

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



Agenda of: May 9, 2013
Item No.: 9
Staff: Tom Dougherty

SPECIAL USE PERMIT/PLANNED DEVELOPMENT REVISION

FILE NUMBER: S12-0007/PD03-0007-R-2/Verizon Wireless Telecommunications Tower-Lakehills Community Covenant Church

APPLICANT: Verizon Wireless

AGENT: Alan Heine

ENGINEER: MT2 Telecom, LP

PROPERTY OWNER: Lakehills Community Covenant Church

REQUEST: Special Use Permit and revised Development Plan to allow the construction of a wireless telecommunication facility consisting of a 73-foot monopine tower, nine antennas, equipment shelter, and related ground equipment.

LOCATION: North side of White Rock Road, approximately 1,100 feet north of the intersection with Valley View Parkway, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APN: 121-280-20 (Exhibit B)

ACREAGE: 12.33 acres

GENERAL PLAN: El Dorado Hills Specific Plan-Commercial (EDH-SP-C) (Exhibit C)

ZONING: General Commercial-Planned Development (CG-PD) (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 Planned Development Revision PD03-0007-R-2 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
3. Approve Special Use Permit S12-0007 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description: A special use permit request and revised Development Plan to allow the construction of a wireless telecommunications facility consisting of a nine panel antennas (each six feet tall by 12 inches wide, by 7 inches deep) mounted at the centerline of 70 feet on an 73-foot tall monopine pole, with the top branches reaching 78 feet, and bottom branches at 16 feet (all measurements above ground level), placed within a separate 12-foot by 12-foot lease area. Also proposed are a 12-foot by 26-foot equipment shelter, one emergency diesel generator, and two air conditioners, contained within a 17-foot by 35-foot lease area surrounded by a six-foot tall wrought-iron fenced enclosure. The two lease areas would be situated approximately 47 feet apart.

Access to the project would be provided by a proposed 12-wide easement along the existing asphalted driveway to be shared with the existing church facility. There would be a parking space located near the project enclosure for parking and turnaround.

Site Description: The site is located on a 12.33-acre parcel, approximately 700-feet above sea level. There is an existing church facility on the site. The site has moderately sloping, rolling topography consisting primarily of grassland vegetation with some shrubs. Large power poles run through the utility easement that is recorded on the eastern perimeter of the property. Two of those towers have cellular antennas mounted on them. The parcel is elevated on a knoll and is visible from long distances in all directions. The existing church building is approximately 380 feet east/southeast of the proposed tower location.

Background: The project parcel is the site of the Lakehills Community Covenant Church which was originally approved with applications P03-0015 and PD03-0007 by the Planning Commission September 22, 2005 for a phased church facility and three parcels. Subsequently, PD03-0007-R-1 was approved by the Planning Commission July 27, 2006 which revised the original application to relocate a parking lot. It was during the construction phase for those approvals that the proposed site location for the subject telecommunications tower was graded.

As required by Section 17.04.060.D, all permits must conform to an approved development plan. The approved plan for the site, consisting of the church facilities, does not show the communication facility. For that reason, the development plan is proposed to be revised to add this use. The original conditions of approval for PD03-0007-R would remain in full force for the church uses. The special use permit would allow the wireless telecommunications facility to be separated from the Planned Development for the purposes of site specific analysis for that facility. Future revisions to the wireless telecommunications facility project would be able to be

processed in the future without having to revise the approved Development Plan. The Division Manager of the Development Services Division would determine whether those revisions were significant enough to be approved by either Planning Services, the Zoning Administrator, or the Planning Commission.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CG-PD	EDH-SP	Lakehills Community Covenant Church facilities
North	R1A	C	Clarksville Cemetery
South	VV-SP	EDH-SP	Valley View Specific Plan/Undeveloped
East	AE	R&D	Vacant
West	CG-PD	EDH-SP	Town Center East

STAFF ANALYSIS

The parcel is zoned General Commercial-Planned Development (CG-PD). County Code Section 17.14.210.5.a permits wireless communication facilities in Commercial Zone Districts adjacent to a state highway with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210(D) 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 are provided in attached Exhibits G and H. The Planned Development overlay zone requires approval of a development plan consistent with Chapter 17.04 of the County Code.

