coloma Valley. He stated that this is a special place, named in the General Plan as a special place, and, therefore, needs special considerations. Commissioner Mathews felt that this location was selected because it was the easiest. He wants the applicant to succeed but is not willing to give up the viewshed in that area for cell service.

Commissioner Heflin stated that from an economic standpoint, he wants to see businesses get the service they need. However, this is a significant cultural resource and the viewshed is important, as identified in the General Plan. He felt an alternative site needed to be located.

Chair Rain agreed with the other Commissioners and the community and encouraged the applicant to hold community meetings.

County Counsel Frantz explained that all applicants have the opportunity to have a Conceptual Review with the Commission or the Board of Supervisors. This type of review has limitations as it can only identify fatal flaws and provides the applicant a forum to hear public comments. It does not ensure that a project will be approved.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to deny the project based on the Findings identified during the meeting.**

**AYES: Pratt, Heflin, Mathews, Rain**

**NOES: None**

**ABSENT: Tolhurst**

This action can be appealed to the Board of Supervisors within 10 working days.

### **Findings**

#### **1.0 CEQA Finding**

1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(a) of the CEQA Guidelines which states CEQA does not apply to a project that a public agency rejects or disapproves.

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. Section 17.22.540.A of the County Code requires the approving authority to approve a special use permit only after making all of the following findings:**

**2.1 Finding 1. The issuance of the permit is consistent with the General Plan.**

Finding 1: The Planning Commission finds that the proposed monopine cell tower is not consistent with General Plan requirements to protect the visual appearance of this area of El Dorado County. The Coloma area's cultural and historic significance to California as the origination of the gold rush of 1849 requires significant consideration of the appearance of facilities such as the proposed tower. The site is plainly visible from public roadways and the Marshall Gold Discovery State Park. It is the Planning Commissions finding, based on significant written and verbal testimony from community representatives and residents, that the tower proposed in this application was not consistent with the needs of the area for aesthetic sensitivity and historic nature.

The proposal, as conditioned, is not consistent with the intent of Policies 7.5.2.2 (B) and (G) because these policies direct that buildings and structures within the viewsheds of the Marshall Gold Discovery State Historic Park generally conform to the styles and

architecture prevalent during the latter half of the 19<sup>th</sup> century into the first decade of the 20th century and be consistent with the design controls of the Historic Design Guide. General Plan DEIR Exhibit 5.3.1 and Table 5.3.1 designate the historic townsite of Coloma (Marshall Gold Discovery State Historic Park) as an Important Public Scenic Viewpoint in all directions. The monopine design of the project of the proposed cellular communications tower is found to be inconsistent with the intent of limiting non-historical looking structures within said viewshed.

The Planning Commission also finds that the applicant's proposal did not demonstrate that the proposed site was the primary site needed to provide cellular service coverage to the Coloma area. Although cellular service is limited or not available in many parts of the Coloma area, other cellular facilities may be better suited to serve the community. The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns.

Finding 1 Conclusion: This finding cannot be made and pursuant to 17.22.540, all three findings are required. Therefore this Special Use Permit cannot be approved.

**2.2 Finding 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Finding 2: Based on the application submittal, including documentation that the facility would comply with standards established for these facilities by the Federal Communications Commission, it is not expected to be detrimental to the public health, safety, welfare, or injurious to the neighborhood

Finding 2 Conclusion: Although Finding 2 can be made, pursuant to 17.22.540, all three findings are required. Since Finding 1 cannot be made, this Special Use Permit cannot be approved.

**2.3 Finding 3. The proposed use is specifically permitted by special use permit.**

Finding 3: Section 17.14.200.D.5.b requires a special use permit for cellular tower facilities in all zone districts other than: commercial, industrial, and research and development. The subject parcel is zoned residential. Section 17.22 provides the procedure and findings for a Special Use Permit.

Finding 3 Conclusion: Although Finding 3 can be made, pursuant to 17.22.540, all three findings are required. Since Finding 1 cannot be made, this Special Use Permit cannot be approved.

**3.0 Summary Finding:** Pursuant to 17.22.540, denial of a special use permit requires the approving authority to specify the grounds for the denial. S08-0018 has been found by the Planning Commission to be inconsistent with the General Plan as described in Finding 2.1 "Finding 1" and is therefore denied. The grounds for denial are contained with these findings.



**4.0 Appeal Procedure:** The Planning Commission Decision can be appealed to the Board of Supervisors within ten working days from December 9, 2010. Contact Planning Services at (530) 621-5355 for required application form and fees.

**b. S10-0008/Cosenza Dog Kennel** submitted by LINDA and CARLO COSENZA to allow the operation of a non-commercial kennel for up to 25 dogs to be housed within an existing residence and dog run. The property, identified by Assessor's Parcel Number 119-010-11, consisting of 10 acres, is located on the east side of Screech Owl Creek Road, approximately 6,000 feet southwest of the intersection with Marble Mountain Road, in the El Dorado Hills area, Supervisorial District II. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)\*\*

Tom Dougherty presented the item to the Commission with a recommendation of approval.

