



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

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

Char Tim Clerk of the Planning Commission

MINUTES

Regular Meeting
June 9, 2011 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:30 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews and Tolhurst*; Paula Frantz-County Counsel**; and Char Tim-Clerk of the Planning Commission.

*[*Arrived at 9:37 a.m. and took his seat on the Commission.]*

*[**Arrived at 8:55 a.m. and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA

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

AYES: Pratt, Mathews, Rain, Heflin

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: April 28, 2011

b. River Use Permit: Transfer of 30 weekend user days from River Use Permit #20 (Mick Brockman/River Otter Adventures LLC) to River Use Permit #63 (Christopher Pyle/Action Whitewater Adventures of CA) *[Staff: Noah Rucker-Triplett/Environmental Management]*

Staff Recommendation: Approve transfer of 30 weekend user days from River Use Permit #20 to River Use Permit #63

c. 2010 Annual Report on the River Management Plan [Staff: Noah Rucker-Triplett/Environmental Management]

Staff Recommendation: Receive and File

END OF CONSENT CALENDAR

Prior to the motion, Commissioner Rain requested Noah Rucker-Triplett to briefly speak on the 2010 Annual Report on the River Management Plan as he felt it was a very good document and wanted to highlight this Consent Calendar item. He also commended Mr. Rucker-Triplett on a job well done.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), to approve the Consent Calendar.

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

8:30 A.M.

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

a. Presentation: Eric Driever, Cameron Park Design Review Committee Chair, presenting, for discussion purposes, a draft Resolution creating a Cameron Park Area Planning Advisory Committee

Roger Trout introduced Eric Driever who provided a history on the development of the design guidelines for Cameron Park and how the current proposal for a Cameron Park Area Planning Advisory Committee (APAC) was created. Mr. Driever made the following remarks:

- Proposed APAC would be viewing projects from a planning standpoint, while the current group, Design Review Committee (DRC) would be reviewing more on aesthetics;
- Several public workshops had been held, in addition to discussion with some Board of Supervisors and positive feedback had been received;
- Surrounding areas outside the Cameron Park Proper would be included in order to unify the area, therefore, three members from the outlying areas would be part of the seven-member APAC;
- Request feedback from this Commission and then will approach the Board of Supervisors with a request to agendaize;
- Intent of the APAC is to clarify the process for applicants by clearly defining development guidelines for the area;
- Vision of process would not have all projects going through the three groups (APAC, DRC, CSD) for review but instead require the Planning Director to identify on a project-by-project basis which groups needed to be included in the review process; and

- Proposed APAC would search for grants as the DRC is not the appropriate committee for that task.

Commissioner Pratt made the following comments:

- Proposal does not clearly detail the boundaries of the APAC and the CSD's jurisdiction;
- Concern that another layer was being added to the application process;
- Potential overlapping of responsibilities from the three groups;
- Suggested creating a more elaborate, detailed overview of how the three groups would inter-relate on a geographic and process sense as the current description incites confusion;
- Recommended agendizing item for a future Commission meeting to discuss in more detail; and
- Would like to see concurrence from the community on this proposal.

Commissioner Rain reminded the Commission that Mr. Driever's presentation was a courtesy to the Commission as he could have gone directly to the Board of Supervisors with this proposal.

County Counsel Paula Frantz said there was nothing to stop any group from adopting this sort of Resolution for themselves and when they would come before the Commission for an item it would be as a group testimony and are not created by, sanctioned by or authorized by the Board of Supervisors. However, if they want to be an official Board of Supervisors' advisory committee, then the Commission may have some valid concerns and more research should be done on what would be expected and what the relationship would be. County Counsel Frantz also stated that the proposed Resolution is not clearly identified as a Resolution of the Board of Supervisors. She said that it is really would depend on what the Board of Supervisors desired and that it was somewhat unusual for a committee to advise both the Board of Supervisors and another governmental body (i.e., CSD) which is what this Resolution appears to state.

Commissioner Mathews recommended a more detailed description or diagram on how the three groups would interact.

