



## 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

Rich Stewart, Chair, District 1  
Dave Pratt, First Vice-Chair, District 4  
Brian Shinault, Second Vice-Chair, District 5  
Gary Miller, District 2  
Tom Heflin, District 3

Char Tim ..... Clerk of the Planning Commission

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### **DRAFT MINUTES**

**Regular Meeting  
November 12, 2015 – 8:30 A.M.**

#### **CALL TO ORDER**

Meeting was called to order at 8:31 a.m. Present: Commissioners Stewart, Miller, Heflin, and Pratt\*; David Livingston-County Counsel; and Debbie Ercolini-Planning Services.

*[Clerk's Note: Commissioner Pratt arrived at 8:33 a.m. and took his seat on the Commission.]*

#### **ADOPTION OF AGENDA**

**Motion: Commissioner Heflin moved, seconded by Commissioner Miller, and carried (3-0), to approve the agenda as presented.**

**AYES: Miller, Heflin, Stewart**  
**NOES: None**  
**ABSENT: Pratt, Shinault**

#### **PLEDGE OF ALLEGIANCE**

**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.)

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

**AYES: Heflin\*, Pratt, Miller, Stewart**  
**NOES: None**  
**ABSENT: Shinault**  
\*abstained from Item #1

**1. 15-1207** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of October 22, 2015.

**This was Approved on Consent Calendar with Commissioner Heflin abstaining.**

**2. 15-1209** Clerk of the Planning Commission recommending the Commission approve the 2016 Planning Commission Meeting Schedule.

**This was Approved on Consent Calendar.**

**3. 15-1210** Hearing to consider a Finding of Consistency with the El Dorado County 2004 General Plan, pursuant to Government Code Section 65402 for the purposes of developing a Sheriff's Headquarters Public Safety Facility [GOV15-0003] on property identified by Assessor's Parcel Numbers 329-240-55 and 329-391-10, in the Diamond Springs area, submitted by El Dorado County; and staff recommending the Planning Commission find the acquisition of real property by the County for the purposes of developing a Sheriff's Headquarters Public Safety Facility is consistent with the El Dorado County 2004 General Plan, pursuant to Government Code Section 65402. (Supervisory District 3)

**This was Approved on Consent Calendar.**

**4. 15-1227** Chief Administrative Office, Parks Division, submitting request to consider the transfers of weekend user days from River Use Permit #05 to River Use Permit #63 and #19 and the transfer River Use Permit #05 to River Runners, Inc., owned by John Kosakowsky and Sarah Vardaro; and staff recommending the Planning Commission take the following actions:

- 1) Approve the transfer of 40 weekend user days from River Use Permit #05 to River Use Permit #63;
- 2) Approve the transfer of 14 weekend user days from River Use Permit #05 to River Use Permit #19.; and
- 3) Approve the transfer of River Use Permit #05 with 30 weekend and 25 weekday user days from Danny Lulla, president of River Runners, Inc. to River Runners, Inc. owned by John Kosakowsky and Sarah Vardaro and approve a one-year provisional River Use Permit for River Runners, Inc.

**This was Approved on Consent Calendar.**

**END OF CONSENT CALENDAR**

**DEPARTMENTAL REPORTS AND COMMUNICATIONS** - None  
(Development Services, Transportation, County Counsel)

**COMMISSIONERS' REPORTS** - None

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

- 5. 15-1211** Hearing to consider the Indian Creek Verizon Wireless project [Special Use Permit S15-0007]\* to allow the construction of a wireless telecommunication facility on property identified by Assessor's Parcel Number 317-250-56, consisting of 16.26 acres, located in the Placerville area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions:
- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and
  - 2) Approve Special Use Permit S15-0007 based on the Findings and subject to the Conditions of Approval/Mitigation Measures as presented.
- (Supervisory District 4)

Commissioner Stewart recused himself from this item and left the room.

Joe Prutch presented the item to the Commission with a recommendation of approval. Mr. Prutch also mentioned he received communication from the Transportation Division to remove Conditions of Approval 23-31.

Alan Heine, agent, was present and available for questions.

Vice Chair Pratt opened public comment.

Brian Heath - owner of adjacent parcel requested a copy of the power point presentation. Mr. Heine said he would provide that to him. Mr. Prutch also provided Mr. Heath direction to the website.

Laura Bickers – property owner and neighbor of Mr. Heath's asked if an alternative site had been considered and if an alternative site analysis was done? Ms. Bickers also concerned with noise and asked who will absorb the increase in demand of structural fire protection?

Commissioner Pratt mentioned the Condition of Approval regarding generators.

Alan Heine explained that the shelters are concrete and have a 24 hour manned alarm system and the structure is two hour fire rated. Mr. Heine also explained the site analysis procedure.

Dave Spiegelberg, Transportation Division, explained why Conditions of Approval 23-31 were to be removed.

There was no further discussion.

**Motion: Commissioner Heflin moved, seconded by Commissioner Miller, and carried (3-0), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S15-0007 based on the Findings and subject to the Conditions of Approval/Mitigation Measures modified as discussed: (a) Remove Conditions of Approval 23-31 per Transportation Divisions request.**

**AYES: Stewart\*, Miller, Heflin, Pratt**

**NOES: None**

**ABSENT: Shinault**

\*Commissioner Stewart recused himself from this item and left the room.

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

### **Findings**

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

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated 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 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 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 Low Density Residential (LDR) land use designation with Important Biological Corridor overlay 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 Residential Estate Five-Acre (RE-5) Zone District with an approved Special Use Permit.

2.2 As conditioned, and with adherence to Zoning Ordinance, the project is consistent with all applicable Policies of the General Plan, including:

2.2.1 Policy 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 power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Placerville area;

2.2.2 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing electrical and telecommunication facilities currently existing within the parcel;

2.2.3 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved driveway surface and construct a paved and gravel access road to the site that meets fire regulations for material type and slopes;

2.2.4 Policy 6.5.1.7 (noise exposure) because 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; and

2.2.5 Policy 7.4.4.4 (oak trees) because the project improvements have been sited in a manner that will completely avoid the on-site oak tree canopy.

### **3.0 ZONING FINDINGS**

3.1 The project site is zoned Residential Estate Five-Acre (RE-5), which allows wireless communication facilities with an approved special use permit, provided the applicant follow standards and permitting requirements defined in Section 130.14.210 of the Zoning Ordinance. 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 Zoning Ordinance because sufficient screening, setbacks, and maintenance have been provided and/or conditioned.

### **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 section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0.

**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 on-site natural vegetation, and the tower antennas will be hidden by manufactured pine branches. The view of the tower will be buffered by the existing trees surrounding the tower. Further, it is a long distance from nearby residences and the Green Valley Road. 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 one percent or less of the public safety standard established by the Federal Communications Commission (FCC), the risk of radio frequency (RF) emissions to the surrounding public is remote.

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

The proposed use complies with the requirements of Zoning Ordinance Section 130.14.210.E through J (facility requirements/analysis) and 130.28.210 (minimum yard setbacks for RE-5 Zone District).

**Conditions of Approval**

**Project Description**

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 F.....Site Plans and Elevations; dated January 14, 2015  
Exhibit G.....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 allows the construction and operation of a new wireless communications facility to support cellular transmission within the front half of the existing 16.26-acre parcel identified by Assessor's Parcel Number 317-250-56, and consisting of the following:

- a. Up to six panel antennas mounted centerline at the height of 67 feet on a 70 foot tall monopine tower, with the top branches not to exceed 75 feet;
- b. One 11.5 by 17 foot concrete equipment shelter within a 32 by 32 foot lease area to house equipment cabinets and associated equipment;
- c. One eight foot tall chain link fence with vinyl slats topped with one foot of barbed wire constructed around the perimeter of the lease area, with one access gate;
- d. One 7 by 13 foot concrete pad for a 30 kW emergency standby generator; and
- e. An aggregate base and paved access road measuring 12 feet wide by approximately 435 feet in length from the existing paved driveway to the cell tower site.

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.

#### **Conditions of Approval from the Mitigated Negative Declaration**

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance.

2. MM BIO 1: If construction activities will occur during the 2016 nesting season (March to September 2016), a pre-construction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of the proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS shall be contacted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Responsibility: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and perform the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the grading plans.

Monitoring Requirement: California Department of Fish and Wildlife (CDFW) and El Dorado County Development Services Division.

#### **Planning Services**

3. **Expiration:** Pursuant to Zoning Ordinance Section 130.22.250, implementation of the project shall occur within 24 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. **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.
5. **Facility Appearance and Screening:** All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color to comply with the screening requirements of Section 130.14.210.F of the Zoning Ordinance. The pole shall be painted a brown non-reflective color and the antennas shall be painted a green non-reflective color and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that 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. No antenna shall project out past the branch tips. Planning Services shall verify the painting of all structures prior to approval of the final building permit.
6. **Facility Maintenance:** All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
7. **Generator Maintenance:** Any routine maintenance that requires running the generator or automatic recycling of the generator shall be performed between the hours of 9:00 a.m. to 3:00 p.m. Monday through Friday.
8. **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.
9. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
10. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services



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 determine whether to:

- a. Allow the facility to continue to operate under all applicable conditions; or
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

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

11. **Compliance Responsibility:** The tower 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 operator and the owner.
12. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the special use permit and building permits prior to issuance of a building permit.
13. **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/improvement plans prior to the issuance of a permit.

14. **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/improvement plans prior to the issuance of a permit.

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 Certified Unified Program Agencies (CUPA) programs, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site must be submitted to the Community Development Agency/Environmental Management Division and applicable fees paid.

**Air Quality Management District (AQMD)**

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. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (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](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., emergency standby engine greater than 50hp, 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.

**Transportation Division**

- ~~23. **Service Road Improvements:** The road improvements need to be completed to the satisfaction of the Fire Department and the Transportation Division.~~
- ~~24. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.~~
- ~~25. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.~~
- ~~26. **Grading Permit/Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement /grading plan prepared by a professional civil engineer to the County for review and approval.~~
- ~~27. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance, Drainage Manual and as required otherwise by Law.~~
- ~~28. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with the RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.~~
- ~~29. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Community Development Agency. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.~~

30. ~~**Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.~~
31. ~~**Drainage Study/NPDES Compliance:** If the proposed project creates more than 5,000 Square Feet of impervious surface the project is required to comply with Phase II Small MS4 General Permit 2013-0001-DWQ.~~

~~The project shall incorporate Site Design Measures, Source Control Measures, and Low Impact Development (LID) Design Standards consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the SWRCB, the applicant shall comply with the Order in place at the time of issuance of construction permits.~~

~~The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.~~

~~The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:~~

- ~~• The site can be adequately drained;~~
- ~~• The development of the site will not cause problems to nearby properties, particularly downstream sites;~~
- ~~• The on site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.~~
- ~~• The ultimate drainage outfall of the project.~~

~~Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Transportation Division prior to occupancy.~~

**Diamond Springs/El Dorado Fire District**

32. The applicant shall adhere to pertinent codes and standards from the California Code of Regulations Title 24 Part 9 California Fire Code (CFC), as amended by the Diamond Springs/El Dorado Fire Protection District (FPD), to the satisfaction of the FPD.
33. The new access road shall be a minimum 12 feet wide and be paved for slopes over 15 percent, to the satisfaction of the Fire Protection District.

