

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of:	April 28, 2011
Item No.:	8.a
Staff:	Gina Paolini

SPECIAL USE PERMIT REVISION- FIVE-YEAR REVIEW

FILE NUMBER: S00-0023-R/AT&T Telecommunication Facility- Pinnacle Court

AGENT: Patricia Kelly, Lyle Company

APPLICANT: AT&T

ENGINEER: PDC Corporation

OWNER: Lakes Kar - Shingle Springs, LLC

REQUEST: Revision to a Special Use Permit to include:

1. Removal of an existing wood monopole and replace with a monopine to accommodate the collocation of AT&T on the Sprint tower. Ground equipment and a shelter would be housed within an existing 1,043 square foot lease area.
2. Five-year review of an existing cellular telecommunications facility.

LOCATION: East side of Pinnacle Court, one-fourth mile east of the intersection of Artesia and Shingle Springs Road, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APN: 319-110-13 (Exhibit B)

ACREAGE: 5 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor (LDR-IBC) (Exhibit C)

ZONING: Estate Residential Five-Acre Zone District (RE-5) (Exhibit D)

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

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures);
2. Approve Special Use Permit S00-0023-R subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
3. Find that for this five-year review period, the existing telecommunications facility is found to be in substantial conformity with the Conditions of Approval for Special Use Permit S00-0023.

BACKGROUND

Special Use Permit S00-0023 was approved on November 9, 2000 for Sprint PCS. The Special Use Permit allowed for a 30-foot wooden monopole with six panel antennas mounted at a height of 32 feet 4 inches and seven equipment cabinets to be within a 1,043 square foot lease area. Building Permit No. 129522 was issued on March 9, 2001 to construct the pole and install the miscellaneous ground equipment. The facility was finalized on July 3, 2001.

In addition to the project pole, the site has three additional poles located within the project parcel. Special Use Permit S94-0009 allowed for a 22-foot wood pole for Nextel (Building Permit No. 94088953). Special Use Permit S00-0025 allowed for a 48-foot wood pole for Metro PCS (Building Permit No. 130215). Special Use Permit S05-0027 allowed for a 60-foot monopine for Verizon (Building Permit No. 173814). These poles would remain on the project site as constructed.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description:

The project is a revision to a Special Use Permit to remove an existing telecommunications monopole and replace the pole with a new monopine and install ground equipment for AT&T. The following would be the project details:

- a. Remove an existing 30-foot Sprint telecommunication wood pole;
- b. Replace existing pole with a 55-foot monopine;
- c. AT&T to place 12 antennas on the pole at a 45 foot RAD center;
- d. Sprint to retain a maximum of 6 antennas on the pole at a 30 foot RAD center;

- e. AT&T to construct an 11.5 foot by 20 foot concrete shelter to house up to 12 cabinets and associated ground equipment;
- f. One GPS antenna would be mounted on the equipment shelter;
- g. Sprint to retain seven existing equipment cabinets within the lease area;
- h. The lease area would be 1,043 square feet with a chain-link fence enclosure, with no slats required.

The branches for the monopine would begin at the 14-foot level. The pole is not designed for future collocations. AT&T and Sprint would be the only carriers on the pole. One service light exists and a second service light is proposed which would allow for potential emergency night services. Project details are provided in the development plans (Exhibits E1 to E9).

The project also includes a request for a five-year review of the existing cellular telecommunications facility, as required by the original Conditions of Approval.

Site Description:

The site is located on a 5-acre parcel at an elevation of 1,562-foot above sea level. The parcel contains a single family residence and four cell towers (Exhibit E-3). Vegetation on the site consists of oak trees, grass and shrubs. The parcel is located along a ridgeline which parallels U.S. Highway 50.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-IBC	Single family residence-developed residence
North	RE-5	LDR-IBC	Single family residence-developed residence
South	TC	TC	U.S. Highway 50
East	RE-5	LDR-IBC	Single family residence- developed residence
West	RE-5	LDR-IBC	Single family residence-developed residence

The surrounding parcels are developed with residential uses. The proposal would replace and improve an existing facility, improving the visual impact to the neighboring residential uses, and along the U.S. Highway 50 corridor.