Chair Heflin felt there was a need to focus more on the type of relationship between the groups and would recommend that this item be agendized in the future in order to receive public input.

No action taken.

6. COMMISSIONERS' REPORTS

Commissioner Rain announced that he had attended last week's Ag Tour.

Commissioner Pratt commended DOT staff for addressing his issues brought up at a recent meeting regarding Slug Gulch Road. He also indicated that there were unpermitted signs in the Pleasant Valley area for two new tasting rooms that should be addressed.

Chair Heflin stated that a new facility in Camino had put up a banner near the freeway and would like this resolved.

9:00 A.M. – TIME ALLOCATION

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. **SPECIAL USE PERMIT**

a. **Five-Year Cell Tower Review – S05-0026/Telecommunications Facility-Strickland Mine Road** submitted by VERIZON WIRELESS (Agent: Andrew Lesa/Complete Wireless Consulting, Inc.) for a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 329-020-28, consisting of 5 acres, is located on the west side of Strickland Mine Road, approximately 3,450 feet west of the intersection with El Dorado Road, in the El Dorado area, Supervisorial District 3. *[Project Planner: Gina Paolini]* (Statutory Exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

Pierre Rivas presented the item to the Commission with a recommendation to find that the existing telecommunications facility is in substantial conformity with the Conditions of Approval.

Andrew Lesa/applicant's agent was available for questions.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to take the following actions: 1. Find that the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule of CEQA-There is no possibility that the activity will have a significant effect on the environment); 2. Approve the Conditions of Approval for Special Use Permit S05-0026 as revised by staff; and 3. Find that for this five-year review period, the telecommunication facility is found to be in substantial conformity with the Conditions of Approval for S05-0026.

AYES: Mathews, Pratt, Rain, Heflin

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 Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.
- 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.

Conditions of Approval

El Dorado County Planning Services

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

Issuance of Special Use Permit S05-0026 for a 69-foot steel monopine with up to 12 panel antennas mounted at a centerline of 60 feet and 2 future microwave dish antennas mounted at a centerline of 52 feet located at 5101 4041 Strickland Mine Road. The 6 panel antennas would be placed in 3 groups of 2 and would be located on a triangular mounting structure. The antenna panels are approximately 6.1 to 8.1 inches wide, 47.4 to 48.2 inches long and 4.1 to 5.7 inches deep. All antennas are to be made of non-reflective materials. The pole and faux bark on the monopine will be painted a flat brown color.

This special use permit authorizes Verizon Wireless to place the monopine and ground equipment within a 40- by 50-foot lease area to be enclosed by a 6-foot high chain link fence. The equipment for the facility would include a 240-square foot equipment shelter, two air conditioning units, an emergency back up generator, and electrical and telco connections. A global positioning system (GPS) antenna would be mounted to the equipment shelter to provide for communication between the wireless facility and low-

orbiting satellites and a 300-watt light mounted near the entrance to the equipment shelter. The facility would be connected to land-based electrical and telephone utilities located on a nearby joint-utility pole. There would be a 12-foot-wide gate, with a high priority security Knox padlock on the enclosure.

Access to the site is provided from Strickland Mine Road to a paved driveway and a dirt road. Modifications have been required to accommodate fire apparatus per fire department conditions of approvals.

This special use permit authorizes maintenance personnel to visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.

MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION

2. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Deputy Director of Planning 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 the on-call 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 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 the notation has been placed on the plan prior to issuance of a grading permit.

3. 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. 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.

PROJECT SPECIFIC CONDITIONS

4. All site improvements shall conform to the site plan attached as Exhibit D and elevations shown on Exhibit E.
5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.
6. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that no more than 12 panel antennas are placed on the monopole at any one time, with no increase in height.
7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent. A self timer will be required to be installed for the 300-watt light.
8. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
9. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
10. ~~Due to the ever changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication~~

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

Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and 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. 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

- ~~11~~12. The applicant shall obtain a building permit from the El Dorado County Building Services for the project facilities prior to the commencement of construction.