**6. 15-1212** Hearing to consider the Dryden project [Rezone Z15-0001/Parcel Map P15-0001]\* for the following requests: 1) Rezone from Tahoe Commercial (CT) to Tahoe One-family Residential (TR1); 2) Tentative Parcel Map to create four parcels, and 3) Design Waivers of the El Dorado County Design and Improvement Standard Manual (DISM) road standards on property identified by Assessor's Parcel Number 016-410-10, consisting of 16.63 acres, located in the Meeks Bay area, submitted by John and Kirsten Dryden; and staff recommending the Planning Commission recommend to the Board of Supervisors to take the following actions:

- 1) Adopt the Negative Declaration, based on the Initial Study prepared by staff;
- 2) Approve Rezone Z15-0001 based on the Findings;
- 3) Approve Tentative Parcel Map P15-0001 based on the Findings and subject to the Conditions of Approval as presented; and
- 4) Approve the following Design Waivers from the Design and Improvement Standards Manual (DISM) as the Findings could be made:
  - (a) Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4;
  - (b) Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4;
  - (c) Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived; and
  - (d) The requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived.

(Supervisorial District 5)

Joe Prutch presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Mr. Prutch went over each Design Waiver as requested by Commissioner Stewart.

Commissioner Stewart concerned with the 18 foot road width and that there was not a response from the fire district. Mr. Stewart also concerned about future residence being built at the end of the road.

David Livingston, County Counsel - explained that right now the project is for the creation of the parcel.

Dave Spiegelberg, Transportation - explained the 18 foot width is consistent with fire code standards and Transportation relies on fire district approval.

Ed Lupyak, agent – Stated these design waivers are for this subdivision map and any future development would require Tahoe Regional Planning Agency (TRPA), Building Permit and Fire District review and approval.

Commissioner Stewart and Commissioner Miller were both concerned with the road width and public safety in case of a fire.

David Livingston, County Counsel - re-sited the Minor Land Development Ordinance 120.40.010 to the Commission.

Ensued discussion regarding the Design Waivers.

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1) Adopt the Negative Declaration, based on the Initial Study prepared by staff; 2) Approve Rezone Z15-0001 based on the Findings; 3) Approve Tentative Parcel Map P15-0001 based on the Findings and subject to the Conditions of Approval as presented; and 4) Approve the following Design Waivers from the Design and Improvement Standards Manual (DISM) as the Findings could be made: (a) Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4; (b) Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4; and (c) Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived; and 5) Deny the Design Waiver request for the requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived.**

**AYES: Heflin, Pratt, Miller, Stewart**

**NOES: None**

**ABSENT: Shinault**

### **Findings**

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

#### **1.0 CEQA FINDINGS**

1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered 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 proposal.

- 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 Division, Planning Services, at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Adopted Plan (AP) land use designation of the subject site as defined by the Tahoe Regional Planning Agency's (TRPAs) Regional Plan, Plan Area Statements 148 and 150, and Code of Ordinances. As conditioned, the project is consistent with all applicable ordinances and rules of the TRPAs regulating documents.
- 2.2 As conditioned, and with adherence to the Zoning Ordinance, the project is consistent with all applicable Policies of the General Plan, including:
  - 2.2.1 Policy 2.2.5.3 (rezoning) because the rezone is not creating a higher density or intensity zoning district as the location of the zone boundary line is being adjusted to coincide with the Plan Area Statement boundary. Essentially, the existing commercial zoning is decreasing in size while the residential zoning is increasing.
  - 2.2.2 Policy 2.2.5.21 (compatibility with surroundings) because the project is not proposing any new development. The residential zoning is consistent with the neighboring residential parcels to the east and within the parcel, and the commercial zoning is located along Highway 89 where other commercial/recreational uses currently exist;
  - 2.2.3 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing public water and sewer, electrical, and telecommunication facilities currently existing within the State's right-of-way and throughout the property;
  - 2.2.4 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved circular driveway and 12 foot wide access road and will record a road easement over the front 20 feet of the commercial lots fronting Highway 89 and a 20 foot wide road and utility easement over the 12 foot wide road leading to the residential properties behind the commercial lots; and
  - 2.2.5 Policy 2.10.1.1 (Tahoe basin) because the rezone would align the County's Zoning District boundaries with those boundaries of the TRPA's Plan Area Statements.

## **3.0 ZONING FINDINGS**

- 3.1 With an approved rezone of Tahoe Commercial (CT) to Tahoe One-family Residential (TR1), the realigned zoning district boundaries will be consistent with the Plan Area Statements 148 and 150 of the TRPA's Tahoe Regional Plan. The TR1 Zoning District permits the proposed parcel size of 15.42 acres under Section 130.56.040.A.
- 3.2 The existing residential use at the subject site is permitted by right under Section 130.56.040.A and the existing commercial uses are planned for demolition. Future commercial uses on the three CT zoned parcels will be required to comply with Section



130.58.020 or 030 at time of building permit. As proposed, and with an approved rezone, the project meets all applicable development standards contained within Sections 130.56.040 and 130.58.040 of the Zoning Ordinance.

#### **4.0 PARCEL MAP FINDINGS**

- 4.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan** because any necessary improvements have been considered by the reviewing agencies to determine that, with an approved rezone to TR1, this Tentative Parcel Map is consistent with the policies of the General Plan and the Tahoe Regional Plan, as analyzed and described in the Staff Report and the General Plan Findings above.
- 4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance** because as proposed, conditioned, and with approved design waivers of the DISM and an approved rezone to TR1, the Tentative Parcel Map conforms to the development standards within the TR1 and CT zone districts and the Minor Land Division Ordinance.
- 4.3 **The site is physically suitable for the proposed type and density of development** because the project does not propose any new development. Three commercial buildings will be demolished and at some point in the future as many as three new commercial buildings could be developed with County and TRPA permits. The project avoids disturbances to slopes in excess of 30 percent and is compatible within the surrounding land uses in the project vicinity. The proposed project, as conditioned, meets the density and minimum parcel sizes allowed in the development standards of the TR1 and CT zone districts.
- 4.4 **The proposed subdivision is not likely to cause substantial environmental damage** because the proposed Parcel Map is not anticipated to cause substantial environmental damage as conditions of approval have been included that reduce the potential for the project to cause significant effects on the environment to insignificant levels. The project site includes a residential unit and three dilapidated commercial structures with existing supporting access roadways, electrical, sewer, water, and telephone facilities available to the site. No additional development is proposed at the project site. Demolition of the commercial structures will require a building permit to ensure there will be no environmental damage.

#### **5.0 DESIGN WAIVERS**

Four design waivers have been requested to deviate from the DISM, as discussed individually below. Section 120.08.020 of the El Dorado County Major Land Divisions Ordinance provides that the County may grant a Design Waiver upon finding that each of the following factors exist:

1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.

2. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.
3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.
4. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.

The four findings are addressed for each waiver request as follows:

**5.1 Modification of Standard Plan 101C minimum road width of 18 feet to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4.**

1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver. The roadway is paved and 12 feet wide with three fire hydrants along its length. The Transportation Division supports the reduced width of the driveway. No new development is proposed and the road would be used by three existing residential lots.
2. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property. Widening of the existing driveway to 18 feet for the entire length would require additional grading and tree loss and result in additional unnecessary runoff. The road would be used by three existing residential lots.
3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public. The driveway currently exists and is being used by three residences. Three fire hydrants are located along the length of the roadway. The exiting residential driveways off the roadway could be used as turnarounds for fire safety equipment.
4. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision. The Transportation Division has reviewed the proposed design waiver and approves of this reduced driveway width.

**5.2 Modification of Standard Plan 101C minimum right-of-way requirement of 50 feet to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4**

1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver. The roadway is paved and 12 feet wide. All public utilities exist for the site and are located under or within close proximity to the roadway. Only two other existing homes would utilize this roadway for access. The Transportation Division supports the reduced width of the right-of-way.

2. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property. Requiring a 50 foot right-of-way for a roadway that is only 12 feet wide, mostly straight, and relatively flat is not necessary. The Transportation Division has determined that a 20 foot right-of-way is sufficient to accommodate a 12 foot roadway and all necessary public utilities.
3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public. The driveway currently exists and is being used by three existing residences. The Transportation Division has determined that a 20 foot right-of-way is sufficient to accommodate a 12 foot roadway and all necessary public utilities.
4. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision. The Transportation Division has reviewed the proposed design waiver and approves of this reduced right-of-way.

**5.3 Waiver of Standard Plan 101C roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base.**

1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver. The roadway is paved and in good shape. All public utilities exist for the site and are located under or within close proximity to the roadway. Only two other exiting homes would utilize this roadway for access. The Transportation Division supports this waiver.
2. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property. Requiring the removal of the existing paved road to build a new road to this design standard would be costly and is not necessary. The Transportation Division has determined that the existing paved roadway is sufficient to accommodate traffic to/from the three existing residences.
3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public. The paved driveway currently exists and is being used by three existing residences. The Transportation Division has determined that the existing paved roadway is sufficient to accommodate the three residences.
4. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision. The Transportation Division has reviewed the proposed design waiver and approves of this waiver.

**5.4 Waiver of El Dorado County Standard Plan requirement for a fire turnout on Lot 4.**

1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver. The roadway is 12 feet wide, paved, and

~~in good shape. Three fire hydrants are located along the length of this roadway. The exiting residential driveways off the roadway could be used as turnarounds for fire safety equipment. The Transportation Division supports this waiver.~~

~~2. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property. Requiring the construction of turnouts to meet this design standard is not necessary as three driveways are available for fire equipment turnaround along the length of the roadway. Further, three fire hydrants exist along the roadway to assist in fire safety. The Transportation Division supports this waiver.~~

~~3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public. Three driveways are available for fire equipment turnaround along the length of the roadway. Also, three fire hydrants exist along the roadway to assist in fire safety. The Transportation Division supports this waiver.~~

~~The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision. The Transportation Division has reviewed the proposed design waiver and approves of this waiver.~~

**Conditions of Approval**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked

Exhibit E .....Proposed Rezone Map

Exhibit F.....Tentative Parcel Map, dated March 4, 2015

and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

- a. The project allows the creation of four parcels from a 16.63 acre site identified by Assessor’s Parcel Number 016-410-10. All parcels shall be served by public water and sewer. The approval includes the following:

Lot Number	Gross Area	Improvements
1	0.34 acres	Dilapidated commercial building to be demolished
2	0.42 acres	Dilapidated commercial building to be demolished

3	0.45 acres	Dilapidated commercial building to be demolished
4	15.42 acres	Single Family residence/accessory building to remain

- b. Design Waivers of El Dorado County Design and Improvement Standards Manual (DISM) to allow the following:
1. Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4;
  2. Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4;
  3. Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived; and
  4. ~~The requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived.~~

The development, use, and maintenance of the property, the size, shape 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 Division

2. **Archeological Resources:** The following shall be incorporated as a note on any future 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”.

Development Services shall verify the inclusion of this notation on any future grading/improvement plans prior to the issuance of a permit.

3. **Human Remains:** The following shall be incorporated as a note on any future 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.

Development Services shall verify the inclusion of this notation on any future grading/improvement plans prior to the issuance of a permit.

4. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
5. **Park In-Lieu Fee:** The applicant shall be required to pay a Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing of the parcel map.
6. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total to Planning Services and make the check out to El Dorado County. No permits shall be issued or Parcel Map filed until said fees are paid.

7. **Indemnity:** 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 Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

8. **Demolition:** Prior to recording the Parcel Map, at a minimum the building on Lot 1 shall be removed, or at least that portion of the building located within the road and utility easements and within the setbacks per Section 130.58.040 of the Zoning Ordinance. A building permit is required prior to demolition.

#### **Transportation Division**

9. **Easement:** A 20-foot wide access easement on Lots 1, 2, and 3 fronting State Highway 89 shall be recorded on the Parcel Map.

