



# 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

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## MINUTES

**Regular Meeting**  
**July 14, 2011 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:35 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews and Tolhurst\*; Paula Frantz-County Counsel\*\*; and Char Tim-Clerk of the Planning Commission.

*[\*Arrived at 8:45 a.m. and took his seat on the Commission.]*

*[\*\*Arrived at 8:53 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 Pratt, and carried (4-0), to adopt the agenda as presented.**

**AYES: Mathews, Pratt, 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: June 9, 2011

**END OF CONSENT CALENDAR**

**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**

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

Pierre Rivas had nothing to report for Current Planning.

Peter Maurer made the following report for Long-Range Planning:

- Board of Supervisors Workshop will be held on July 25, 2011 to discuss the targeted General Plan amendments, Zoning Ordinance and Land Development Manual/Standard Plans. He will provide copies of the staff report to the Commission once it is completed.
- TRPA meeting on July 15, 2011 to discuss the Regional Plan Update.
- Rare Plants meeting later that day to continue working through various issues.

**6. COMMISSIONERS' REPORTS**

Commissioner Rain had attended the July Spectacular in El Dorado Hills and recommended it to anyone who may have the opportunity to attend in the future. He also toured the Serrano Marble Valley site and found it very helpful and encouraged the other Commissioners to visit the site.

Commissioner Pratt made the following comments:

- Slug Gulch Road is in need of repair.
- Identified probable sign violations on Omo Ranch Road, Pleasant Valley Road, Bucks Bar Road, Grizzly Flat/Mt. Aukum intersection, Omo Ranch/Mt. Aukum intersection, and Carson Road.
- Inquired as to what the process was to get some type of directional signs by Omo Ranch Road and Hwy 88 near the Amador County line.
- County's Crop Report was discussed at a recent Board of Supervisors meeting and comments were made regarding the decrease in revenue and he explained the challenges the growers have faced in recent years.
- Inquired on County policy/regulation when the public files a false complaint to Code Enforcement. County Counsel Paula Frantz explained the process.
- Inquired on if a Board of Supervisors date had been set yet for discussion on the Buck's Bar Bridge closure. Claudia Wade/DOT will return back to the Commission with this information at a later meeting.

Commissioner Tolhurst explained the urgency for TRPA to adopt a new regional plan as it relates to the number of building permits issued.

Chair Heflin made the following comments:

- Inquired if there was a DOT plan for Snows Road. Claudia Wade/DOT will return back to the Commission with this information at a later meeting.
- Panda Express has two temporary banners on the access ramp in addition to the signs on the building.
- Inquired on the rules for small grocery stores (i.e., mom & pop stores) placing advertisements in store windows. Pierre Rivas explained that there are rules but if the signs are placed on the inside of the window, then that is more of a "gray area".

**9:00 A.M. – TIME ALLOCATION**

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

**8. SPECIAL USE PERMIT**

**a. 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)\*\* [*continued from 6/9/11 meeting*]

Tom Dougherty summarized the project for the Commission.

Ken Crouse/applicant's agent agreed with the conditions presented. In response to Commissioner Pratt's inquiry on the on-going maintenance plan, Mr. Crouse explained that this site does have multiple agencies on it and although Metro PCS would conduct monthly site visits, Crown Castle is the on-site manager and their contact information is listed on the gate in case something occurs in-between the visual inspections.

Commissioner Tolhurst commented that he would like to see the antennas brought closer to the tree as it is starting to lose the "tree" look. Mr. Crouse responded that the antenna socks should break up the vertical line but would still take Commissioner Tolhurst's comments back to Metro PCS.

Commissioner Mathews agreed with Commissioner Pratt's comments regarding regular on-site maintenance and felt that it shouldn't be up to the County to identify issues during the five-year reviews.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (5-0), to 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 Revision S03-0039-R based on the Findings and subject to the Conditions of Approval as presented; and 3. Find that for this five-year review period, that the existing telecommunications facility is not in substantial conformity with the Conditions of Approval for Special Use Permit S03-0039 as presented, and direct that the applicant bring the facility into compliance within 60 days in accordance with revised Condition #4.**

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

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

### Findings

#### **1.0 CEQA FINDINGS**

1.1 Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 and of the CEQA Guidelines. Section 15303 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. The project would replace existing antennas with new antennas having no significant impact on the environment.

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 SPECIAL USE PERMIT FINDINGS**

##### **2.1 The issuance of the permit is consistent with the General Plan;**

The proposed use is consistent with the policies in the 2004 General Plan. The proposed use is consistent with all applicable policies including Policies 2.2.5.21(land use compatibility) and 5.6.1.4 (special use permit required) because the aesthetics of the existing facility and related ground equipment have been addressed. The replacement antennas will be covered to match the existing tower "branch needles." The proposed ground equipment will be screened from adjacent land uses by existing chain-link fencing with green-colored slats.

##### **2.2 The proposed use would not be detrimental to the public health, safety and welfare, or 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 because the facility is existing and the project is not an expansion of the existing use, it replaces existing antennas with new antennas of the same number.