El Dorado County Environmental Management Department

4213. The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, prior to issuance of a building permit.

El Dorado County Fire Protection District

4314. The applicant shall comply with the following requirements of the Diamond Springs/El Dorado Fire Protection District which include but shall not be limited to:

- a. The applicant shall meet with the District to determine for easy access by fire and emergency apparatus during incidents that occur at the building.
- b. The project shall comply with all building and California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the Fire District prior to issuance of a building permit.
- c. Fire flow to the building is 1,000 GPM for duration of two hours at 20 psi. This may require a new fire hydrant to be installed. Fire hydrant placement shall be approved by the Fire District.
- d. Knox Box with keys for emergency access shall be installed per District requirements to be monitored with electrical shunt. The Fire District shall verify the installation of the security system prior to final inspection of the facility.
- e. Fire apparatus access road shall be provided within 150 feet to all portions of the building.
- f. Additional requirements may be necessary once a full set of plans are submitted to this district for review.

4415. If the road is damaged by construction activities, the road will be repaired to its present condition. Planning staff ~~will~~ shall verify prior to issuance of final building permit sign off.

b. Five-Year Cell Tower Review – S05-0027/Telecommunications Facility-Pinnacle Court submitted by VERIZON WIRELESS (Agent: Andrew Lesa/Complete Wireless Consulting, Inc.) for a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 319-110-13, consisting of 5 acres, is located on the east side of Pinnacle Court, approximately one-fourth mile east of the intersection of Artesia and Shingle Springs Road, in the Shingle Springs area, Supervisorial District 4. *[Project Planner: Gina Paolini]* (Statutory Exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

Pierre Rivas presented the item to the Commission with a recommendation to find that the existing telecommunications facility is in substantial conformity with the Conditions of Approval.

Andrew Lesa/applicant's agent was available for questions.

In response to Commissioner Rain's inquiry, Mr. Rivas explained that although this project is on the same parcel as a project heard at a previous meeting, it is located in a different leased site.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to take the following actions: 1. Find the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule of CEQA-There is no possibility that the activity will have a significant effect on the environment); 2. Approve the Conditions of Approval for Special Use Permit S05-0027 as revised by staff; and 3. Find that for this five-year review period, the telecommunications facility is found to be in substantial conformity with the Conditions of Approval for S05-0027.

AYES: Pratt, Rain, Mathews, Heflin

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 Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

- 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.

Conditions of Approval

Development Services Department-Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the project description 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~~ shall constitute a violation of permit approval.

The project description is as follows:

A special use permit to construct a 60-foot tall monopine wireless communications facility with 12 antennas and two future microwave dishes. A 240 square foot equipment shelter and emergency back-up generator are proposed to be located within a 30-foot by 50-foot ground lease area at the base of the monopine.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.

MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION

2. 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.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan for the proposed project.

3. Burning of wastes that result from "Land Development Clearing" must be permitted through the Air Quality Management District. Only vegetative waste material may be disposed of using an open outdoor fire. (Rule 300)

Monitoring: Prior to the burning of wastes for "land development clearing," the Air Quality Management District shall review and permit such activity.

4. Project construction involving the application of architectural coating shall adhere to District Rule 215 regarding Architectural Coatings.

Monitoring: The Air Quality Management District shall ensure adherence to Rule 215 during the construction process.

5. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the Air Quality Management District. Submittal of applications shall include facility diagrams(s), equipment specifications and emission factors.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve any applications for new point source emission units or non-permitted emission units.

6. 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.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any item of historical or archaeological interest and only allow grading activities to continue once the issue has been resolved.

7. 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.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed

necessary, DOT shall issue a stop work order upon the discovery of any human remains on the project site and only allow grading activities to continue once the issue has been resolved.

8. The project shall be modified, including the construction of a fire safe turnaround area, as necessary, to incorporate the requirements required by the El Dorado County Fire Protection District and shall be reviewed and approved by the El Dorado County Fire Protection District prior to the issuance of a building permit.

Monitoring: The El Dorado County Fire Protection District shall review and approve the project prior to building permit issuance to ensure compliance with all District regulations.