#### **Surveyor's Office**

10. All survey monuments must be set prior to filing the Parcel Map.
11. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).
12. The road serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
13. Situs addressing for the project shall be coordinated with the Meeks Bay Fire Protection District and the County Surveyors Office prior to filling the Parcel Map.
14. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P15-0001 by (that agency) have been satisfied". The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

#### **Air Quality Management District (AQMD)**

15. **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 (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if the project requires a grading Permit from the County (Rules 223 and 223.1).
16. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
  17. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
  18. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
  19. 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](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.
  20. 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.

### **Tahoe City PUD**

21. The applicant shall work with the Tahoe City PUD to obtain the appropriate permits for the demolition of the commercial building(s).

**7. 15-1213** Hearing to consider the American Tower Corporation Strawberry Site project [Special Use Permit Revision S01-0032-R-6]\*\* to allow the conversion of the existing 125-foot tall monopine to a 120-foot monopole by removing the existing branches on property identified by Assessor's Parcel Number 038-400-19, consisting of 14.71 acres, located in the



Strawberry area, submitted by American Tower Corporation; and staff recommending the Planning Commission take the following actions:

- 1) Find the project is Exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
- 2) Approve Special Use Permit Revision S01-0032-R-6 based on the Findings and subject to the Conditions of Approval as presented.  
(Supervisory District 2)

Rob Peters presented the item to the Commission with a recommendation of approval.

Gordon Bell, agent was present and available for questions.

Commissioner Stewart asked how many branches needed to be replaced on mono-pine? Gordon Bell stated 60% of branches have fallen off and wants to take care of issue as their Five Year compliance review is coming up.

Chair Stewart closed public comment.

There was no further discussion.

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (4-0), to take the following actions: 1) Find the project is Exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and 2) Approve Special Use Permit Revision S01-0032-R-6 based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Heflin, Miller, Pratt, Stewart**  
**NOES: None**  
**ABSENT: Shinault**

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

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15301 (Existing facilities), which states “that the operation or minor alteration of existing structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt”. The removal of branches within an existing cell tower lease area would be considered a minor alteration of an existing structure and would not result in any expansion of the facility. Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the proposed project will have a significant effect 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 Division, Planning Services, at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 GENERAL PLAN FINDINGS**

### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

According to Policy 2.2.1.2, the Natural Resource (NR) designation identifies areas that contain economically viable natural resources to protect the economic viability of those resources and those engaged in harvesting/processing of those resources, including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values.

Rationale: The project parcel has an NR General Plan land use designation and creates a buffer between an area of Single-Family Residential (R1) zoning and High-Density Residential land use designation and an area of RA-160 zoning and NR land use designation. The site is currently developed with a single-dwelling unit and associated accessory structures. The existing facility is ancillary to the existing residential development of the 14.71-acre parcel.

### **2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: As conditioned, the proposed revision would be compatible with surrounding uses and have minimal impacts on visual resources. The monopine, proposed to be converted to a monopole, is located at the end Cooks Spur Road at a higher elevation than residential uses to the south and east. The monopole is located against a steep, densely forested hillside and is well below the ridgeline. The monopole is visible from very few public vantage points (Staff Report Exhibit H). The applicant maintains that the monopine is difficult to maintain due to high winds and snow. Many of the branches have fallen off, and as of recently, are on the ground below the monopine.

### **2.3 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project will continue to utilize existing public services and utilities. No new utilities or public services would be required as a result of the proposed project.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The El Dorado County Fire Protection District and Cal Fire were given the opportunity to comment and provided no conditions of approval requiring the need for additional supply for fire protection. The facility does not require the use of potable water or wastewater, as it is an unmanned facility. Therefore, the project is in compliance with this policy.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, emergency access to the project is through an existing, previously approved paved driveway and hammerhead turnaround. Therefore, the project is in compliance with the General Plan Policy.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The parcel is zoned Estate Residential (RE-10). The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (Development Standards) for minimum lot size, building coverage, lot widths, and building setbacks.

Rationale: The project, as proposed and conditioned, is consistent with the Zoning Ordinance because it includes minor alteration to an existing monopine structure that was previously approved and complies with building setbacks and other applicable design standards for wireless telecommunication facilities.

**3.2 The project is consistent with Section 130.14.210(B).**

To minimize the number of communication facilities through encouraging the joint use of towers, service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and develop new sites that are multi-carrier.

Rationale: The existing monopine accommodates multiple wireless carriers. The proposed conversion of the monopine to a monopole will not result in a reduction of carriers.

**3.3 The project is consistent with Section 130.14.210(D)(6).**

Application proposals that do not fit the criteria in Section 130.14.210(D)(1) through (4) will be subject to a special use permit by the planning commission, as determined by the Planning Director.

Rationale: The applicant has submitted an application for a special use permit revision to be reviewed by and subject to the approval of the Planning Commission.

**3.4 The project is consistent with Section 130.14.210(E-J).**

Section 130.14.210 B, E-J of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

*E. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.*

Rationale: Photo-simulations of the facility are provided in Exhibit H of the Staff Report. These photos demonstrate the proposed conversion of the monopine to a monopole.

*F. Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:*

*1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rationale: The project site is surrounded by dense vegetation. The monopole will remain a dark brown color and monopine bark will remain. All existing antennas and mounting hardware will be painted to match the existing bark (Staff Report Exhibits H, F-2, and F-5).

*2. Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use*

*permit process.*

Rationale: The RE-10 Zone requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located 30 feet or greater from all property lines and the location is therefore consistent with setback standards of the RE-10 Zone (Staff Report Exhibit F-2).

3. *Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rationale: According to the applicant, the site experiences ongoing maintenance issues with the monopine branching due to the sites high elevation and associated high winds and snow in the area. This results in a monopine with less than adequate branching to meet the requirements of this maintenance development standard. Conversion of the monopine to a monopole will provide a solution to the ongoing maintenance issue.

G. *Radio Frequency (RF) Requirements: Section 130.14.210.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).*

Rationale: The project will not result in any additional equipment which would emit RF levels above what has already been analyzed and approved.

H. *Availability. Section 130.14.210.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The existing monopine accommodates multiple wireless carriers. The proposed conversion of the monopine to a monopole will not result in a reduction of carriers.

I. *Section 130.14.210.I of the Zoning Ordinance 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.*

Rationale: The project has been conditioned to comply with this requirement.

*J. Section 130.14.210.J of the Zoning Ordinance states certain notification requirements for projects located within 1000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rationale: The project parcel is not within 1000 feet of a school or on land governed by CC&Rs and these notification requirements do not apply to this project.

**4.0 SPECIAL USE PERMIT FINDINGS**

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

Rationale: As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: As discussed in Section 2.0 and 3.0 above, the project is consistent with applicable General Plan Policies and conforms to the requirements of the County Zoning Ordinance. As designed and conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

Rationale: As discussed in Section 3.3 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.14.210(D)(6) subject to approval of a special use permit by the Planning Commission. The applicant has submitted an application for a special use permit revision to be reviewed by and subject to the approval of the Planning Commission.

**Conditions of Approval**

Revisions to the existing conditions approved under S01-00032-R-6 are shown in strikeout/underline format.

**El Dorado County Planning Services**

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below:

Exhibit C .....Site Plan

Exhibit D.....Elevation

Special use permit revision S01-0032-R-6 is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below:

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.....Aerial Photo  
Exhibit F-1.....Title Sheet, Sheet T-1  
Exhibit F-2.....Overall Site Plan, Sheet C-1  
Exhibit F-3.....General Notes and Site Plan, Sheet A-1  
Exhibit F-4.....Elevations, Sheets A-2 through A-5  
Exhibit G.....Project Description; July 6, 2015  
Exhibit H.....Visual Simulations and Site Photos; 6/14/15  
Exhibit I.....Public Comment Received; 9/11/15

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

**The project description is as follows:**

Approval of the Special Use Permit allowing the construction and operation of a multi-user wireless telecommunication facility within an existing 14.71-acre parcel identified as APN 038-400-19 and consisting of the following:

- a. One, 125-foot steel monopine;
- b. A 10,000 square foot lease area enclosed by a 6-foot tall wood fence;
- c. Two antenna sectors with one antenna per sector (2 total antennas) and two tower mounted amplifiers (TMA's) per sector mounted at a height of 118 feet above ground level;
- d. Three antenna sectors with four antennas per sector (12 total antennas) mounted at a height of 101 feet above ground level;
- e. Three antenna sectors with four antennas per sector (12 total antennas) mounted at a height of 90 feet above ground level;
- f. Two antenna sectors with three antennas per sector (6 total antennas) and two TMA's per sector mounted at a height at 73 feet above ground level; and,

- g. Support equipment housed within the enclosed leased area or within the 810 square foot equipment shelter.

Approval of special use permit revision S01-0032-R6 allowing the conversion of the existing 125-foot tall monopine to a 120-foot monopole by removing the existing branches. The monopole will remain a dark brown color and monopine bark will remain. All existing antennas and mounting hardware will be painted to match the existing bark.

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

2. **Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
3. **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.

4. **Obsolete Equipment:** 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 Services at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project conditions.
5. **Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. ~~No antenna shall project out past the "branch" tips.~~ All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the ~~branches~~ monopole. Colors of the ~~monopine~~ monopole, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, and fencing shall be properly maintained in good visual repair at all times. The ~~monopine~~ monopole shall be maintained



in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep. Colors of the panels, equipment enclosure, and other improvements viable to the public shall be maintained to ensure the appearance remains consistent. Planning Services shall verify the painting of the structures and antennas ~~and verify antenna projections within the “branches” prior to issuance of final occupancy for the~~ any building permit being finalized.

6. **Panel Antenna Screening:** All panel antennas shall be ~~fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be painted to match the color of the monopole. The painting shall be approved by Planning Services prior to issuance of any building permit and photographs of sock installation shall be provided to Planning Services within three months of project approval or no later than June 14, 2013~~ being finalized.

7. **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.~~

87. **Building Permits:** The building permits required by Condition No. ~~42~~11 for the construction of any collocations shall not be issued until the building permits for any prior collocations have been finalized.

98. **Condition 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 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.

~~109.~~ **Co-location:** For co-location purposes, no further review by the Planning Commission shall be required provided that ~~all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carrier installs no more than three antenna sectors and four antennas per sector (12 total antennas per carrier at any one time), and that there shall not be an increase in overall height of the tower~~ the project is not determined to constitute a substantial change of the physical dimensions of the tower or base station as identified by the criteria set forth in section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455).

~~110.~~ **Television Interference:** The applicant shall assume full responsibility for resolving television reception interference, ~~if any, or other electrical interference~~ caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by ~~Planning Services~~ of any written television interference complaint.

#### **El Dorado County Building Services**

~~111.~~ Project facilities shall be subject to a building permit from El Dorado County Building Services.

#### **El Dorado County Department of Environmental Management**

~~112.~~ The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department-Hazardous Materials Division for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

#### **El Dorado County Fire Protection District**

~~113.~~ The project shall comply with all requirements of the El Dorado County Fire Protection District.

#### **S01-0032-R-6 Additional Conditions**

#### **Development Services Division, Planning Services**

14. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use 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.

15. Any routine maintenance that requires running the generator or automatic recycling of the generator shall be performed between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

16. 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.
17. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

**8. 15-1214** Hearing to consider the Verizon Wireless Communication Facility Auburn Lake Trails Monopine project [Planned Development PD15-0005/Special Use Permit S14-0012]\* to allow the construction of a wireless communications facility on property identified by Assessor's Parcel Number 071-032-46, consisting of 45.03 acres, located in the Cool area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
  - 2) Approve Planned Development PD15-0005 as the official Development Plan based on the Findings and subject to the Conditions of Approval as presented; and
  - 3) Approve Special Use Permit S14-0012 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 4)

Rob Peters presented the item to the Commission with a recommendation of approval. Mr. Peters identified language that had not been included in Condition of Approval #1 and asked to have it added; 1) Condition of Approval #1 add a sub section e and read proposed language into the record regarding a temporary wireless site during construction; 2) Add a new Condition of Approval #3 and read proposed language into the record regarding the removal of the temporary wireless site; 3) Per applicants request amend Condition of Approval 10.b. to add "consistent with County Code section 130.22.260 Revocation;" and 4) Delete Conditions of Approval #19-27 per the Transportation Divisions request.