Project Issues: Discussion items for this project include access and circulation, fire safety and grading and drainage:

Access and Circulation: Access to the project would be provided from an existing encroachment onto Pinnacle Court, a non-county maintained roadway. The Department of Transportation determined that because there would be a low volume of traffic generated by the project (approximately one trip per month), a traffic study would not be required. The access driveway and encroachment onto Pinnacle Court were found to be adequate.

Fencing: The project would retain the existing six-foot high chain link fence enclosure with barb wire top. The enclosure is located at the rear of the property and is not visible from U.S Highway 50; therefore slats within the fencing would not be required.

Fire Safety: The El Dorado County Fire Protection District would require the applicant to provide fire access meeting “Fire Safe” standards, fire extinguishers and Knox locks. These requirements have been incorporated into the Conditions of Approval.

Grading: Grading improvements associated with the project would be those associated with trenching for electrical utilities. Should the project require grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure, it must meet the provisions contained in the County of El Dorado - Grading, Erosion, and Sediment Control Ordinance. The site is developed and grading activity is expected to be minimal.

General Plan: The General Plan currently designates the subject site as Low Density Residential-Important Biological Corridor (LDR-IBC). This designation permits wireless communication facilities in a residential area with a Special Use Permit. The policies and issues that affect this project are discussed below:

Policy 2.2.5.21 directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.

Discussion: The proposed monopine would replace an existing wood pole improving the visual impact by camouflage, while maintaining necessary regional coverage to meet increasing demand for wireless facilities, and improve the ability for emergency service providers to improve their communication capabilities. With a revision to the Special Use Permit, the project would be compatible and consistent with the LDR-IBC land use designation. The project has been designed to improve the visual impact on adjacent residential properties. The monopine would blend with the surroundings trees. As proposed and conditioned the monopine would be consistent with General Plan Policy 2.2.5.21.

Policy 5.6.1.4 states that *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.*

Discussion: The applicant would be replacing the existing wood pole with a monopine; therefore, addressing visual concerns in the area. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would conform to the General Plan.

Policy 6.2.3.2 directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.

Discussion: As conditioned, and discussed within the Fire Safety Section above, the project would provide the required access pursuant to General Plan Policy 6.2.3.2.

Policy 6.5.1.2 states that *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.* 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.*

Discussion: Routine maintenance visits would occur once a month. Changes in noise levels generated by traffic along Pinnacle Court with the addition of maintenance vehicles would not be measurable. The project would include exterior air conditioners. The new equipment would not be expected to generate noise exceeding the maximum levels set by the General Plan.

Policy 7.4.2.9 states that *the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.*

Discussion: The project is a revision to a Special Use Permit of an already developed facility. Although the site is subject to the IBC higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands; lower thresholds for a grading permit; more stringent standards for lot coverage, floor area ratio (FAR), and building height; and no hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement), these standards would not apply to the project area because the site is disturbed and would not be expanded for the use.

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

Zoning: The parcel is zoned Estate Residential Five-Acre (RE-5). County Code permits wireless communication facilities in all districts, provided the project would comply with standards and permitting requirements defined in Section 17.14.210(D).

Special Use Permit Request: To comply with County requirements, the pole was initially designed as a multi-carrier facility. AT&T would be replacing the existing wood pole with a monopine and would be collocating on the pole with Sprint, the primary carrier. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment at least once or twice a month to ensure proper performance of the facility.

Pursuant to County Code Section 17.14.210(D)(5)(b), wireless facilities are permitted in the RE-5 Zone District upon approval of a Special Use Permit.

Section 17.22.540 (A) requires the Planning Commission to make the following findings prior to approval of a Special Use Permit:

1. The issuance of the permit is consistent with the General Plan;
2. The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

The project as proposed and conditioned has been designed to minimize the effects on the surrounding uses. After review of the submitted site plan (Exhibit E-5) and visual simulations, (Exhibits G1 to G3), it has been determined that the proposed project would meet the standards contained in Section 17.14.210 F and G of the County Code. The use would provide a benefit to the area by improving the visual impact, and improving cellular service for phone, internet and emergency communications.

Design and Development Standards:

Section 17.14.210(B) of the County Code requires that all wireless providers co-locate their equipment on existing sites where possible. Below is an analysis of these standards.

