

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



Agenda of: November 14, 2013
Item No.: 8.b
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S13-0011/Verizon Wireless Telecommunications Tower–Garden Valley

APPLICANT: Verizon Wireless

AGENT: Complete Wireless Consulting

ENGINEER: MST Architects

REQUEST: Special Use Permit to allow the construction of a wireless telecommunication facility consisting of a 75-foot monopine tower with 12 antennas, equipment shelter, and related ground equipment.

LOCATION: West side of Hackomiller Road, approximately 2,300 feet south of the intersection with Black Oak Mine Road, in the Garden Valley area, Supervisorial District 4. (Exhibit A)

APN: 060-320-23 (Exhibit B)

ACREAGE: 10.32 acres

GENERAL PLAN: Rural Residential-Agricultural Lands-Important Biological Corridor-Mineral Resource (RR-AL-IBC-MR) (Exhibit C)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;

2. Approve Special Use Permit S13-0011 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description: Special use permit request to allow the construction of a wireless telecommunications facility consisting of a 25 foot by 35 foot fenced lease area; 12 foot by 16 foot equipment shelter; a 75-foot monopine tower with 12 antennas and two microwave dishes; two wall-mounted air conditioners; and one stand-by diesel generator with a 132 gallon fuel tank.

Access to the project would be provided by a proposed 15-wide easement along the existing graveled driveway to be shared with the residents. There would be a parking space located near the project enclosure for parking and turnaround.

Site Description: The site is located on a 10.32-acre parcel, approximately 2,200-feet above sea level. There are two existing residences and accessory buildings on the site. The parcel is elevated on a knoll and is predominantly screened from long distances views by the existing vegetation. The closest existing residence not owned by the parcel owner is located approximately 500 feet west of the proposed tower location.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	RR-AL-IBC-MR	Residential/single-family residence
North	RE-5	RR-AL-IBC-MR	Residential/single-family residence
South	RE-5	RR-AL-IBC-MR	Residential/single-family residence
East	RE-10	RR-AL-IBC-MR	Residential/single-family residence
West	RE-5	RR-AL-IBC-MR	Residential/single-family residence

STAFF ANALYSIS

The parcel is zoned RE-5. County Code Section 17.14.210 (D) (5b) permits wireless communication facilities in the RE-5 Zone Districts with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210 E-J of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided a project narrative explaining the project details, potential benefits to the community, and site selection which is provided in attached Exhibit H.

Project Issues: The primary issues with this project are aesthetics, land use compatibility, and oak canopy. Other discussion items include noise, emergency access, utilities, biological corridor, and mineral resources.

Aesthetics: The proposed fencing and ground equipment would be visible from various surrounding local views. The top of the tower would be visible from various points in the surrounding area. The tower is designed to be a “monopine” to attempt to disguise the antennas and tower with brown, green, and tan colors and materials. The antennas would each be covered with foliage socks to further camouflage them with the green branch needles. The tower pole would be painted with a non-reflective brown paint, intended to mimic a tree trunk color. As conditioned for the stated attributes, the facility is anticipated to be adequately camouflaged. Photo simulations are provided in Exhibits F-1 to F-3.

Land Use Compatibility: The site is surrounded by residential uses on each side. Policy 2.2.5.21 directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. A cellular telecommunications facility is considered to be a public utility facility, though owned privately. The project would be compatible and consistent with the rural residential land use designation because it has been designed to minimize the visual and noise effects on adjacent properties, as directed by Section 17.14.210 of the Zoning Ordinance. All facility components would be painted colors that would blend with the vegetation. As proposed and conditioned the communications tower would be consistent with these policies.

Oak Canopy: Site development of the 25 foot by 35 foot lease area would require the removal of two oak trees. Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards. The applicant has submitted a Tree Survey, Preservation, and Replacement Plan dated March 15, 2013 (“Tree Plan”).