Chair Stewart requested the Condition of Approval 1 subsection e include the language "adjacent to the permanent site."

Maria Kim, agent – was available for questions. Ms. Kim agreed to the adding of the language to new Condition of Approval 1 subsection e.

Chair Stewart opened public comment – None

Chair Stewart closed public comment

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; 2) Approve Planned Development PD15-0005 as the official Development Plan based on the Findings and subject to the Conditions of Approval as amended; and 3) Approve Special Use Permit S14-0012 based on the Findings and subject to the Conditions of Approval as amended; (1) Condition of Approval #1 add sub section e to allow temporary wireless site during construction; (2) Add a new Condition of Approval #3 regarding removal of the temporary wireless site; (3) Modify Condition of Approval 10.b to add “consistent with County Code section 130.22.260 Revocation” as requested by the applicant; and (4) Delete Transportation Division Conditions of Approval #19-27.**

**AYES: Pratt, Heflin, Miller, Stewart**  
**NOES: None**  
**ABSENT: Shinault**

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

### **Findings**

#### **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 the California Environmental Quality Act (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 Division at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

According to Policy 2.2.1.2, the Rural Residential (RR) designation identifies areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substantial access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential and the Natural Resource designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state for agricultural production. Typical uses include single-family residences, agricultural support

structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Rationale: The project parcel has a Rural Residential General Plan Land Use Designation and is located in a Rural Region just east of the Cool Rural Center. The site has been previously developed with a single dwelling with accessory structures and uses. The proposed cellular telecommunications facility would be ancillary to the existing residential development of the 45.03-acre parcel.

**2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project parcel is surrounded by rural residential development and vacant residential lands. Although the project will result in a commercial use, it has been designed to visually blend with the surroundings, will require vehicle trips only for construction and monthly maintenance, and involves the lease and use of an access drive and a 50- by 50-foot lease area within a 45.03-acre rural parcel. The project will be compatible with surrounding uses. In addition, the project will provide wireless communication coverage and capacity, which the area currently lacks.

**2.3 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by County Transportation and Environmental Management divisions, and the El Dorado County Fire Protection District for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. Verizon Wireless proposes to bore conduits to utilize the current electrical feeds located approximately 600 feet west of the tower. The facility will require no water or sewer as it is an unmanned facility with no proposed landscaping. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the cell tower and ground equipment shelter would not generate solid waste.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is within a high fire hazard area. The El Dorado County Fire Protection District and Cal Fire were given the opportunity to comment and provided no conditions of approval requiring the need for additional supply for fire protection. However, standards for construction and vegetation maintenance will apply during the construction and operation phases of the project. The facility will not require the use of potable water or wastewater, as it is an unmanned facility. Therefore, the project is in compliance with this policy.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, emergency access to the project would utilize a proposed on-site gravel/partially paved driveway that connects to the existing gravel driveway taking access off of State Highway 193. The proposed on-site access would consist of a 15-foot wide, approximately 2000-foot long, non-exclusive access and utility easement that would contain the proposed gravel/partially paved driveway and hammerhead turnaround. The El Dorado County Fire Protection District has also conditioned the project to require three on-site turnouts along the access road and that the road be paved with an all-weather surface for portions with a grade of 16 percent or greater (Condition of Approval No. 36 and Staff Report Exhibit J). The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the El Dorado County Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

**2.6 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7, Noise Standards, require 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.

Rationale: The noise produced as a result of this project would comply with the standards in the General Plan. Noise will result from construction of the facility and the operation of the outdoor equipment cabinets and a stand-by generator. The maximum noise level from the equipment cabinets is 66.0 dB when measured at a distance of 5 feet, according to the sound level evaluation for this site and proposed equipment. The predicted noise levels of the equipment cabinets would be 26 dBA at the nearest residence approximately 650 feet away, satisfying the most restrictive nighttime noise standards (Attachment 4 of Staff Report Exhibit K). The generator is only used during daytime hours for testing and maintenance and during

extended power outages. The predicted noise level of the generator is 68 dB at 23 feet and 40 dB at the nearest residence, meeting the maximum and average county limits for rural areas for daytime, evening, and nighttime noise standards (Attachment 4 of Staff Report Exhibit K). A standard condition limiting the days and time of generator maintenance will further lessen this impact. The proposed project will not expose people to noise levels in excess of standards established in the General Plan.

**2.7 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.

Rationale: The existing structures are built on areas of the property that avoid any slopes exceeding 30 percent. The proposed wireless telecommunications site is located on the top of a steep knoll in an area that is relatively flat. Any disturbance to sloped areas would be for required project access. Therefore, the project is in compliance with the General Plan Policy.

**2.8 The project is consistent with General Plan Policy 7.4.4.4.**

According to policy 7.4.4.4 of the general plan, all new development projects that would result in soil disturbance on parcels that are over an acre and have at least 1 percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

Rationale: The proposed lease area and access road are located in areas that are adjacent to or surrounded by trees, including oak trees. No trees are proposed for removal to allow for construction of the tower or access road. The project is consistent with policy 7.4.4.4 of the General Plan.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The parcel is zoned Estate Residential-Planned Development (RE-10-PD). The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (Development Standards) for minimum lot size, building coverage, lot widths, and building setbacks.

Rationale: The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards for new wireless telecommunication facilities.

**3.2 The project is consistent with Section 130.04.005(D).**

The Planning Commission shall not approve or conditionally approve a development plan nor recommend the establishment of a PD zone unless it makes the required findings.

Rationale: Section 4.0 below identifies the appropriate findings necessary to conditionally approve the proposed development plan for the wireless telecommunications facility.

**3.3 The project is consistent with Section 130.04.030(B).**

An application for a development plan where the PD or combined zone has been established shall be considered by the Planning Commission at a public hearing and the Planning Commission shall serve as the approving authority unless the development plan is submitted concurrently with a zone change.

Rationale: The project parcel already has the Planned Development combining zone. The proposed development plan will be reviewed by and be subject to the approval of the Planning Commission.

**3.4 The project is consistent with Section 130.14.210(B).**

To minimize the number of communication facilities through encouraging the joint use of towers, service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and develop new sites that are multi-carrier.

Rationale: The applicant provided a project support statement that contains an alternative site analysis identifying the reasoning for selecting the project parcel for the wireless telecommunication facility siting and ability of the site to accommodate future co-location of additional carriers (Exhibit J of Staff Report). The applicant has also provided coverage maps identifying the existing and increased cellular service resulting from the proposed facility (Staff Report Exhibits H-1 through H-3).

**3.5 The project is consistent with Section 130.14.210(D)(5)(b).**

In all zone districts, other than industrial, commercial and research and development zone districts, new towers or monopoles shall be subject to approval of a special use permit by the Planning Commission.

Rationale: The applicant has submitted an application for a special use permit to be reviewed by and subject to the approval of the Planning Commission.

**3.6 The project is consistent with Section 130.14.210(E-J).**

Section 130.14.210 B, E-J of the Zoning Ordinance requires that all wireless communication



facilities meet certain criteria. Below is an analysis of these standards:

- E. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.*

Rationale: Photo-simulations of the facility are provided in Exhibit G of the Staff Report. These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

- F. Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:*

- 1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rationale: The project has been designed to blend in with the natural features and vegetation as directed by Section 130.14.210 of the Zoning Ordinance. The facility outdoor equipment will be painted non-reflective natural colors. The monopine tower would be designed to resemble a pine tree with the tower pole painted flat brown to match the bark color of a pine tree, antennas located in faux branches resembling pine tree limbs, and antennas and mounting equipment painted to match the branch color with pine needle socks installed around them to reduce visual impact. The monopine is designed to camouflage the facility and blend in with the surrounding vegetation as illustrated in the photo simulations, site plan, and elevations (Staff Report Exhibits G, F-6, and F-9).

- 2. Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.*

Rationale: The RE-10 Zone requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located over 75 feet from all property lines and the location is therefore consistent with setback standards of the RE-10 Zone (Staff Report Exhibit F-3).

- 3. Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be*

*maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rationale: Maintenance personnel would visit the site approximately once per month, at which time the facility would be inspected to ensure proper operation. Conditions are recommended to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations.

*G. Radio Frequency (RF) Requirements: Section 130.14.210.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).*

Rationale: A submitted RF analysis report (dated November 4, 2014) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits (Attachment 3 of Staff Report Exhibit K).

*H. Availability. Section 130.14.210.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The monopine would be constructed with the ability to accommodate an additional carrier; however, no specific location or quantities of antennae have been identified. Any separate future co-location would require a revision to this special use permit, subject to review by the County.

*I. Section 130.14.210.I of the Zoning Ordinance 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.*

Rationale: The project has been conditioned to comply with this requirement.

*J. Section 130.14.210.J of the Zoning Ordinance states certain notification requirements for projects located within 1000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rationale: The project parcel is not within 1000 feet of a school or located on residentially zoned land governed by CC&Rs. Therefore, these notification requirements do not apply to this project.

#### **4.0 PLANNED DEVELOPMENT FINDINGS**

##### **4.1 That the PD zone request is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0 General Plan Findings, the proposed development plan and special use permit request is consistent with the applicable policies and requirements in the El Dorado County General Plan.

**4.2 That the proposed development is so designed to provide a desirable environment within its own boundaries.**

Rationale: The proposed development is a wireless telecommunication facility that contains the necessary equipment for operation. The boundaries of the project include the proposed lease area and access road. The project has been designed to blend in with the natural features of the existing parcel. The project would not create an undesirable environment within its boundaries.

**4.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

Rationale: As discussed in Section 3.1 and 3.6 above, the project has been designed in accordance with Zoning Ordinance Sections 130.70.110 and 130.14.210(E-J) and no exceptions to the standard requirements have been requested.

**4.4 That the site is physically suited for the proposed use.**

Rationale: The 45.03 acre site is able to accommodate the proposed wireless telecommunication facility. The proposed site is already developed with a residential dwelling and associated structures. The location of the proposed lease areas, monopine tower, and associated equipment is on a steep knoll in the northeast corner of the parcel. No substantial evidence was identified in the preparation of the Initial Study for the project (Staff Report Exhibit K) that the site is not physically suited to accommodate the proposed use.

**4.5 That adequate services are available for the proposed uses, including, but not limited to water supply, sewage disposal, roads and utilities.**

Rationale: As discussed in Sections 2.3 through 2.5 above, the project was reviewed by County Transportation and Environmental Management divisions, and the El Dorado County Fire Protection District for adequate public services capacity and access, including emergency water supply and access, and applicable conditions of approval have been incorporated into the project staff report. The project will utilize the current electrical feeds located approximately 600 feet west of the tower. The facility will require no water or sewer as it is an unmanned facility with no proposed landscaping.

**4.6 That the proposed uses do not significantly detract from the natural land and scenic values of the site.**

Rationale: As discussed in Section 3.6 above, the project has been designed to blend in with the natural features and vegetation as directed by Section 130.14.210 of the Zoning Ordinance. The project site is located in a rural region surrounded by vacant residential lands and large-lot single-family residences. No scenic vistas, as designated by the county General Plan, are located in the vicinity of the site. The views from the surrounding roads or residences to the site could be considered scenic vistas. However, the proposed stealth components of the project would camouflage the tower and appear to be a pine tree from areas with a direct line-of-site to the facility. Other views of the area would be unobstructed by the facility and surrounding trees in the area would block the view of the monopine from certain vantage points. As designed and conditioned, the project would not significantly detract from the natural land and scenic values of the site.