Peter Thorne/applicant's agent explained that Linda Cosenza is a caregiver for terminally ill patients and takes the animals in when their owner dies. They are requesting to amend Condition #3 by extending the time period to schedule a meeting with the Code Compliance Division to 45 days and extend the time period to file a building permit to 60 days, if it is determined that permits are required for those structures.

Bert Mutz, adjacent neighbor, supported the project.

Commissioner Mathews encouraged the applicant to contact their Board Supervisor to discuss the possibility of having the fees waived.

Commissioner Heflin requested that two typos on page 4 of the Staff Report be corrected as they identified the wrong conditions.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (4-0), to take the following action: 1. Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); and 2. Approve Special Use Permit S10-0008 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #3 extending the meeting time period to 45 days and extending the building permit filing time period to 60 days; and (b) Correct Staff Report as identified.**

**AYES: Mathews, Heflin, Pratt, Rain**  
**NOES: None**  
**ABSENT: Tolhurst**

This action can be appealed to the Board of Supervisors within 10 working days.

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 The non-commercial kennel is found to be Categorical Exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines which exempts *the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.*
- 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 GENERAL PLAN FINDINGS**

- 2.1 As conditioned, the project is consistent with the intent of 6.5.1.2 and 6.5.1.7 (noise impacts) and will use existing facilities with no exterior expansion, would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste disposal services. As conditioned, the project would not add excessive noise levels nor affect biological resources in a significant manner.

**3.0 ZONING FINDINGS**

- 3.1 The non-commercial kennel use is permitted in the RE-10 Zone District, pursuant to Section 17.70.100.I of the El Dorado County Code, along with the issuance of a Special Use Permit.
- 3.2 The project, as shown and described in Exhibits F, G, and J-2, and as conditioned, meets all applicable development standards contained within the El Dorado County Zoning Ordinance Sections 17.70.110 A-G.

**4.0 SPECIAL USE PERMIT FINDINGS**

- 4.1 The issuance of the permit is consistent with the General Plan. The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. 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 and will occupy existing facilities, will not create excessive noise, waste or additional traffic. The project allows a non-commercial kennel operation, carried out by the owners and their family, and one permanent employee. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

- 4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood, based on the conclusions contained in the Staff Report. The use will not conflict with the adjacent uses as it has been conditioned to comply with County Codes. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the project, will not have a detrimental affect nor be 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.
- 4.3 The proposed use is specifically permitted by Special Use Permit. Section 17.70.100.I of the County Code requires a Special Use Permit within the RE-10 zoning district. The project must be found to not change the residential character of the premises or adversely affect the other uses permitted in a residential area. After review of the submitted information and with consultation from concerned agencies, staff has determined that, as proposed, the project is consistent with these requirements and would not affect the existing area in a significant manner.

### **Conditions of Approval**

#### **El Dorado County Planning Services**

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits F, G and J-2, 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:

Approval of this Special Use Permit allows a non-commercial kennel to house a maximum of 25 dogs within the 7,441 square-foot primary dwelling and as located in Exhibit F. There will be one permanent employee allowed and all other operations will be carried out by the owners of the parcel. Any improvements or modifications to the following structures that would change the size, capacity or uses allowed would require the review of Development Services. The other currently approved structures are as follows:

- a. The 251 square-foot pool house for pool accessory purposes and identified and located as the "Existing Poolhouse" in Exhibit F; and

- b. The existing swimming pool identified and located as the "Existing Pool" in Exhibit F.

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. Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibit F. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Services prior to project modifications.
3. The applicants shall schedule a meeting with the El Dorado County Code Compliance Division no more than ~~15~~ 45 days following the end of the ten-day appeal period subsequent to the approval of the subject Special Use Permit in order to determine which accessory buildings shown, but not labeled in Exhibit F, are subject to a Building Permit. The applicants shall then file for a Building Permit within ~~30~~ 60 days of said meeting with the Code Compliance Officer. The subsequent Building Permits shall then be finalized within 120 days after issuance. The applicants shall then submit a revised site plan showing and labeling all approved accessory buildings 10 days subsequent to issuance of final occupancy for all approved buildings.
4. The "Existing Travel Trailer" located and shown in Exhibits F and J-2 shall be disconnected from all permanent utilities and is not permitted as a residential or storage structure within the context of this Special Use Permit unless allowed for those uses through approval of a future County permit.
5. For the purposes of compliance with General Plan noise policies, all dogs shall remain within the single family dwelling labeled as "Existing Residence" and located as shown in Exhibit F, between the hours of 9 p.m. and 6:30 a.m.
6. The applicant shall be responsible for complying with all Conditions of Approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, nuisance complaints, and/or abandonment of the facility are ultimately the responsibility of the property owner.
7. All Development Services Department fees for processing this application shall be paid in full within 30 days following final action on the application by the approving authority.

8. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project
9. All outdoor lighting shall be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should 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.
10. 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 County of El Dorado and its agents, officers, and employees from any claim, action, or proceeding against County of El Dorado or its agents, officers, or employees to attack, set aside, void, or annul an approval of County of El Dorado concerning a Special Use Permit.

**El Dorado County Environmental Management Department-Hazardous Materials/Solid Waste Division**

11. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.
12. Any and all infectious medical waste and sharps must be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Act.

**El Dorado County Animal Services Department**

13. The interior of the primary single-family dwelling and any rooms therein where the dogs are kept must be kept clean and sanitary and all floor surfaces shall be sealed in a manner that prevents all absorption of urine and feces to be suitable for disinfection. A clean and sanitary manner is to include the removal, cleaning and disinfection of areas where urine and feces are present for the health of the animals.
14. No commercial boarding or grooming shall be allowed under this Special Use Permit.
15. A non-commercial kennel license shall be obtained from Animal Services within 30 days of approval of this Special Use Permit. Said license shall comply with all conditions of El Dorado County Ordinance 6.25.020, License Required.

c. **S10-0006/SBA 49'er Gold Cell Tower** submitted by SBA TOWERS, INC. (Agent: Gary Mapa/Site Acquisition Resultants, Inc.) to allow the construction of a wireless communications facility to include a 104-foot tall monopine tower with 12 antennas at the 96-foot level and

ground support equipment to be located within a 2,700 square foot fenced lease area. The property, identified by Assessor's Parcel Number 089-010-41, consisting of 2.379 acres, is located on the north side of Gold Hill Road, approximately 0.45 mile west of the intersection with State Highway 49, in the Gold Hill area, Supervisorial District IV. [*Project Planner: Aaron Mount*] (Negative declaration prepared)\*

Aaron Mount presented the item to the Commission with a recommendation of approval. He stated that the only public comment received was for support of the project.

Gary Mapa/applicant's agent stated that the Staff Report was accurate and his team was available for any questions.

Doug Picard/applicant's agent stated that the intent of the selected site was to fill in the current coverage gaps by providing contiguous coverage and was designed in conjunction with the recently approved Sagebrush Road cell tower. He said that the pole tower will be designed for co-location of various technologies as cell providers are now becoming internet providers. Mr. Picard explained the differences between voice session vs. data session and soft hand-offs vs. hard hand-offs. He felt that the Placerville to Coloma area will have solid coverage if this site and the Sagebrush Road site are developed.

Paul Arbritton/applicant's agent provided information on the Telecommunications Act. He stated that this site will be able to take four carriers.

Melody Lane, President of COMPASS, made the following comments:

- Relatedness and connection to Sagebrush Road cell tower and service to Coloma Valley;
- Hole in communication process in the community; and
- Cell service is needed but the public needs to be included in the communication process.

Howard Penn, President of the Coloma-Lotus Chamber of Commerce, stated that they unanimously supported this project. On a side note, he informed the Commission that they will start working with ComSites West, applicant of the project denied earlier in the meeting, to look at other potential locations in the Coloma area, hold community workshops, and include Ms. Lane in those conversations.

No further discussion was presented.

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to take the following action: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S10-0006 based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Mathews, Pratt, Heflin, Rain**  
**NOES: None**  
**ABSENT: Tolhurst**

This action can be appealed to the Board of Supervisors within 10 working days.

**Findings**

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 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 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 Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As conditioned, the proposal is consistent with the intent of 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 6.2.3.2 (adequate access), 6.5.1.2 (noise), and 8.1.4.1 (agricultural compatibility) because the project would have minimal impacts on visual resources, existing utilities, on existing emergency response times, and is compatible with Williamson Act contracted lands. There are adequate services to facilitate the site, such as water, power and Telco services and the noise from the ground equipment has been found to be less than the General Plan thresholds. The project provides a cellular alternative to the Placerville area.

**3.0 ZONING FINDINGS**

- 3.1 The project is zoned Exclusive Agricultural (AE) 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 applicant's proposal has been determined to be in compliance with County regulations, addressing

environmental issues and health and safety concerns. As discussed above, the proposal is consistent with the applicable General Plan Policies and all potential project-related environmental issues, and the benefits to the community have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to 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 monopine tower and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed ground equipment will be screened from adjacent land uses by a chain link fence with slats and landscaping on the western end of the enclosure.

4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood**, based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be buffered from view by landscaping and brown slatted chain link fencing and the minimal grading and foundation work will not cause significant environmental impacts. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. Further, the new wireless communications facility would provide cellular communication services to the Gold Hill, Coloma and Lotus communities. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the, will not have a detrimental affect nor be 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 ten percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

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

Section 17.14.210 (D) (5) of the County Code requires a Special Use Permit for construction or placement of communication facilities on new towers or monopoles. 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 17.36.210 thru 17.36.260. As proposed, the project is consistent with these requirements.

### **Conditions of Approval**

#### **Planning Services**

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits F1-10 and H1-3, and conditions of approval set forth below. Any deviations from the project description, exhibits, or