Project Issues: The primary issue with this project is aesthetics. Other discussion items include cultural resources, land use compatibility, and utilities.

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.

The applicants have proposed to plant seven trees around the perimeter of the equipment shelter building lease area, three deodar cedar trees (*Cedrus deodora*), and four Chinese pistache (*Pistachia chinensis*) trees. They also propose to plant evergreen vines to cover the six-foot tall wrought iron fencing proposed to enclose both lease areas. Both are intended to buffer views of the tower and ground equipment. Planning has added the option of utilizing native trees of the El Dorado Hills area also believed to have the potential to survive the thin soils and open site

environment such as foothill pines (*Pinus sabiniana*), blue oak (*Quercus douglasii*) and/or interior live oaks (*Quercus wislizenii*). All five species are included in recommended Condition 3. While still visible from the surrounding areas, these measures should reduce the visible impact of the project.

Cultural Resources: The Clarksville Cemetery on the Mormon Tavern site exists adjacent to the north boundary of the project parcel. Preventative measures during grading and construction of the church facility have been previously addressed by the Planned Development approvals. During the process of Grading Permit 165459, a Ground Penetrating Radar Survey was completed for the perimeter of the cemetery by Earth Imaging Geologic Services prior to grading. That survey reported that no unmarked graves adjacent to the cemetery were found.

As shown in the site photos included as Exhibit K-1, the proposed lease areas were graded flat during that process and the project does not propose to expand that existing graded area. As is standard with all County projects that include any grading, in the event sub-surface historical, cultural, or archeological sites or materials are disturbed during earth disturbances and grading activities on the site, standard conditions of approval are included to reduce potential impacts to a less than significant level.

Land Use Compatibility: 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 El Dorado Hills Specific Plan-Commercial 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 church building and eventually the existing and proposed landscape trees. As proposed and conditioned the communications tower would be consistent with these policies.

Noise Impacts: 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. The applicant has supplied specification sheets for the two proposed air conditioners as well as a standby diesel power generator for emergency use in the event of a power outage.

The submitted specification sheet for a typical generator demonstrates that if the generator was outdoors, the noise levels at 23 feet would be anticipated to be approximately 65 dBA. However, the generator is proposed to be located inside the equipment shelter and would be anticipated to be less than 55 dBA threshold from Table 6.2 for Community Region parcels at the property lines in the vicinity of the source.

The air conditioners are proposed to be mounted in the walls of the equipment shelter facing north towards the cemetery parcel. The submitted noise data shows the noise from the air conditioners for the proposed Verizon Wireless shelter would be anticipated to fall below the 55 dBA threshold from Table 6.2 for Community Region parcels at the property lines in the vicinity of the source.

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, the project has a recommended condition of approval 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.

Utilities: Approximately 575 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 church building. The existing junction points are located to the west of the proposed lease area within the project parcel. The trench would be located within a proposed six-foot wide utility easement to be located as shown in the attached Sheet A-1. The service would connect with the existing transformer and telephone communication wires and is not proposed to require any oak tree removal.

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 G), and site selection analysis' (Exhibits H and I), 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 and F-6.

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 wrought iron fence with evergreen vines planted for buffering views of the ground equipment. That applies to both the proposed 8-foot by 8-foot area at the base of the tower, as well as the 17-foot by 35-foot lease area for the shelter and other ground support 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 CG Zone District requires a ten-foot front yard setback, and five-foot side and rear setback from the property lines for a structure such as a telecommunications facility and components. The Overall Site Plan, Sheet A-1, shows the closest property line is approximately 25 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. The conditions are recommended to require that the colors and materials of the equipment building, 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 0.0045 mW/cm² which is 0.79 percent of the applicable public exposure limit. The maximum calculated level at the residence located approximately 420 feet to the northeast, would be 1.0 percent of the 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 L.
- 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.

There are classes held within the church facility but there is no public school district site 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 17.14.200.F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there are no unresolved issues with the project.