**5.0 SPECIAL USE PERMIT FINDINGS**

**5.1 The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: At 1.1 percent or less of the public safety standard established by the FCC, the risk of RF emissions to the surrounding public is remote. The use will not significantly conflict with surrounding uses. The facility will be only slightly visible, and the tower antennas will be concealed by monopine branches. As discussed in Section 2.0 and 3.0 above, the project is consistent with applicable General Plan Policies and conforms to the requirements of the County Zoning Ordinance. As designed and conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

Rationale: As discussed in Section 3.3 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.14.210(D)(5)(b) subject to approval of a special use permit by the Planning Commission. The applicant has submitted an application for a special use permit to be reviewed by and subject to the approval of the

Planning Commission.

**Conditions of Approval**

**Planning Services**

1. This Development Plan and 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 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	Aerial Photo
Exhibit F-1	Title Sheet, Sheet T1.1
Exhibit F-2	General Notes, Sheet T1.2
Exhibit F-3	Overall Project Area and Lease Area Detail, Sheet C-1
Exhibit F-4	Lease Area Detail, Sheet C-2
Exhibit F-5	Plot Plan and Site Topography, Sheet C-3
Exhibit F-6	Overall Site Plan and Utility Point of Connection Site Plan, Sheet A1.1
Exhibit F-7	Equipment Layout Plan, Sheet A2.1
Exhibit F-8	Antenna Layout Plan, Sheet A2.2
Exhibit F-9	Project Elevations, Sheet A3.1
Exhibit G	Photo Simulations, Pages 1 through 3; September 30, 2014
Exhibit H-1	Coverage Map, Verizon Coverage as of October 2014
Exhibit H-2	Coverage Map, Coverage from Proposed Verizon Auburn Lake Trails Site with Surrounding Sites; October 2014
Exhibit H-3	Coverage from proposed Verizon Auburn Lake Trails Site; October, 2014
Exhibit I	El Dorado County Fire Protection District Red-Lined Project Plan, Sheets A1.1 and A2.1
Exhibit J	Project Support Statement Verizon Wireless Site: "Auburn Lake Trails" 1930 State Highway 193, Cool, CA 95614
Exhibit K	Proposed Negative Declaration and Initial Study

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Development Plan and Special Use Permit allowing the construction and operation of a new multi-user wireless communications facility to support cellular transmission within the existing 45.03-acre parcel identified by Assessor's Parcel Number 071-032-46, and consisting of the following:

- a. One 82-foot tall monopine with six antennas, three sectors with two antennas per sector, three remote radio units (RRU), and two surge protectors at 70-feet;
- b. Up to four outdoor equipment cabinets, a 30kw standby diesel generator, and related ground equipment on a 12- by 26-foot concrete slab;
- c. One 50- by 50-foot (2,500-square foot) equipment compound surrounded by chain link fencing with tan slats and three rows of barbed wire on top; and
- d. An approximately 2,000-foot on-site gravel/partially paved access road with three turnouts and a hammerhead turn to provide access to the wireless facility. The proposed access road will connect to the existing gravel road that provides access to the project site.
- e. Allowance of a temporary wireless site adjacent to the permanent site during construction of the wireless facility consisting of a utility trailer with a mast and three antennas that would be raised to the height of the proposed permanent antennas.

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 Division – Planning**

2. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use 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.
3. Placement and Operation of the temporary wireless site may occur once the building permit for the permanent wireless communication facility has been issued. The temporary wireless site shall be removed within 30 days of finaling the building permit for the permanent wireless communication facility.
4. 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.

5. For co-location purposes, no further review by the Planning Commission shall be required provided that the project is not determined to constitute a substantial change of the physical dimensions of the tower or base station as identified by the criteria set forth in section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455).
6. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color to comply with the screening requirements of Section 130.14.210.F of the County Code. The pole shall have simulated bark, and the radio frequency 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 leaves. The branches shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural Pine tree. No antenna shall project out past the branch tips. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
8. Any routine maintenance that requires running the generator or automatic recycling of the generator shall be performed between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.
9. 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 make the actual and full payment of Planning and Building Services' processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit. 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.
10. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
11. 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 to include dated photos of the tower and 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 consistent with County Code section 130.22.260 Revocation.

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.

12. 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.
13. 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.

14. 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.

15. All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

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

16. In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$ 2,210.00 after approval, but prior to the County filing the Notice of Determination (NOD) 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 payment 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. 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.

17. 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.

#### **Development Services Division – Building**

18. The applicant shall obtain all necessary grading and building permits prior to construction of any structures or commencement of any use authorized by the Special Use Permit.

#### **Environmental Management Division – Solid Waste and Hazardous Materials**

19. Under the Certified Unified Program Agencies (CUPA) program, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site must be submitted online at the California Environmental Reporting System Website (<http://cers.calepa.ca.gov/>) and applicable fees paid to the Community Development Agency / Environmental Management Division.

#### **Transportation Division**

- ~~20. **Road Improvements:** The onsite road improvements shall be constructed to the satisfaction of the El Dorado County Fire Protection District and the County Transportation Division. The improvements need to comply with the County of El Dorado Drainage Manual.~~
- ~~21. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.~~
- ~~22. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.~~
- ~~23. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement /grading plan prepared by a professional civil engineer to the County for review and approval.~~
- ~~24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation~~

~~Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance, Drainage Manual and as required otherwise by Law.~~

- ~~25. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.~~
- ~~26. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Community Development Agency. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.~~
- ~~27. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.~~
- ~~28. **Drainage Study / NPDES Compliance:** If the proposed project creates more than 5,000 Square Feet of impervious surface the project is required to comply with Phase II Small MS4 General Permit 2013-0001-DWQ.~~

~~The project shall incorporate Site Design Measures, Source Control Measures, and Low Impact Development (LID) Design Standards consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the State Water Resources Control Board (SWRCB), the applicant shall comply with the Order in place at the time of issuance of construction permits.~~

~~The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.~~

~~The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:~~

- ~~• The site can be adequately drained;~~
- ~~• The development of the site will not cause problems to nearby properties, particularly downstream sites;~~
- ~~• The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.~~
- ~~• The ultimate drainage outfall of the project.~~

~~Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Transportation Division prior to occupancy.~~

#### **Air Quality Management District**

29. 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 if a grading permit is required by the County, or if the project moves more than 20 cubic yards of soil (Rules 223 and 223.2). 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 Rules 223 and 223.2.
30. Paving: Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224)
31. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
32. 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](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.

33. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., emergency standby engine greater than 50hp, 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)
34. 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 County Fire Protection District**

35. The applicant shall submit a payment of \$246.00 for the civil site plan review. Payments shall be submitted to the El Dorado County Fire Protection District at 4040 Carson Road, Camino, CA 95709.
36. The access road shall have turnouts placed in the areas designated by the red correction cloud on Sheet A1.1 (Staff Report Exhibit J). Turnouts can be omitted if the road width is increased to 18 feet in width with 1 foot shoulders on each side. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum of 25 foot taper at each end.
37. The access road shall be paved with an all-weather surface on all portions with a 16% or greater grade. All other portions of the access road shall have a surface able to support 40,000 pounds. Minimum recommended surfacing on 90% minimum compacted soil is 6 inch aggregate base.
38. All gates that are locked shall be equipped with a Knox Lock. Applications for this lock can be obtained through the El Dorado County Fire Protection District.
39. Vegetation control is required inside the fence perimeter.
40. A person who owns, leases, controls, operates or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands or land that is covered with flammable material shall maintain defensible space of 100 feet from each side and from the front and rear of the structure. (for the purposes of clarification, defensible space shall conform to the Applied forest Management Report, PRC 4291 fire safe clearance).
41. Twelve inch address numbers shall be installed so they are visible from both directions of State Highway 193. An additional address sign shall be installed at the split of the road to identify the road to the cell tower site.
42. The applicant shall provide a fire extinguisher with a minimum 2A20BC rating. The extinguisher must be within 75 feet of the generator and mounted in weatherproof

cabinet. See the red correction cloud on Sheet A2.1 (Staff Report Exhibit I) for the approved location.

43. A Knox Box shall be installed on the exterior side fence. See the red correction cloud on Sheet A2.1 (Staff Report Exhibit I) for the approved location. Applications for the Knox Box can be obtained through the El Dorado County Fire Protection District.
44. The Applicant shall submit a plan for the installation of the 210 gallon fuel tank.
45. A designated shutoff switch shall be installed to disconnect the generator supplying power to the building.
46. All breakers shall be labeled to function.
47. A Department of Transportation (DOT) placard shall be placed on the shelter door identifying the sulfuric acid in the batteries.

**9. 15-1215** Hearing to consider the Verizon Wireless Communication Facility Jackpine Monopine project [Special Use Permit S15-0009]\* to allow the construction of a wireless communications facility on property identified by Assessor's Parcel Number 070-072-57, consisting of 28.57 acres, located in the Shingle Springs area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions:  
1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and  
2) Approve Special Use Permit S15-0009 based on the Findings and subject to the Conditions of Approval as presented.  
(Supervisory District 4)

Rob Peters presented the item to the Commission with a recommendation of approval with a correction to Condition of Approval #19 regarding the County Standard 103 should say County Standard 103C.

Alan Heine, agent – was present and available for questions.

Commissioner Pratt asked about the setbacks from the property line. Alan Heine said setbacks are 70-75 feet from nearest parcel. Rob Peters referenced Exhibit F3 showing setbacks are 70 feet.

Chair Stewart opened public comment.

Kathy McPherson adjacent property owner – She is in favor of the project but is not a fan of a lot of pavement. She also asked about maintenance and agreed that the tower cannot be seen due to the huge grove of trees. Commissioner Pratt explained the five-year review process. Rob Peters referenced Condition of Approval 10 Section B regarding the same.

Chair Stewart closed public comment.

Alan Heine discussed the facility and answered the public's questions and concerns.

Ensued discussion on tower height and setbacks.

There was no further discussion.

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (4-0), to take the following actions: 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S15-0009 based on the Findings and subject to the Conditions of Approval as amended; (1) Condition of Approval #19 corrected to "The existing driveway encroachment onto Ponderosa Road shall be paved per County Standard 103C."**

**AYES: Heflin, Miller, Pratt, Stewart**

**NOES: None**

**ABSENT: Shinault**

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

### **Findings**

#### **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 the California Environmental Quality Act (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 Division at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

According to Policy 2.2.1.2, the Low-Density Residential (LDR) designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation provides a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the county and is applied to areas where infrastructure such as arterial roadways, public water, and public sewer are generally not

available. The allowable density for this designation is one dwelling unit per 5 acres with parcels ranging from 5 to 10 acres in size. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.

Rationale: The project parcel has a LDR General Plan Land Use Designation and is located within the Shingle Springs Community Region. The site is currently un-developed. The proposed tower is situated in the northwest corner of the site, allowing for future residential development of the site consistent with the LDR designation. The proposed cellular telecommunications facility would be ancillary to future residential development of the 28.57-acre parcel.

**2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project parcel is surrounded on the south, west, north, and northeast by low- and medium- density residential development lands and vacant residential lands. To the southwest lies Ponderosa High School, a public facilities land uses. Although the project will result in a commercial use, it has been designed to visually blend with the surroundings (Staff Report Exhibits F-5 and H), will require vehicle trips only for construction and monthly maintenance, and involves the lease and use of an access drive and a 30- by 30-foot lease area within a 28.57-acre parcel. The project will be compatible with surrounding uses. In addition, the project will provide improved wireless cellular telecommunications along the Ponderosa Road Corridor, to rural residential properties in the area, and to fulfill user needs to nearby Ponderosa High School, which the area currently lacks.