The Tree Plan determined the mapped project site has an existing oak canopy of 42 percent and is required to retain 80 percent in accordance with the standards under Option A. The project proposes to remove nine percent (0.02 acres) of the existing oak canopy and would retain over 80 percent. The canopy identified for removal consists of oak trees impacted by grading activities for the construction of the lease area pad. The Tree Plan demonstrates consistency with the standards under Option A of General Plan Policy 7.4.4.4 and the Interim Interpretive Guidelines of this policy is included as Attachment 4 of the Proposed Negative Declaration and Initial Study. The Oak Tree Canopy Replacement Plan is included as Exhibit G.

Noise Impacts: The project includes two air conditioning units, and one stand-by generator which are the primary noise sources. **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. In rural areas the exterior noise level standard is applied at a point 100 feet away from the nearest residence. The applicant has supplied an Environmental Noise Analysis dated February 20, 2013 that addresses potential noise impacts which determined the closest neighboring residence is located 490 feet from the project footprint.

The generator would be tested in the daytime hours and would only run at night during power outages. The Noise Analysis demonstrates that the generator would emit noise levels anticipated to be approximately 42 to 47 dBA which is less than 50 dBA daytime threshold from Table 6.2.

The air conditioners are proposed to be mounted in the walls of the equipment shelter facing north. The Noise Analysis demonstrates the noise from the air conditioners would emit noise levels anticipated to be approximately 30-35 dB which is less than 40 dBA nighttime threshold from Table 6.2.

As demonstrated by the Noise Analysis, no additional noise mitigation measures would be warranted for the project.

It is assumed for this analysis that all future carrier's air conditioners will have the same noise specifications as the current proposal. Because air conditioner technology and specific model types may change in the future, staff recommends a condition that requires each future carrier to submit a cumulative noise analysis for the entire project at that point that demonstrates compliance with the General Plan noise standards prior to issuance of a building permit.

Adequate Access for Emergencies: The site is located at the end of the driveway approximately 1,200 feet from Hackomiller Road. 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. The plans were reviewed by the Garden Valley Fire Protection District for emergency ingress/egress capabilities. The Fire District stated that the on-site access driveway width and surfacing as well as the turnaround capacity for emergency vehicles at the lease area site are adequate and they did not recommend any conditions. Therefore, the project would be in compliance with the General Plan Policy.

Utilities: Approximately 325 feet of trenching would be required to underground the electric and telephone wires from the existing electrical transformer and telephone/data service boxes located near the driveway to the southeast. The trench would be located within a proposed six-foot wide utility easement to be located as shown in the attached Sheet A1.1. The service would connect with the existing transformer and telephone communication wires and is not proposed to require any oak tree removal.

Biological Corridor: Policy 7.4.2.9 identifies the site with an Important Biological Corridor (IBC) overlay. This is applied to lands identified as having high wildlife values because of extent, habitat function, connectivity, and other factors. Minor grading for surfacing improvements of the existing access driveway and surface grading to prepare the lease area and turnaround are anticipated. No wetland/riparian habitat loss would occur as a result of the project because no wetland features have been identified within the project parcel. The proposed project is not located in the El Dorado County Plant Mitigation Area and does not have any Ecological Preserve overlay designation. The Mariposa very rocky silt loam soils identified to exist within the parcel boundaries by the Soil Survey of El Dorado County are not known to support the rare plants known as Pine Hill Endemics in the General Plan. Given the 10.38 acre parcel size, and relatively small projected project footprints, no significant hindrance of wildlife movement would be anticipated.

Mineral Resource Overlay: Policy 2.2.2.7 states that the purpose of the Mineral Resource (-MR) overlay designation is to identify those areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports. Review of the California Department of

Conservation CGS Open-file Report 2000-03 Generalized Geologic Map showed the site is within a MRZ-4 District which are areas within the county of unknown mineral resource significance. Because of the relatively small project footprint size, and the absence of any known important mineral resources, the proposed project would not be anticipated to impact important mineral resources.