Agency and Public Comments: The El Dorado Hills Area Planning Advisory Committee reviewed the project February 13, 2013 to review this project. APAC voted 5-1 for conditional support of the monopine project proposal with the stipulations that the tower not exceed 78 feet, that trees are planted, that the equipment shelter match the church building, and that the site be restricted to one cell tower. Their letter dated February 17, 2013 is included as Exhibit J.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit L) 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, and a Negative Declaration has been prepared. 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	Overall Site Plan, Sheet A-1; March 14, 2013
Exhibit E-2	Site Plan and Antenna Layout, Sheet A-2; March 14, 2013
Exhibit E-3	West and South Elevation, Sheet A-3; March 14, 2013
Exhibit E-4	East and North Elevation, Sheet A-4; March 14, 2013
Exhibits F-1 to F-6	Visual Simulations
Exhibit G	Applicant-submitted Project Description; March 20, 2013 (three pages)
Exhibit H	Applicant-submitted Site Selection Analysis; March 20, 2013 (two pages)
Exhibit I	Applicant-submitted Site Justification Letter; March 19, 2013 (two pages)
Exhibit J	El Dorado Hills Area Planning Advisory Committee (EDHAPAC) Letter; February 17, 2013
Exhibits K-1, K-2	Site Visit Photos
Exhibit L	Proposed Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S12-0007/Planned Development Revision PD03-0007-R-2/Verizon Wireless Telecommunications Tower–Lakehills Community Covenant Church Planning Commission/May 9, 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-1Overall Site Plan, Sheet A-1; March 14, 2013
Exhibit E-2Site Plan and Antenna Layout, Sheet A-2; March 14, 2013
Exhibit E-3West and South Elevation, Sheet A-3; March 14, 2013
Exhibit F-4East and North Elevation, Sheet A-4; March 14, 2013
Exhibits G-1 to G-6.....Visual Simulations

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 and revised Development Plan allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 12.33-acre parcel identified by Assessor's Parcel Number 121-280-20, and consisting of the following:

- a. Nine panel antennas (each six feet tall by 12 inches wide, by 7 inches deep) mounted at the centerline of 70 feet on an 73-foot tall monopine pole, with the top branches not to exceed 78 feet, and bottom branches at a minimum of 16 feet (all measurements above ground level);
- b. One 26-foot by 11.5-foot prefabricated ground equipment shelter to house equipment cabinets, generator, and associated equipment, the height shall be consistent with that shown on Sheets A-3 and A-4;
- c. One 6-foot tall black wrought iron fence constructed around the perimeter of the 17 by 35-foot lease area for the equipment shelter, with two 8-foot wide gates for access;
- d. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A-2;
- e. One 6-foot tall black wrought iron fence constructed around the monopole base measuring 8 feet by 8 feet, within a 12 by 12-foot lease area, with two 4-foot wide gates for access;

- f. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 51 feet between the tower and equipment shelter lease areas, to be located as shown on Sheet A-2;
- g. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 575 feet between the equipment shelter and the source at the existing church building, to be located as shown on Sheet A-1; and
- h. The nine antennas shown on the elevations at 51 feet above ground level are not approved with this permit.

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.

The previously approved uses of PD03-0007 remain unchanged and all conditions remain in full force and affect.

Development Services Department (Planning)

- 2. **Lighting:** Two lights are approved, one located above the shelter door, and one above the generator access door, as shown on Sheet A-2, Exhibit E-2. Both lights shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting fixture specification sheet and location shall be submitted for review and approval by Planning Services prior to issuance of a building permit. The lights shall be activated with motion-sensor or timer.

Should the installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

- 3. **Landscaping:** Both wrought iron fenced areas shall have evergreen vines planted on them which shall be maintained to prevent views into those enclosures. The seven trees to be planted around the 17 foot by 35 foot equipment shelter lease area shall be planted as shown on Sheet A-2, and shall include a combination of deodar cedars (*Cedrus deodora*), Chinese pistache (*Pistachia chinensis*) foothill pines (*Pinus sabiniana*), blue oak (*Quercus douglasii*), and/or interior live oaks (*Quercus wislizenii*) and shall be 15-gallon or larger sized trees.