**2.3 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by County Transportation and Environmental Management divisions, and the El Dorado County Fire Protection District for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. Verizon Wireless proposes to bore conduits to utilize the current electrical feeds located approximately 98 feet northwest of the tower, and would also utilize existing underground fiber connections along Ponderosa Road through underground connections. The facility will require no water or sewer as it is an unmanned facility with no proposed landscaping. No new



or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the cell tower and ground equipment shelter would not generate solid waste.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is within an area of very high, high, and moderate fire hazard. The proposed tower and lease area would be located within a moderate fire hazard area. The El Dorado County Fire Protection District and Cal Fire were given the opportunity to comment and provided no conditions of approval requiring the need for additional supply for fire protection. However, standards for construction and vegetation maintenance will apply during the construction and operation phases of the project. The facility will not require the use of potable water or wastewater, as it is an unmanned facility. Therefore, the project is in compliance with this policy.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, emergency access to the project would utilize a proposed on-site gravel driveway taking access off of Ponderosa Road. The proposed on-site access would consist of a 15-foot wide, approximately 550-foot long, non-exclusive access and utility easement that would contain the existing gravel driveway improved to meet fire requirements including a hammerhead turnaround. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the El Dorado County Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

**2.6 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7, Noise Standards, require 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.

Rationale: The noise produced as a result of this project would comply with the standards in the General Plan. Noise will result from the operation of the electronic base transfer system (BTS or cabinets) and two air conditioning units within the equipment shelter, and from a back-up generator. The

nearest property lines to the lease areas are approximately 100 feet to the west, 1,600 feet to the south, 1,050 feet to the southeast, 70 feet to the north, and 500 feet to the east. The nearest residence is approximately 300 feet to the northwest. Properties to the north and east are outside of the Community Region in the rural area, so a more restrictive time-averaged level of 50dB and maximum of 60dB was analyzed. According to the sound level evaluation for this site and proposed equipment, the maximum noise level from the air conditioner is 61.0 dBA when measured at a distance of 6.5 feet. The maximum calculated noise levels for continuous operation of the air conditioners are 36.5 and 30.5.0 dBA, at the west and north property lines, respectively. This is below the County's most restrictive nighttime limit of 40 dBA. The generator is only used during daytime hours for testing and maintenance and during extended power outages. On the day on which the generator is tested, the maximum calculated noise levels are 34.0 and 35.3 dBA, respectively, also below the County's most restrictive limit (Attachment 5 of Staff Report Exhibit I). A standard condition limiting the days and time of generator maintenance will further lessen this impact. The proposed project will not expose people to noise levels in excess of standards established in the General Plan.

**2.7 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.

Rationale: The proposed facility will not disturb any areas on slopes exceeding 30 percent. The proposed wireless telecommunications site is located in a relatively flat area. Therefore, the project is in compliance with the General Plan Policy.

**2.8 The project is consistent with General Plan Policy 7.4.4.4.**

According to policy 7.4.4.4 of the general plan, all new development projects that would result in soil disturbance on parcels that are over an acre and have at least 1 percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

Rationale: The proposed lease area and access road are located in areas that are adjacent to or surrounded by trees, including oak trees. No trees are proposed for removal to allow for construction of the tower or access road. The project is consistent with policy 7.4.4.4 of the General Plan.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The parcel is zoned Estate Residential (RE-10). The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (Development Standards) for minimum lot size, building coverage, lot widths, and building setbacks.

Rationale: The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards for new wireless telecommunication facilities.

**3.2 The project is consistent with Section 130.14.210(B).**

To minimize the number of communication facilities through encouraging the joint use of towers, service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and develop new sites that are multi-carrier.

Rationale: The applicant provided a project description that contains an alternative site analysis identifying the reasoning for selecting the project parcel for the wireless telecommunication facility siting (Staff Report Exhibit G). The site could accommodate future co-location of an additional carrier. The applicant has also provided coverage maps identifying the existing and increased cellular service resulting from the proposed facility (Staff Report Exhibit G).

**3.3 The project is consistent with Section 130.14.210(D)(5)(b).**

In all zone districts, other than industrial, commercial and research and development zone districts, new towers or monopoles shall be subject to approval of a special use permit by the Planning Commission.

Rationale: The applicant has submitted an application for a special use permit to be reviewed by and subject to the approval of the Planning Commission.

**3.4 The project is consistent with Section 130.14.210(E-J).**

Section 130.14.210 B, E-J of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

*E. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.*

Rationale: Photo-simulations of the facility are provided in Exhibit H of the Staff Report. These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

*F. Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:*

- 1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rationale: The project has been designed to blend in with the natural features and vegetation as directed by Section 130.14.210 of the Zoning Ordinance. The facility outdoor equipment will be painted non-reflective natural colors. The monopine tower would be designed to resemble a pine tree with the tower pole painted flat brown to match the bark color of a pine tree, antennas located in faux branches resembling pine tree limbs, and antennas and mounting equipment painted to match the branch color with pine needle socks installed around them to reduce visual impact. The monopine is designed to camouflage the facility and blend in with the surrounding vegetation as illustrated in the photo simulations, site plan, and elevations (Staff Report Exhibits H, F-2, and F-5).

- 2. Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.*

Rationale: The RE-10 Zone requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located over 70 feet from all property lines and the location is therefore consistent with setback standards of the RE-10 Zone (Staff Report Exhibit F-2).

- 3. Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rationale: Maintenance personnel would visit the site approximately once per month, at which time the facility would be inspected to ensure proper operation. Conditions are recommended to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations.

*G. Radio Frequency (RF) Requirements: Section 130.14.210.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).*

Rationale: A submitted RF analysis report (dated March 24, 2015) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits (Attachment 4 of Staff Report Exhibit I).

*H. Availability. Section 130.14.210.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The monopine would be constructed with the ability to accommodate an additional carrier; however, no specific location or quantities of antennae have been identified. Any separate future co-location would require a revision to this special use permit, subject to review by the County.

*I. Section 130.14.210.I of the Zoning Ordinance 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.*

Rationale: The project has been conditioned to comply with this requirement.

*J. Section 130.14.210.J of the Zoning Ordinance states certain notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rationale: Section 130.14.210.J requires that if the proposed wireless facility is within 1,000 feet of a school, the school district listed shall be notified during the initial consultation. The 28.57-acre project parcel is located adjacent to Ponderosa High School across Ponderosa Road to the west. However, the project site is located approximately 1,340 feet northwest of Ponderosa High School and is not located on residentially zoned land governed by CC&Rs. The El Dorado Union High School District has been notified of the project and will be notified of public hearing dates. The project complies with the notification requirements.

#### **4.0 SPECIAL USE PERMIT FINDINGS**

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

Rationale: As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: At 2.0 percent or less of the public safety standard established by the FCC, the risk of RF emissions to the surrounding public is remote. The use will not significantly conflict with surrounding uses. The facility will be only slightly visible, and the tower antennas will be concealed by monopine branches. As discussed in Section 2.0 and 3.0 above, the project is consistent with applicable General Plan Policies and conforms to the requirements of the County Zoning Ordinance. As designed and conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

Rationale: As discussed in Section 3.3 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.14.210(D)(5)(b) subject to approval of a special use permit by the Planning Commission. The applicant has submitted an application for a special use permit to be reviewed by and subject to the approval of the Planning Commission.

**Conditions of Approval**

**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 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.....Aerial Photo
- Exhibit F-1.....Title Sheet, Sheet T-1
- Exhibit F-2.....Overall Site Plan, Sheet C-1
- Exhibit F-3.....Project Enlargement Area, Sheet C-2
- Exhibit F-4.....Overall Site Plan, Site Layout, and Antenna Layout  
Sheet A-1
- Exhibit F-5.....Elevations, Sheet A-2
- Exhibit G.....Project Description; April 8, 2015
- Exhibit H.....Visual Simulations; April 1, 2015
- Exhibit I.....Proposed Negative Declaration and Initial Study

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit allowing the construction and operation of a new multi-user wireless communications facility to support cellular transmission within the existing 28.57-acre parcel identified by Assessor's Parcel Number 070-072-57, and consisting of the following:

- a. One 70-foot monopine tower with six antennas, three sectors with two antennas per sector, nine remote radio heads and two surge protectors mounted at 62-feet;
- b. An 11-foot 6-inch by 16-foot 10.5-inch equipment shelter to house equipment cabinets and associated equipment;
- c. A 30kw back-up diesel generator on a 7- by 13-foot concrete pad;
- d. One 30- by 30-foot (900-square foot) equipment compound surrounded by chain link fencing with tan slats and two rows of barbed wire on top; and
- e. Improvements to the existing gravel driveway off Ponderosa Road including hammerhead turn-around and a paved driveway encroachment per County Standard 103C to provide access to the wireless facility.

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 Division – Planning**

2. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use 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.
3. 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.
4. For co-location purposes, no further review by the Planning Commission shall be required provided that the project is not determined to constitute a substantial change of

the physical dimensions of the tower or base station as identified by the criteria set forth in section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455).

5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color to comply with the screening requirements of Section 130.14.210.F of the County Code. The pole shall have simulated bark, and the radio frequency 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 leaves. The branches shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural Pine tree. No antenna shall project out past the branch tips. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
6. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
7. Any routine maintenance that requires running the generator or automatic recycling of the generator shall be performed between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.
8. 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 make the actual and full payment of Planning and Building Services' processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit. 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.
9. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
10. 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 to include dated photos of the tower and equipment. Development Services shall review the status and determine whether to:
  - a. Allow the facility to continue to operate under all applicable conditions; or



- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

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

11. 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. 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. 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. All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

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

15. In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$ 2,210.00 after approval, but prior to the County filing the Notice of Determination (NOD) 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 payment 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. 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.

16. 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.

**Development Services Division – Building**

17. The applicant shall obtain all necessary grading and building permits prior to construction of any structures or commencement of any use authorized by the Special Use Permit.

**Environmental Management Division – Solid Waste and Hazardous Materials**

18. Under the Certified Unified Program Agencies (CUPA) program, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site must be submitted online at the California Environmental Reporting System Website (<http://cers.calepa.ca.gov/>) and applicable fees paid to the Community Development Agency / Environmental Management Division.

**Transportation Division**

19. **Driveway/Encroachment:** The existing driveway encroachment onto Ponderosa Road shall be paved per County Standard 103C.

**Air Quality Management District**

20. **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 if a grading permit is required by the County, or if the project moves more than 20 cubic yards of soil (Rules 223 and 223.2). 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 Rules 223 and 223.2.
21. **Paving:** Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224)
22. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
23. **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](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.

24. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., emergency standby engine greater than 50hp, 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)
25. 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 County Fire Protection District**

26. The applicant shall submit a payment of \$246.00 for the civil site plan review. Payments shall be submitted to the El Dorado County Fire Protection District at 4040 Carson Road, Camino, CA 95709.
27. All portions of the access road shall have a surface able to support 40,000 pounds. Minimum recommended surfacing on 90% minimum compacted soil is 6-inch aggregate base.
28. All gates that are locked shall be equipped with a Knox Lock. Applications for this lock can be obtained through the El Dorado County Fire Protection District.
29. Vegetation control is required inside the fence perimeter.
30. A person who owns, leases, controls, operates or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands or land that is covered with flammable material shall maintain defensible space of 100 feet from each side and from the front and rear of the structure. Defensible space shall conform to the Applied Forest Management Report, PRC 4291 fire safe clearances.
31. Twelve inch address numbers shall be installed so they are visible from both directions of Ponderosa Road.