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

Design and Development Standards

Section 17.14.210.B of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. The applicant has provided a project description (Exhibit H) which includes their site selection summary in which they demonstrate how the subject parcel location was chosen. The tower is proposed in order to allow wireless communication to provide in-building coverage in the local area and to fill up the cellular communications gap in coverage. Another goal is to create one structure that could potentially accommodate other wireless service provider serving the area. The supplied analysis found the subject project site to be the most optimum to achieve their needed coverage area.

Development Standards: Section 17.14.210.E thru J of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

E. **Visual:** Photo-simulations show the changes that are being requested under this action. The photo simulation would be used during the plan check permit process to ensure that the project conforms to the exhibits approved with the application. Photo simulations of the proposed wireless facility are included as Exhibits F-1 to F-3.

F. **Development Standards:**

1. **Screening:** The applicant is proposing to place equipment cabinets and support equipment within a pre-fabricated concrete building to be surrounded by six-foot tall chain link fence with slats installed for buffering views of the ground equipment. As illustrated in the photo simulations, site plan and elevations, the tower and ground equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing surrounding buildings and landscaping.
2. **Setbacks:** The RE-5 Zone District requires a 30-foot front, side, and rear setback from the property lines for a structure such as a telecommunications facility and components. The Overall Site Plan, Sheet C-1, shows the closest property line is approximately 215 feet to the north of the proposed structures.
3. **Maintenance:** Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper

operation. Conditions are recommended to require that the colors and materials of the equipment building and ground support equipment be maintained at all times and to be consistent with the features depicted in the visual simulations and elevations. A condition of approval has been included requiring the perpetual maintenance of the facility.

- 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). The RF analysis dated May 24, 2012 found that for a person anywhere at ground level, the maximum RF exposure level due to the installation of antennas was calculated to be 0.0041 mW/cm² which is 0.67 percent of the applicable public exposure limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions. Therefore, the risk of release of hazardous materials or emissions to the public was determined to be remote. A copy of the study is included as an attachment to the Negative Declaration and Initial Study in Exhibit J.
- 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 tower would be constructed with the ability to hold up to three antenna elevations, depending on their needs and requirements.
- 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.
- 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. This project parcel is not governed by CC&Rs and there are no schools located within 1,000 feet of the proposed project site.

After review of the site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.210.E 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.

Public Comments: The project was reviewed by the Garden Valley Community Association. In an email dated September 18, 2013, their President responded that they “don’t have any questions, comments, or concerns.”

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit J) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment therefore a Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,156.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,156.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

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 Designations Map
Exhibit E-1	Plot Plan, Sheet C-1; March 18, 2013
Exhibit E-2	Overall Site Plan, Sheet A1.1; January 29, 2013
Exhibit E-3	Enlarged Equipment Plan, Antenna Plan, Sheet A2.1; January 29, 2013
Exhibit E-4	East and South Elevation, Sheet A3.1; January 29, 2013
Exhibit E-5	West and North Elevation, Sheet A3.2; January 29, 2013
Exhibits F-1 to F-3	Visual Simulations
Exhibit G	Oak Tree Canopy Replacement Plan (four pages)
Exhibits H-1, H-2	Verizon Service Coverage Maps
Exhibit I	Applicant-submitted Project Description; received July 22, 2013 (nine pages)
Exhibit J	Site Visit Photos
Exhibit K	Proposed Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S13-0011/Verizon Wireless Telecommunications Tower–Garden Valley Planning Commission/November 14, 2013

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit E-1Plot Plan, Sheet C-1; dated March 18, 2013
Exhibit E-2Overall Site Plan, Sheet A1.1; January 29, 2013
Exhibit E-3Enlarged Equipment Plan, Antenna Plan; January 29, 2013
Exhibit E-3East and South Elevation, Sheet A3.1; January 29, 2013
Exhibit E-4West and North Elevation, Sheet A3.2; January 29, 2013
Exhibits F-1 to F-3Visual Simulations
Exhibit GOak Tree Canopy Replacement Plan (four pages)

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.