The planting area shall be mulched with tree service chipper mulch or equivalent heavy type mulch spread in a 20-foot wide minimum band on the west side, a 15-foot wide

minimum band on the south side, and 12-foot wide minimum band on the east side (southern ½). Those areas shall have the top few inches of soil hand picked or ripped prior to laying the mulch, and the mulch shall be a minimum of three inches thick. The tree holes shall not be glazed by shovels and/or an auger, and trees shall not be pot bound. Any large roots with the potential to cause girdling later shall be pruned off or straightened prior to planting.

All landscaping trees shall be watered with drip irrigation bubblers. The bubblers shall be placed at the dripline and shall be moved outward to coincide with the expanding dripline location. All tree support poles shall have all support ties loosened at three months so the trees can move in the wind but could catch them if blown over. All tree supports shall be removed at one year or sooner if they can stand alone. No heavy vehicles or equipment shall be permitted within the mulched area to prevent compaction.

The final landscape plan shall be submitted to Planning Services for review and approval prior to issuance of a grading and/or building permit. The applicant shall provide Planning Services with proof of compliance with this condition prior to building permit final. The evergreen vines, trees, and mulch thickness shall be maintained in perpetuity.

4. **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.
5. **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.
6. **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.

7. **Appearance:** 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 antenna shielding shall be painted with non-reflective paint and maintained to match the color of the pole. The fenced enclosure shall not have gaps at any portion where it touches ground level. 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 landscaping 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.
8. **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.
9. **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.
10. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall 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.

11. **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.
12. **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

13. **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

14. **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.
15. **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.

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. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations 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 223 and 223.1. In addition, a

- Fugitive Dust Mitigation Plan (FDMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
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.

El Dorado Hills Fire Department

23. **KNOX Box:** The applicant shall install a Fire Department approved KNOX box on the equipment shelter structure to contain the master key to open all exterior doors. KNOX box order forms are available at El Dorado Hills Fire Department, located at 1050 Wilson Blvd, El Dorado Hills, CA 95762. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
24. **Gates:** Any access gate(s) shall have a Fire Department approved KNOX box padlock installed to allow for emergency access. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.

25. **Knox Key:** A Knox Key shunt system shall be installed by the applicant to terminate power to generators. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
26. **Fire Extinguisher:** The applicant shall provide and maintain a minimum of one 2A 10B: C fire extinguisher. The extinguisher shall be mounted where readily available within the building. The applicant shall provide the Fire Department with proof of compliance prior to building permit final.
27. **Vegetation Clearance:** The applicant shall maintain a 30 foot clearance of dry weeds to a height of two inches or less shall be completed annually by June 1.

ATTACHMENT 2

FINDINGS

Special Use Permit S12-0007/Planned Development Revision PD03-0007-R-2/Verizon Wireless Telecommunications Tower–Lakehills Community Covenant Church Planning Commission/May 9, 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 General Commercial (CG) 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 CG-PD 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 El Dorado Hills community and Highway 50 corridor 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 paved 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 General Commercial-Planned Development (CG-PD), 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 wrought iron fence and evergreen vines, and the tower antennas will be buffered by the monopine “branches” and antenna socks. The view of the tower will eventually be buffered by the planted 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 Sections 17.14.210.5.a (telecommunications towers adjacent to a state highway subject of a special use permit); 17.14.210.E through J (facility requirements/analysis), and 17.32.200 (minimum yard setbacks for CG Zone District).

5.0 PLANNED DEVELOPMENT FINDINGS

- 5.1 The planned development request is consistent with the General Plan because the application is for a telecommunications facility, being developed to serve the residents, businesses, and visitors to the El Dorado Hills area, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 5.2 The proposed development is conditioned to provide a desirable environment within its own boundaries. As conditioned, the proposed development provides landscaping, and design features which will fit adequately within the local commercial district.
- 5.3 The project is being developed or conditioned to comply with all County Code requirements.
- 5.4 The site is physically suited for the proposed uses since it is located within a commercial environment.
- 5.5 As conditioned, adequate services are available for the proposed uses, including, but not limited to water, telecommunication connections, and electrical supply.
- 5.6 The proposed facility would not significantly detract from the natural land and scenic values of the site because it will provide landscaping for buffering views of the facility.