32. The applicant shall provide a fire extinguisher with a minimum 2A20BC rating. The extinguisher must be within 75 feet of the generator and mounted in weatherproof cabinet.
33. A Knox Box shall be installed on the exterior side fence. Applications for the Knox Box can be obtained through the El Dorado County Fire Protection District.
34. The Applicant shall submit a plan for the installation of the fuel tank.
35. A designated shutoff switch shall be installed to disconnect the generator supplying power to the building.
36. All breakers shall be labeled to function.
37. A California Department of Transportation (DOT) placard shall be placed on the shelter door identifying the sulfuric acid in the batteries.

**10. 15-1251** Hearing to consider the Serrano Village C-2 project [Rezone Z08-0003/Planned Development PD08-0005/Tentative Subdivision Map TM08-1465]\*\* for the following requests: 1) Rezone portions of Assessor's Parcel Numbers 122-590-01 and 122-580-27 from One-Family Residential-Planned Development (R1-PD) to One-Half Acre Residential-Planned Development (R-20,000-PD); Portions of Assessor's Parcel Numbers 122-590-01 and 122-580-27 from One-Family Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD); Portions of Assessor's Parcel Numbers 122-130-14 and 122-140-03 from Open Space-Planned Development (OS-PD) to One-Half Acre Residential-Planned Development (R-20,000-PD); and portion of Assessor's Parcel Number 122-030-05 from One-Half Acre Residential (R-20,000) to Open Space-Planned Development (OS-PD); 2) Tentative Subdivision Map creating 50 residential lots and four Open Space lots in two phases; 3) Development Plan; and 4) Design Waivers of the El Dorado County Design and Improvement Standard Manual (DISM) standards on property identified by Assessor's Parcel Numbers 122-030-05, 122-130-14, 122-140-03, 122-580-27 and a portion of 122-590-01, consisting of 121.8 acres, located in the El Dorado Hills area, submitted by Serrano Associates, LLC; and staff recommending the Planning Commission recommend to the Board of Supervisors to take the following actions:

- 1) Certify the residential project to be Statutorily Exempt pursuant to Section 15182 of the CEQA Guidelines;
- 2) Approve Rezone Z08-0003 based on Findings as presented;
- 3) Approve Planned Development PD08-0005, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented;
- 4) Approve Tentative Map TM08-1465 based on the Findings and subject to the Conditions of Approval as presented; and
- 5) Approve the following Design Waivers:
  - A) Modification of the following standard road improvements under DISM Standard Plan 101 B:
    - (1) Reduction of right-of-way width from 50 feet to 46 feet for A and B Streets, and from 50 feet to 36 feet for C Court;

- (2) Reduction of road width from 36 feet to 28 feet for C Court;
  - (3) Construction of sidewalk reduced from 6-foot wide to 4-foot wide on one side of A and B Streets; and
  - (4) Elimination of sidewalks on C Court;
  - B) Exceed standard street gradient of 12% for C Court and portions of A Street measured up to 15 % grade; and
  - C) Reduction of cul-de-sac radius at the end of C Court and A Street from 50 feet to 47 feet and improved surface radius from 50 feet to 40 feet.
- (Supervisory District 1)

Mel Pabalinas presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Pabalinas also read into the record a new Condition of Approval to add a stop sign on Russi Ranch Drive. This was approved by the Transportation Division and by the El Dorado Hills Fire Protection District. Mr. Pabalinas referenced public comment received regarding the sewer line and referred to Condition of Approval #4.

Kirk Bone, Serrano Associates – provided an overview of the project.

Andrea Howard, Serrano Associates – acknowledged the condition read into the record and said Serrano Associates agrees with it. Ms. Howard recommended adding “Fire Protection District in consultation with Master Owners Association.” Ms. Howard discussed the Design Waiver regarding the 12% gradient.

Mel Pabalinas stated that all roads in Serrano are private.

Commissioner Stewart thought that the stop sign would be a Transportation approval. Dave Spiegelberg of the Transportation Division stated the condition would be supported. Mr. Spiegelberg clarified Transportation's authority stems from its ownership of the road.

Commissioner Miller asked what would be affected if the other Design Waivers were not approved. Andrea Howard explained there are parking restrictions in the CCR's. Overnight parking is not allowed on the streets and the units are 2-4 car garage units with driveways with plenty of parking.

Michael Lilienthal, El Dorado Hills Fire District – Stated parking is rarely a problem in Serrano and road widths are not a problem as well. He participates with the Serrano Traffic Advisory Committee and is very comfortable with the project.

Chair Stewart opened public comment.

Angela Justus, resident in Village A for 13 years is concerned with current and future traffic on Russi Ranch Road and Village Green Road. Traffic is a safety hazard during pick up and drop off at Oak Meadow Elementary School. Parking is not monitored or enforced and is also concerned with the pedestrian gate.

Commissioner Pratt commented that the traffic problem in and out of the schools should be directed back to the schools.

Steve Foster, resident and retired fire chief, agreed with Angela's concerns. He does not want traffic to take away from the niceness of the project. He is the one that proposed the stop sign. Issues at the school can be handled with the Home Owners Association and the school.

James Greenwalt, representing Mr. Chaudhary – He would like to see drainage and sewer upsized and is not against or for the project.

Chair Stewart closed public comment.

Ensued discussion regarding the Design Waivers and sidewalks.

Roger Trout, Development Services Division Director – Stated that the Design Manual does not require sidewalks in this Village.

There was no further discussion.

**Motion #1:**

**Commissioner Stewart moved, seconded by Commissioner Miller, and motion failed (2-2), to recommend the Board of Supervisors take the following actions: 1) Certify the residential project to be Statutorily Exempt pursuant to Section 15182 of the CEQA Guidelines; 2) Approve Rezone Z08-0003 based on Findings as presented; 3) Approve Planned Development PD08-0005, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; 4) Approve Tentative Map TM08-1465 based on the Findings and subject to the Conditions of Approval as presented; and 5) Approve the following Design Waivers: A) Modification of the following standard road improvements under DISM Standard Plan 101 B: (1) Reduction of right-of-way width from 50 feet to 46 feet for A and B Streets, and from 50 feet to 36 feet for C Court; (2) Reduction of road width from 36 feet to 28 feet for C Court; and (3) Construction of sidewalk reduced from 6-foot wide to 4-foot wide on one side of A and B Streets; B) Exceed standard street gradient of 12% for C Court and portions of A Street measured up to 15 % grade; and C) Reduction of cul-de-sac radius at the end of C Court and A Street from 50 feet to 47 feet and improved surface radius from 50 feet to 40 feet; and 6) Amend Design Waiver request for the elimination of sidewalks on C Court to read as follows "To require a six foot sidewalk on one side of C Court and six foot sidewalks on both sides of A Street from the start of lots 10 and 31 on the east side down to the creek crossing." Motion FAILED.**

**AYES: Miller, Stewart**  
**NOES: Heflin, Pratt**  
**ABSENT: Shinault**

**Motion #2:**

Commissioner Stewart moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1) Certify the residential project to be Statutorily Exempt pursuant to Section 15182 of the CEQA Guidelines; 2) Approve Rezone Z08-0003 based on Findings as modified; 3) Approve Planned Development PD08-0005, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as modified; 4) Approve Tentative Map TM08-1465 based on the Findings and subject to the Conditions of Approval as modified; and 5) Approve the following Design Waivers: A) Modification of the following standard road improvements under DISM Standard Plan 101 B: (1) Reduction of right-of-way width from 50 feet to 46 feet for A and B Streets, and from 50 feet to 36 feet for C Court; and (2) Reduction of road width from 36 feet to 28 feet for C Court; and B) Reduction of cul-de-sac radius at the end of C Court and A Street from 50 feet to 47 feet and improved surface radius from 50 feet to 40 feet; 6) Delete the two Design Waiver requests regarding sidewalks; and 7) Defer Design Waiver request to exceed standard street gradient of 12% for C Court and portions of A Street measured up to 15 % grade to a separate action. Motion PASSED.

AYES: Miller, Heflin, Pratt, Stewart  
NOES: None  
ABSENT: Shinault

**Motion #3:**

Commissioner Stewart moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors add a new Condition of Approval for the installation of a stop sign on Russi Ranch Drive to read as follows “Applicant shall hire a qualified traffic engineer to review the Russi Ranch Drive and A Street intersection for installation of a stop sign on Russi Ranch Drive. If the traffic engineer recommends a stop sign, the applicant shall show it on the improvement plans for Village C2, provided the stop sign installation is approved by the fire protection district with consultation to the Master Owners Association.” Motion PASSED.

AYES: Miller, Heflin, Pratt, Stewart  
NOES: None  
ABSENT: Shinault

**Motion #4:**

Commissioner Pratt moved, seconded by Commissioner Heflin, and motion failed (2-2), to recommend the Board of Supervisors approve the Design Waiver request to exceed standard street gradient of 12% for C Court and portions of A Street measured up to 15 % grade. Motion FAILED.

AYES: Heflin, Pratt  
NOES: Miller, Stewart  
ABSENT: Shinault



**Findings**

**1.0 CEQA FINDINGS**

- 1.1 The project is exempt from the requirements of CEQA Guidelines pursuant to Section 15182 (Residential Projects Pursuant to a Specific Plan). This section specifies where a public agency has prepared an Environmental Impact Report (EIR) on a specific plan after January 1, 1980, no additional EIR or negative declaration need be prepared for a residential project, which include but are not limited to land subdivisions, zoning changes, and residential planned unit developments, undertaken pursuant to and in conformity to that specific plan. Serrano Village C2 is a residential project that has been designed in accordance with the El Dorado Hills Specific Plan and in adherence to the environmental mitigation measures from the Environmental Impact Report (SCH No. 86122912). No new impacts have been identified which were not discussed and mitigated in the EIR. No further environmental analysis would be necessary.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

**2.0 ADMINISTRATIVE FINDINGS**

**2.1 General Plan**

The El Dorado County General Plan designates the subject site as Adopted Plan, a designation in reference to areas where specific plans have been adopted. These plans and the respective land use maps are accepted and incorporated by reference and are adopted as the General Plan Land Use map for such area. Since the El Dorado Hills Specific Plan has been incorporated by reference under General Plan Land Use Element Policy 2.2.1.2, the proposed residential tentative subdivision map and planned development is found to be consistent with the General Plan, when consistent with the Specific Plan.

**2.2 Specific Plan**

The proposed rezone, tentative subdivision map, and planned development shall result in the creation of a total of 50 individually-graded residential lots and four Open Space lots consistent with the applicable provisions of El Dorado Hills Specific Plan and Development Agreement. The project conforms to the following specific plan policies

**2.2.1 Complimentary to EDH Community (Policy 1.4.1.a)**

The residential project is within the Village C area of the EDHSP. Village C2 would receive public utility services existing in the area and benefit from the amenities provided by Serrano Associates, including parks and recreation and private homeowner's association services.

2.2.2 Residential Design Review (Policy 1.4.1.e)

Development of the residential lots would be reviewed for conformity to the applicable EDHSP standards including site design layout, building materials, and landscaping.

2.2.3 Residential Design and Development (Policies 1.4.1.1 a,b,d,h, and i)

The project has been designed to accommodate a residential development. Site development would include establishing of residential pads, driveways and internal roads utilizing minimal and balanced grading. Oak trees would be impacted as part of development; however, these impacts shall be mitigated per the adopted EDHSP EIR. A final Development Notebook shall be submitted detailing the anticipated development on each lot including details of building envelopes, extent of grading, and oak tree protection.

2.2.4 Air Quality (Policy 1.4.1.3)

The project would be conditioned to implement and enforce dust-reducing construction practices, which would be verified during review and prior to approval of construction permits.