##### **2.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.**

Section 17.14.200 (D) (4) of the County Code requires a Special Use Permit for the placement of antennas on an existing approved monopole or tower pursuant to the Special Use Permit provisions specified in Section 17.22.400. The proposed use has been conditioned in compliance with County Code Sections 17.14.200 (E) through (J). As such, the project has been designed in compliance with the required conditions.

**Conditions of Approval**

**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 B .....Title Sheet, Site Information and Vicinity Map (T)  
Exhibit C .....Site Plan (A-1)  
Exhibit D .....Elevations (A-2)  
Exhibit E .....Elec./Grounding Sheet (E-1)  
Exhibits F-1 to F-4 .....Photo Simulations

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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 a revision to a Special Use Permit S03-0028 for uses located at property identified as Assessor's Parcel Number 109-250-45. This revision shall supersede Special Use Permits S00-0019 and S03-0039. Ground equipment and shelter shall be housed within an existing 18 foot by 18 foot fenced lease area. The following includes the project details:

- a. The lease area is to be enclosed by a six foot tall chain link fence with slats and one gate.
- b. The monopole structure shall be galvanized steel and shall be up to 85 feet in height.
- c. Sprint PCS shall be permitted six panel antennas at the 70 foot height limit.
- d. Metro PCS shall be permitted six panel antennas at the 59 foot height limit.
- e. Other antennas shall include RF antennas, GPS and whip antennas.
- f. Up to seven equipment cabinets are authorized to be located within the said lease area. Metro PCS is approved for up to four of those seven cabinets. Additional equipment shall include electric, Telco cabinets, waveguard bridges and ice bridges.

Special Use Permit S00-0019 approved the following

- ~~1. The approval of the special use permit is restricted to the approval of an approximately 85-foot monopine with six (6) antennas and up to seven (7) equipment cabinets, consistent with the exhibit presented at the hearing on November 9, 2000. Any minor changes may be approved by the Planning Director. However, major changes shall require the filing of an amended special use permit for review and approval by the Planning Commission.~~
- ~~2. The project, as approved, shall conform to Exhibits D and E.~~
- 3.2. The applicant shall be subject to any and all requirements of the Diamond Springs-El Dorado Fire Protection District prior to and during the building permit process. The Fire Department District may review the building plans and forward recommendations and requirements to the builder/operator.

Special Use Permit S03-0039 approved the following:

- ~~1. The project shall consists of the co location of six (6) panel antennas on an existing seventy nine foot (79.2) mono pine cell tower with up to four (4) supporting equipment cabinets in an enclosed approximate eighteen foot by eighteen foot (18' x 18') lease area at the base of the tower. The co location antennas will be located at approximately the sixty foot (60') level.~~
- 2.3. All site improvements shall conform to the site plans attached as Exhibits B, C, D, E, F-1, F-2, F-3 and F-4.
- ~~3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.~~
4. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent. All tower antennas shall have their surfaces entirely covered with "antenna socks" that mimic the branch needles in color and appearance. All tower antenna components that protrude from the pole shall be painted to mimic the branch needle color. Proof that new "antenna sock" coverings that mimic the branches have been installed on all antennas, and that the said antenna components have been painted with a non-reflective paint that mimics the needle color, shall be received by Planning Services within 60 days from the end of the 10-day appeal period for the April 28, 2011 Five-Year Review hearing approval.
5. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Planning Department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

6. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to:~~

- ~~a. Modify the conditions of approval in order to reduce identified adverse impacts; and~~
- ~~b. 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.~~

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.

7. ~~During all grading and construction activities in the project area, an archaeologist or historian approved by the Planning Director shall be on call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease~~

~~within fifty (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 and building plans shall include this condition of approval on the plans. The Planning Department shall review the grading and building plans prior to issuance of a grading or building permit.~~

~~Further, 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 twenty four (24) hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading and building plans shall include this condition of approval on the plans. The Planning Department shall review the grading and building plans prior to the issuance of a grading or building permit~~

If human remains are discovered at any time during the improvement phase, 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 subdivider and shall be subject to review and approval by Planning Services.

8. The co-location and construction of the project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department
9. The applicant shall maintain a minimum of 4 inches of aggregate base along a 12 feet wide access roadway from the edge of the existing paved driveway to the project/facilities site at all times.
10. The applicant shall repair all damage to the existing paved driveway to the project/facilities site.
11. 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.

12. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
13. 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.
14. 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 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/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

- b. **S11-0002/AT&T Telecommunications Tower-Rolling Hills Church** submitted by AT&T (Agent: Pat Kelly/Lyle Company) to allow the construction of a wireless telecommunication facility consisting of 12 panel antennas mounted inside the top of a proposed 65-foot high faux church bell tower and a ground equipment shelter enclosed by a new 9-foot tall concrete block wall. The property, identified by Assessor's Parcel Number 117-010-03, consisting of 11.32 acres, is located on the southeast side of White Rock Road, approximately 0.5 mile southwest of the intersection with Latrobe Road, in the El Dorado Hills area, Supervisorial District 2. *[Project Planner: Tom Dougherty]* (Negative declaration prepared)\*  
*[continued from 6/9/11 meeting]*

Tom Dougherty informed the Commission that the applicant had submitted a written request the day before asking for a continuance to the August 25, 2011 meeting.