1. Communication service providers are, therefore, encouraged to:
 - a. Employ all reasonable measures to site their antenna equipment on existing structures as façade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;
 - b. Work with other service providers and planning staff to collocate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location thereby reducing the number of sites countywide;
 - c. Develop communication facilities (i.e. tower companies) with commitments from licensed carriers.

The applicant has supplied a site selection narrative (Exhibit F). The applicant would be collocating on an existing site and would be improving the site infrastructure.

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

- E. **Visual:** The applicant has provided photo-simulations of the new monopine. The photo simulations provide a comparison of the existing wood pole and the new monopine. As demonstrated in the photo-simulations the new monopine would blend with the existing environment.

F. **Development Standards:**

1. **Screening:** As demonstrated in the photo-simulations, the monopine would blend into the surrounding area. The ground equipment would be placed within a concrete shelter. The existing chain link fence would remain to enclose the lease

area and house the existing Sprint equipment. Fencing slats would not be required due to the location of the enclosure at the rear of the property and because it is not visible from U.S. Highway 50. The monopine with the trunk and branches resembling a pine tree in color and shape would blend into the long and short distance viewscapes.

2. **Setbacks:** The monopine and equipment shelter would be located within the existing chain link fence enclosure. There would be no change to setbacks.
3. **Maintenance:** Maintenance personnel would visit the site approximately once or twice a month. The Conditions of Approval require continued maintenance of the facility. (Condition No. 4).

- 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). A Radio Frequency Emissions Analysis was submitted for the project. The ground level effect of the AT&T Mobility and other carriers' emissions were calculated using a maximum ERP of 11,022 watts. Results were calculated for a height of 6 feet above ground level. Using these factors, the maximum calculated AT&T Mobility fields at ground level are 10.0 percent of the existing standard for general population uncontrolled exposure. Any calculations of the additional carriers are not based on actual data for any carrier. Due to the mounting method to be utilized, the general public would not normally be able to approach the antennas. No significant impact on the general population would be expected. The calculated electromagnetic field strength level in publicly accessible areas would be less than the existing standard allows for exposure of unlimited duration. The site would comply with the FCC's current prevailing standard for limiting human exposure to RF energy.
- H. **Availability:** Section 17.14.210.H of the County Code requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project is for the co-location of AT&T on a Sprint tower. AT&T would be replacing the out dated facility with a new monopine that would accommodate both users. Due to the location and height limitations, it is unlikely that another user would be able to co-locate on the monopine.
- I. **Unused Facilities:** Section 17.14.210.I of the County Code requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement (Condition No. 9).
- 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. No schools are located within 1,000 feet of the project and the site is not located within a subdivision that is subject to CC&Rs.

The 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. As designed and conditioned, there are no unresolved issues with the project.

Five-Year Review: Condition No. 8 of the Special Use Permit required a five-year review by the Zoning Administrator as follows:

8. *Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the El Dorado County Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the Special Use Permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system.*

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

Planning staff is recommending that Condition No. 8 be replaced by the following to allow the next five-year review to be performed at staff level as described below and as shown in ~~strikeout~~ and underline in Attachment 1:

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 determine 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.

During this five-year review period, the project has complied with the Conditions of Approval specified for Special Use Permit S00-0023.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). As conditioned, the project is consistent with the RE-5 Zone District for the existing and proposed structures which require ministerial permits. The revision to the Special Use Permit would allow for the replacement of the existing cellular facility with an updated monopine and the addition of new ground equipment within an existing lease area. A \$50.00 processing fee shall be required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Number Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Map
Exhibit E-1	Title Sheet, Site Information and Vicinity Map
Exhibit E-2	Topographic Survey (LS-1)
Exhibit E-3	Topographic Survey (LS-2)
Exhibit E-4	Parcel Site Plan
Exhibit E-5	Site Plan
Exhibit E-6	Equipment Compound Layout
Exhibit E-7	Equipment Layout and Antenna Plan
Exhibit E-8	Elevations
Exhibit E-9	Equipment and Antenna Details
Exhibit F	Site Selection Narrative
Exhibits G-1 to G-3	Visual Simulations

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S00-0023-R/AT&T Telecommunications Facility-Pinnacle Court
Planning Commission/April 28, 2011

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description and the following hearing exhibits:

Exhibit E-1Title Sheet, Site Information and Vicinity Map
Exhibit E-2Topographic Survey (LS-1)
Exhibit E-3Topographic Survey (LS-2)
Exhibit E-4Parcel Site Plan
Exhibit E-5Site Plan
Exhibit E-6Equipment Compound Layout
Exhibit E-7Equipment Layout and Antenna Plan
Exhibit E-8Elevations
Exhibit E-9Equipment and Antenna Details
Exhibits G-1 to G-3Visual Simulations

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall 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 a revision to a Special Use Permit to include removal of an existing wood monopole and replace the pole with a monopine to accommodate the collocation of AT&T on the Sprint tower on property known as APN 319-110-13. Ground equipment and a shelter would be housed within an existing 1,043 square foot fenced lease area. The fencing shall have no slats. The following includes the project details:

- a. Remove an existing 30-foot Sprint telecommunication wood pole;
- b. Replace existing pole with a 55-foot monopine;
- c. AT&T to place 12 antennas on the pole at a 45 foot RAD center;
- d. Sprint to retain a maximum of 6 antennas on the pole at a 30 foot RAD center;
- e. AT&T to construct an 11.5 foot by 20 foot concrete shelter to house up to 12 cabinets and associated ground equipment;
- f. One GPS antenna shall be mounted on the equipment shelter; and,
- g. Sprint to retain seven existing equipment cabinets within the lease area.

- ~~1. This special use permit authorizes the following uses on Assessor's Parcel Number 319-110-13; establishment of a 30-foot tall wooden monopole PCS structure, with antennas placed at 32 feet 4 inches, and 7 adjacent equipment cabinets and power and telephone connections panels.~~
 - ~~2. The applicant shall be subject to any and all requirements of the Shingle Springs Fire Department prior to and during the building permit process. The Fire Department may review the building plans and forward recommendations and requirements to the builder/operator.~~
 - ~~5. The applicant (Sprint PCS) shall assume full responsibility for resolving televisions 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.~~
 - ~~6. No additional antennas of any type shall be mounted on the monopole other than those described in Condition 1 and on the attached exhibits without filing for and receiving approval of an amendment to this special use permit.~~
 - ~~7. The applicant shall consent to the co location of other PCS users on their monopole or immediately adjacent to their site when the increase in pole height would be undesirable. Any increase in pole height or addition of additional cellular antennas will require an amendment to this special use permit.~~
 - ~~8. Due to the ever change technology of wireless communication technology and systems, this special use permit shall be reviewed by the El Dorado County 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 property and related equipment. The Planning commission shall review the status report, and based upon an assessment of the information provided, current wireless technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and/or (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communication system.~~
- ~~— By the 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 the 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 the five year review.~~

2. **Site Plan:** 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 Exhibits E1-9 and G1-3. Minor variations are allowed, however, any major changes in the design of the tower and shelters, location of tower or

shelters, and access ways shall require review and approval by Planning Services prior to project modifications.

3. **Condition Compliance:** Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.
4. **Exterior Lighting/Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. No antenna shall project out past the “branch” tips. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branches. Colors of the monopine, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna and fencing shall be properly maintained in good visual repair at all times. The monopine shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep. Planning Services shall verify the painting of the structures and antennas and verify antenna projections within the “branches” prior to issuance of final occupancy for the building permit.
5. **Exterior Lighting:** Exterior lighting 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 plan shall be submitted for review and approval by Planning Services with the building permit application prior to issuance of a building permit. The light shall be activated with motion-sensor or timer.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
6. **Television/Electrical 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.
7. **Future Expansions:** Expansions to the lease area, increases in pole height, or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning

Administrator or the Planning Commission through an amendment to this Special Use Permit.

8. **Co-location:** The applicant shall consent to the co-location of other wireless telecommunication communication users on their monopine when the increase in pole height could be accommodated. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of an acoustical analysis for review and approval by the Development Services Director. Should the Director find that additional noise may create a significant impact; the Director shall decide if the changes can be approved administratively or shall be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
9. **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.
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 determine 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. **Zoning Violations:** 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. **Processing Fees:** The applicant shall make the actual and full payment of Planning Services processing fees for the Special Use Permit application prior to issuance of any County development permit.