Approval of the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 10.32-acre parcel identified by Assessor's Parcel Number 060-320-23, and consisting of the following:

- a. Up to 12 panel antennas mounted at the centerline of 64 feet on a 68-foot tall monopine pole, with the top branches not to exceed 75 feet;
- b. Two microwave dishes;
- c. One 12-foot by 16-foot prefabricated ground equipment shelter to house equipment cabinets, generator, and associated equipment;
- d. One 6-foot tall chain link fence constructed around the perimeter of the 25 foot by 35-foot lease area for the equipment shelter, with two, six-foot wide gates for access;
- e. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A-2.1;
- f. One standby diesel generator located as shown on Sheet A2.1;
- g. One, six-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 325 feet between the equipment shelter and the source to the southeast, to be located as shown on Sheet A-1.1.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Development Services Department (Planning)

2. **Oak Canopy Replacement:** The project will remove 875 square feet (0.02 acre) of oak canopy. The applicant shall plant, maintain and monitor the required replacement of oak canopy as described in the Oak Tree Canopy Replacement Plan in Exhibit G. The applicant shall supply Planning Services with proof that the planting has occurred prior to building permit final.
3. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
4. **Conditions Compliance:** Prior to issuance of a building permit or 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 prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
5. **Co-location:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Division Manager of the Development Services Division if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Division Manager find that additional noise may create a significant impact; the Division Manager shall decide if the changes can be approved administratively through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
6. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures for all carriers shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antennas shall

be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The “branches” shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. The branches shall have a dark green color that resembles the surrounding conifer trees.

The fenced enclosure shall contain dark green or brown slats and shall not have gaps at any portion where it touches ground level. No antenna shall project out past the “branch” tips. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.

7. **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.
8. **Responsibility for 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.
9. **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 Division every five years. At each five-year review, the permit holder shall provide the Development Services Division with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation 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.

10. **Compliance Responsibility:** 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.
11. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

12. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

13. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
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.

Transportation Division

15. **Encroachment Permit Hackomiller Road:** The applicant shall obtain an approved encroachment permit for access on Hackomiller Road, in accordance to the County of El Dorado Design and Improvements Standards Manual (DISM) Standard Plan **103D**. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.

Environmental Management-Solid Waste and Hazardous Materials Division

16. **Hazardous Materials:** Under the CUPA programs, because 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 shall be submitted to the Environmental Management Department and applicable fees paid.

Air Quality Management District

17. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction. (Rules 223 and 223.2) if the project will move more than 20 cubic yards of earth or requires a Grading Permit. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
18. **Paving:** Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224).
19. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
20. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
21. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523).
22. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be

used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

ATTACHMENT 2

FINDINGS

Special Use Permit S13-0011/Verizon Wireless Telecommunications Tower–Garden Valley Planning Commission/November 14, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

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

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Rural Residential-Agricultural Lands-Important Biological Corridor-Mineral Resource (RR-AL-IBC-MR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a telecommunications tower, which is consistent with the allowed uses for the RE-5 Zone District with an approved Special Use Permit, and revised Development Plan.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Garden Valley, Georgetown, and Kelsey areas;
 - 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing water, electrical, and telecommunication facilities currently existing within the parcel;

- 2.2.3 6.2.3.2 (adequate access) because the project will utilize an existing graveled driveway surface for access; and
- 2.2.4 6.5.1.7 (noise exposure) because the air conditioner and generator specification sheets demonstrates that the project will have noise levels anticipated to comply with the County's standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned Estate Residential Five-Acre (RE-5), which allows wireless communication facilities, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance, have been provided.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.1.

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

The use will not significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall chain link fence, and the tower antennas will be buffered by the monopine "branches" and antenna socks. The view of the tower will be buffered by the existing trees. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than one percent of the public safety standard established by the FCC, the risk of Radio Frequency ("RF") emissions to the public is remote.

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

The proposed use complies with the requirements of County Code Section 17.14.210.E through J (facility requirements/analysis), and 17.28.210 (minimum yard setbacks for RE-5 Zone District).