9. Grading and construction activities on the site shall be limited to daylight hours from 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM Saturday. No construction or grading activities shall take place on Sundays or holidays.

Monitoring: Department of Transportation shall investigate any noise complaints received regarding the occurrence of grading and construction activities in violation of the mitigation measure discussed above.

10. Only equipment with properly maintained mufflers shall be used during construction.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment maintenance during project construction.

11. Construction equipment shall not idle on the property (construction site) when not in active use.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment use and potential air quality impacts during project construction.

PROJECT SPECIFIC CONDITIONS

12. All site improvements shall conform to the site plans attached as Exhibit D.
13. 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~~ 12 antennas are placed on the pole at any one time with no increase in height.
14. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.

15. All improvements associated with the communication facility, including equipment shelters, towers, antenna and fencing shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent. Prior to final occupancy, the color of the tree pole foliage shall be painted to match the foliage of the surrounding trees within the project area. The tree pole structure shall also be painted in a manner which matches the tree trunks of the existing trees in the project vicinity.
16. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
17. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.~~

Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and 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.

18. Prior to final occupancy, a sign conforming with ANSI C95.2 color, symbol and content, and other markings as appropriate, should be placed close to the antennas with appropriate contact information in order to alert maintenance or other workers approaching the antenna to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits.
19. The leased area is to be enclosed by a six-foot tall slatted chain link fence prior to final occupancy.
20. Except during unanticipated emergency situations, the generator shall run only one hour per week between the hours of 7:00 AM and 7:00 PM for routine maintenance purposes.
21. 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 Fire Protection District

- ~~21~~22. Prior to building permit issuance, the applicant shall submit a site plan review fee of \$150.00 to the El Dorado County Fire Protection District.
- ~~22~~23. Prior to final occupancy, fire access shall be provided to meet fire safe standards.
- ~~23~~24. Prior to final occupancy, the site address shall be posted on Pinnacle Court at a minimum of 12 inches in size.
- ~~24~~25. A minimum 12-foot wide all weather access road to within 50 feet of the equipment shelter shall be provided prior to final occupancy.
- ~~25~~26. Those sections of the existing access road that do not meet 40-foot required turning radius must be widened to 20-foot prior to final occupancy, as determined by the El Dorado County Fire Protection District.

- 2627. All equipment and debris currently blocking the access gate shall be removed prior to final occupancy.
- 2728. Prior to final occupancy, the applicant shall confirm that a "Knox" padlock is on the gate and a "Knox Box" is on any equipment shelters at the subject site.
- 2829. Prior to final occupancy, a Fire District approved turnaround area shall be constructed at the project site.
- 2930. All project access roads shall have 13-foot 6-inch tall vertical clearance and be capable of supporting a 40,000 pound load prior to final occupancy.
- 3031. Road grades shall not exceed 16 percent prior to final occupancy.
- 3132. All project gates shall comply with Fire Prevention Officer's standard as determined by the El Dorado County Fire Protection District.

El Dorado County Environmental Management Department

- 3233. Under the Certified Unified Program Agency (CUPA) programs, if the operations will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Environmental Management Department and applicable fees paid.

Air Quality Management District

- 3334. Prior to the start of project construction, an asbestos dust mitigation plan application shall be submitted to and approved by the Air Quality Management District.
- 3435. Any project road construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County Ordinance concerning asbestos dust.

c. Revision and Five-Year Cell Tower Review – S03-0039-R/Communications Tower-Missouri Flat Road submitted by METRO PCS CALIFORNIA, LLC for the following: 1. Revise a Special Use Permit to allow the replacement of three antennas and the addition of one equipment cabinet for Metro PCS. This revision would merge all previous permits granted for the cellular tower under one permit; and 2. Request a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 327-140-53, consisting of 12.58 acres, is located on the northwest side of Mother Lode Drive, approximately 500 feet southwest of the intersection with Missouri Flat Road, in the Placerville unincorporated area, Supervisorial District 2. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines)**