13. **Archeological Resources:** If human remains are discovered at any time during the grading activities, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.

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

14. **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.

El Dorado County Building Services

415. **Building Permit:** The applicant shall apply for and secure a building permit from the El Dorado County Building Services Department.

El Dorado County Department of Transportation

316. **Access Road:** The access road shall be a minimum of 12 feet in width and shall have a cover of aggregate base constructed to the El Dorado County Department of Transportation standards.

El Dorado County Environmental Management-Hazardous Waste Division

17. **Solid Waste/Hazardous Materials:** Under the CUPA programs, if 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 must be submitted to the Department and applicable fees paid.

El Dorado County Fire Protection District

18. **Fees:** The applicant shall submit a site review fee to the El Dorado County Fire Protection District of \$150.00 prior to the review of the plans.
19. **Fire Access:** The fire access for the site shall meet “Fire Safe” standards.
20. **Fire Turnaround:** The required turnaround shall meet district standards. The driveway shall have a 13’6” vertical clearance and be capable of supporting a 45,000 pound load. The turnaround and driveway improvements shall be completed prior to finaling of the building permits.
21. **Street Address:** The applicant shall post a 12” minimum street address sign at Artesia Road and Pinnacle Court prior to finaling of the building permits.
22. **Gated Access:** Gates shall have Knox padlocks. The applicant shall obtain application for Knox padlocks prior to installation.
23. **Shelter Access:** The applicant shall provide a Knox Box for the shelter. The applicant shall obtain application for Knox Box at the district office prior to installation.
24. **Access Keys:** The applicant shall provide keys for the shelter, generator and any locked cabinet to the District prior to finaling of the building permits.
25. **Defensible Space:** A person who owns, leases, controls, operates or maintains a building or structure in, upon or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands or land that is covered with flammable material shall maintain defensible space of 100-feet from each side and from the front and rear of the structure (for purposes of clarification, defensible space shall conform to the Applied Forest Management Report, PRC 4291 fire safe clearance).
26. **Fire Extinguisher:** A fire extinguisher with a minimum 20BC rating is required. The applicant shall mount an extinguisher within 75’ of the generator and in a weatherproof cabinet prior to finaling of the building permit.
27. **Plan Approval:** The applicant shall provide a full set of plans, prior to construction, to the El Dorado County Fire District. The applicant may be subject to additional

requirements or conditions depending on building construction and use. The project shall be permitted and approved by the El Dorado County Fire District.

ATTACHMENT 2

FINDINGS

Special Use Permit S00-0023-R/AT&T Telecommunications Facility-Pinnacle Court Planning Commission/April 28, 2011

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 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). The revision to the Special Use Permit would allow for the replacement of the existing cellular facility with an updated monopine and the addition of new ground equipment within an existing lease area. Although collocation of wireless telecommunication facilities is not specifically listed in Section 15303 of the CEQA Guidelines, the items listed in Section 15303 are similar to collocation of wireless communication equipment at an existing facility. Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 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), 5.6.1.4 (installation of telecommunication facilities) 6.2.3.2 (adequate access), 6.5.1.2 (noise), and 7.4.2.9 (Important Biological Corridor) because the project will replace an existing outdated pole with an upgraded facility that will improve visual impacts, without further impacting the environment. Adequate services are provided to the site. The project will provide cellular alternatives to the area.

3.0 ZONING FINDINGS

- 3.1 The project is zoned Estate Residential Five-Acre (RE-5) which allows wireless communication facilities with a Special Use Permit in accordance with Section 17.14.210 of the County Code.

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 would be provided.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with the General Plan Policies 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 5.6.1.4 (installation of telecommunication facilities), 6.2.3.2 (adequate access), 6.5.1.2 (noise), and 7.4.2.9 (Important Biological Corridor) and has been found to be consistent with these policies.

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

The proposed monopine will comply, as conditioned, with the Development Standards for wireless communication facilities established by Section 17.14.210(E) through (J) of the County Code. 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. The risk of emissions to the public from the facility would be remote.

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

The proposed use, as condition, is specifically permitted by Special Use Permit in a residential zone district pursuant to Section 17.14.210 of the County Code. The proposed use complies with the requirements of County Code Sections 17.14.210 (E) through (J).