Pat Kelly/applicant's agent explained that negotiations with the property owner have not concluded yet.

Pierre Rivas stated that if the continuance request was solely based on a lease issue and the project wouldn't be changing, then the Commission could still proceed with hearing the item today and taking action.

Chair Heflin was reluctant to continue the item again to a date-specific particularly because the agendas have been fairly light and there would be the possibility that this would be the only item on the agenda.

Commissioner Tolhurst confirmed with staff that if the Commission took action on the item today and then the lease agreement fell through, the project would no longer be active.

Ms. Kelly stated that AT&T prefers to resolve all business terms prior to obtaining entitlement.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (5-0), to continue S11-0002 to the August 25, 2011 meeting per the request of the applicant.**

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

#### **10:00 A.M. – TIME ALLOCATION**

#### **9. WORKSHOP**

Joint session of the Planning Commission and the Parks and Recreation Commission for an information sharing workshop on the draft Parks and Trails Master Plan. Presentation by Kate Kirsh/Foothill Associates on the purpose and status of the Plan and a summary of public input. A draft needs analysis and initial recommendations will also be discussed. [*Contact: Janet Postlewait/DOT*]

(Parks and Recreation Commissioners present: Bob Smart, Steve Yonker *(arrived at 10:17 a.m.)*)

*(Clerk's Note: Commissioner Mathews left the meeting at 10:37 a.m.)*

Janet Postlewait/DOT identified herself as the Project Coordinator and summarized the project prior to introducing Kate Kirsh/Foothill Associates.

Ms. Kirsh conducted a PowerPoint presentation and indicated that public comment would be received through July 22, 2011.

Commissioner Yonker confirmed that the Plan was primarily based in the West Slope. Commissioner Tolhurst expanded on that by stating he felt that even though South Lake Tahoe is part of the County, they were not even considered in this Plan although a significant amount of County residents and visitors travel to the Tahoe area on a regular basis. He suggested a snow park in the Tahoe area and a self-funded El Dorado camp should also be considered.

Commissioner Smart stated that he is also on the Diamond Springs-El Dorado Community Advisory Committee and that area is considered to be a high growth area and the surrounding Community Service Districts are being significantly impacted, particularly Placerville.

Raymond Retallack said that Philip Rose, President of the Placerville and Sacramento Valley Railroad, requested that he speak on behalf of the organization. He spoke on the following items: reactivation of the historic railroad (i.e., funding, volunteers); bike trails should be placed on a ballot to be voted by County residents; and weekly excursion trains from Folsom and Shingle Springs are full of passengers on each trip.

Jeannie Harper, Pollock Pines resident, indicated there is a significant number of volunteers who would be willing to assist in obtaining a park in their area.

Eileen Crim liked to see the collaboration of the two Commissions as she felt that is how things can get accomplished. She spoke on the various camps throughout the County.

Hilde Switzer, Coloma resident, indicated that she uses the trail system. She spoke on the County's agreement with SMUD and suggested that this be researched as a funding resource for the parks.

Kathleen Newell, Shingle Springs resident, voiced concern that South Lake Tahoe is not included in the Plan as she is one of the many area residents that travels to the Tahoe area on a regular basis. She felt that parks are a necessity for high-density low-income areas.

Carl Clark, General Manager of the Georgetown Divide Recreation District, spoke in support of this Plan and how it assists his agency in the implementation process.

Sue Taylor agreed that parks should be planned for areas that are designated for development. She also spoke on her appreciation of the Tahoe area and the need to have a pedestrian path on Pony Express Trail. Ms. Taylor expressed concern that if other programs are created, it may deplete the City of Placerville's wonderful recreation program.

Melissa Marquez, El Dorado County and Georgetown Divide Resource Conservation Districts, stated that her office provides a listing of available grants for funding resources.

Commissioner Yonker said that their primary responsibility is the regional park system and many of today's comments have centered on local parks. He also stated that District 5 utilizes bonds and measures in order to obtain funding which wouldn't be possible without assistance from staff. However, the County has no staffing resources dedicated to recreation.

Commissioner Smart stated that in the late 1950s the County had more of a rural recreation atmosphere, but has since become more urbanized and places need to be established to provide children, young adults, and seniors places for recreation. He considered this a critical need.

Thomas DeLange/Parks & Grounds acknowledged that there had been a lot of discussion regarding grants but stated that there is no County staff to work on these grants. He felt that this is an organization problem that needs to be resolved prior to implementation of the Plan.

Ms. Kirsh thanked everyone for their comments and directed interested parties to view the full draft needs analysis which is posted on the County's website. She stated that the next steps would be to develop specific recommendations addressing needs, priorities, and funding. Ms. Kirsh indicated that another public workshop would be scheduled to provide an update and it was expected to have the draft document and CEQA reviewed in October with the final document approved in December.

**No Action Taken.**

**10. ADJOURNMENT**

Meeting adjourned at 11:30 a.m.

**APPROVED BY THE COMMISSION**  
Authenticated and Certified:

  
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Tom Heflin, Chair