2.2.5 Noise (Policy 1.4.1.4)

This policy requires mitigation of noise impacts. The project would anticipate construction of individually-graded residential lots which would conform to the existing residential use in the area. The residential lots are not in immediate proximity of roads where vehicular noise would be significant given the distance of the residences, varying topography site, and implementation of the standard construction materials that further mitigate interior noise to acceptable level. Impact from noise would be considered insignificant, therefore, this policy is sufficiently satisfied.

2.2.6 Architecture (Policy 1.4.2.1)

Subject to review by the Serrano Architectural Review Committee, the individually-graded residential subdivision could anticipate construction of residences similar to the existing theme in the other residential villages in EDHSP area.

2.2.7 Residential Density (Policy 2.2)

Pursuant to EDHSP and the Development Agreement, the quantity of dwelling units within a residential neighborhood may vary provided that it meets the maximum the density allowed by the El Dorado/Salmon Falls Area Plan and the total units and densities under the EDHSP. Village C-2 is a portion of Village C which is a part of the South Uplands Golf Course Neighborhood. The location of the project site is within an area generally identified as High Density Residential with a maximum density of 5 dwelling units/acre based on the Area Plan. The EDHSP identifies Village C to have 482 units within approximately 252 acres of land (exclusive of open space). The current projected

units in Village C is 427 (including Village C-2) within a revised village area of approximately over 165 net acres, which results in a density of 2.59 du/ac. The density is below the identified the Area Plan density (5 du/ac), and net EDHSP (3.05) densities, and the entire village area total does not exceed the EDHSP total dwelling units of 6,162.

#### 2.2.8 Dwelling Unit Types (Policy 2.3.1.1.c)

Though the EDHSP identifies appropriate dwelling unit types corresponding to a village, allocation of these dwelling units is determined by the specific site factors including lotting pattern, topography, tree coverage and orientation. The proposed residential subdivision, which could be developed as View Lots or View Estate lots as described in the EDHSP, would be designed to accommodate varying topography and minimize impacts to natural resources.

#### 2.2.9 Residential Open Space (Policy 6.2.2)

As each individually-graded lot is developed, residential open space would be retained in areas outside of the designated building envelopes. These areas would provide for retention of oak trees, minimize fence visibility through the use of open tubular steel fences, and buffer adjacent open space lots from development.

#### 2.2.10 Parks and Recreation (Policy 7.6.2.1)

There is no additional parkland dedication or in-lieu fee payment required for Village C2 given that an existing 2.2-acre park sufficiently serves the entire Serrano Village C in accordance with the EDHSP. Also, the overall parkland requirement per the EDHSP is being satisfied with the proposed active park in Serrano Village J.

Residents within the community as a whole can access an existing trail along the Carson Creek drainage area. As shown in the tentative map, this trail is proposed to be extended through the proposed open space lots that encompass Carson Creek and its tributary.

### 2.3 Zoning

Corresponding with the proposed zone change, the project would conform to the required minimum standards under the One-Half Acre Residential (R-20,000) and Open Space (OS) districts. Specifically, the proposed residential lots would meet or exceed the minimum lot size (20,000 square feet), lot width (100 feet), and minimum development standard setbacks (front and rear yard at 30 feet and side yard at 10 feet, except for selected lots with modified rear and side yard setbacks). The open space lots also meet the applicable standards established in the EDHSP.

Residential and other ancillary uses are allowed by-right in the underlying R-20K zone district. Construction of these units shall be conducted in accordance the development restrictions approved as part of the planned development to be implemented and enforced by the Serrano El Dorado Owners Association and El Dorado County.

The Development Plan for Village C-2 Tentative Map has been designed pursuant to Chapter 130.02 of the El Dorado County Zoning Ordinance (Planned Development). The modified side and/or rear yard setbacks on Lots 24- 27, 34 and 35 would accommodate and provide flexibility in designing and locating residential units on the affected lots which are encumbered by its proximity to the 200-foot buffer Carson Creek.

**2.4 Subdivision Ordinance**

- 2.4.1 That the proposed map is consistent with applicable general and specific plans;

The proposed development would create a total of 50 individually-graded residential lots in conformance with the permitted uses, density, and density transfer provision identified in the El Dorado Hills Specific Plan, Development Agreement, and as adopted by reference El Dorado County General Plan.

- 2.4.2 That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The design and improvement of the subdivision has been substantially designed in conformance with the identified residential standard requirements in the Specific Plan and applicable County standards.

- 2.4.3 That the site is physically suitable for the type of development;

Village C-2 is characterized with slope areas ranging from 5% to 40% with areas of dense oak trees, and a perennial stream (Carson Creek). Though the proposed residential lots are large in size and would accommodate flexible building pad location, development of these lots are subject to specific policies and design standards in accordance with the El Dorado Hills Specific Plan in order to ensure avoidance of constrained area and minimize grading impacts to natural resources. Best management practices involving erosion control, engineered grading, slope stability shall be utilized. Therefore, the site is physically suitable for the residential development.

- 2.4.4 That the site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed Village C-2 subdivision/planned development. The proposed subdivision would create 50 large individually-graded residential lots resulting in a density of 0.48 du/ac. The anticipated development would consist of individually-graded pads for each residential unit subject to the applicable standards of the El Dorado Hills Specific Plan and El Dorado County involving grading, tree preservation, utility connections and road construction.

- 2.4.5 That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Development of these individually-graded residential lots are subject to the applicable provisions of El Dorado Hills Specific Plan and required mitigation measures under the certified Environmental Impact Report (EIR) regulating activities including road construction and pad design and layout. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards and Serrano Architectural Review Committee requirements.

- 2.4.6 That the design of the division or the type of improvements would not cause serious public health hazards;

The design and required improvements for Village C-2 would not pose public health hazards. Development of the proposed 50 individually residential lots would be subject to regulatory review of improvement plans and permits verifying construction of utilities for water, sewer, power, drainage and roads in accordance with the Specific Plan and El Dorado County standards.

- 2.4.7 That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The development of each individually-graded lot is subject to the applicable Specific Plan policies involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Hills Fire Department regarding location of hydrant, construction of non-combustible fencing material, and establishing adequate setbacks. Therefore, the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

- 2.4.8 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements for the subdivision are appropriately depicted on the Tentative Subdivision Map and shall be further verified for any conflicts by the County Surveyor's Office prior to recordation of the map.

## **2.5 Planned Development**

- 2.5.1 The Development Plan is consistent with the Specific Plan and zoning for the applicable site.

The proposed subdivision and planned development are consistent with the proposed zone as contemplated in the El Dorado Hills Specific Plan involving land use, density, and site design and development.

- 2.5.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

The proposed subdivision anticipates the development of 50 individually-graded lots and four open space lots. Each residential lot would be developed in accordance with site and design standards of the El Dorado Hills Specific Plan with regard to preservation of natural features, landscaping and planting, and architectural themes.

- 2.5.3 The site is physically suited for the proposed use.

The site is characterized with slope areas ranging from 5% to 40% with areas of dense oak trees, and a perennial stream (Carson Creek). The site is physically suitable to accommodate the proposed Village C-2 subdivision/planned development, which has a density of 0.48 du/ac. Though the proposed residential lots are large in size and would accommodate flexible building pad location, development of these lots are subject to specific policies and design standards in accordance the El Dorado Hills Specific Plan and applicable County standards in order to ensure avoidance of constrained areas and minimize grading impacts to natural resources. Best management practices involving erosion control, engineered grading, and slope stability shall be utilized.

- 2.5.4 Adequate services are available, or will be made available concurrently with development for the proposed uses including, but not limited to, water supply, sewage disposal, roads and utilities.

The subdivision would be served by the extension and/or upgrading of the existing public infrastructures including roads, water, sewer, drainage, and recycled water. Construction of this infrastructure is subject to review against various applicable County and agency standards.

- 2.5.5 The proposed uses do not significantly detract from the natural land and scenic value of the site.

The proposed development would conform to the existing residential uses in the adjacent villages. This village would also retain over 60 acres as open space which includes the Carson Creek drainage area and canopies of various tree species.

## 2.6 **Design Waiver**

The following design waiver requests are subject to specific findings in accordance with Section 120.08.020.A.2a-d of the El Dorado County Subdivision Ordinance. Each request is followed by a response justifying the waiver.

**Design Waiver 1: Modification of the following road improvements under DISM Standard Plan 101 B: A) reduction of right-of-way width from 50 feet to 46 feet for A and B Streets, and from 50 feet to 36 feet for C Court; B) reduction of road width from 36 feet to 28 feet for C Court; C) ~~construction of sidewalk reduced from 6-foot wide to 4-foot wide on one side of A and B Streets; and D) elimination of sidewalks on C Court;~~**

- A. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

As part of typical Class I subdivision improvements, DISM Standard Plan 101B includes a minimum of 50-foot right-of-way that would be improved with 36-foot wide paved road, 6-foot sidewalk (on both sides of the street). These improvements commonly apply to subdivision streets that would be built, publicly dedicated to, and maintained by the County. The project would propose to construct the improvements based on the above modifications. These modified improvements would sufficiently and safely serve the vehicular and pedestrian circulation needs of the residents in the subdivision. These improvements would be privately owned and maintained by the Serrano El Dorado Master HOA. Similar modified road improvements currently exist in other Serrano residential villages as a result of the granting of the design waiver. In particular to the elimination and reduction of sidewalks along specific private streets, the DISM and General Plan Policy TC-5a does not require sidewalks in a residential subdivision with parcels in excess of 10,000 square feet. The minimum proposed lot size in this subdivision is 20,000 square feet.

- B. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

Application of the standard street right-of-way and related improvements would require construction wider pavement and related improvements causing additional disturbance to the site, thereby posing an encumbrance to the design of the development and unnecessary impacts.

- C. The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.

The modified street right-of-way would affect the construction private streets that would sufficiently serve the private residential development. The associated improvements shall be constructed in accordance to standards of the DISM, subject to improvement and other construction plans. Implementation of project condition of approvals and applicable mitigation measures shall be verified during review and prior to issuance of any construction permits. Therefore, the proposed deviation is not anticipated to be detrimental to health, safety, and welfare of the public.

- D. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The modified standards would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as these standards would affect private streets serving the individually-graded residential development. These streets shall be privately owned and maintained by the Homeowner's Association (HOA). Other applicable improvement standards shall be enforced and verified during review construction plans.

**Design Waiver 2: Exceed standard street gradient of 12% for C Court and portions of A Street measuring up to 15 % grade;**

- A. ~~There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver;~~

~~The street gradient for C Court, which would only serve a maximum of six individually graded lots, would exceed the standard street gradient of 12%; however, the road does not exceed, based on the determination by the Transportation Division engineer, the allowable 15% gradient at a linear length of less than 600 feet. Similarly, the portion of A Street also exceeds the standard at 13%. This affected area of the road is constrained by the topography with its proximity to Carson Creek drainage swale area just east of the future bridge crossing.~~

- B. ~~Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.~~

~~Application of the standard could result in a re-design and adjustments of the site layout that could lead to unnecessary disturbance and impacts. As proposed, the modified standards would sufficiently accommodate vehicular and pedestrian traffic along the streets.~~

- C. ~~The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.~~

~~The proposed deviation would not be detrimental to health, safety, and welfare of the public. The modified gradient has been designed to sufficiently accommodate the vehicular traffic and speed anticipated along the streets. The required improvements shall be constructed in accordance to the construction standards of the DISM, subject to review of construction plans. Implementation of project condition of approvals and applicable mitigation measures shall be verified during review and prior to issuance of any construction permits.~~

- D. ~~The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.~~



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~~The modified standard would not have any nullifying effect on the objectives of this article or ordinance applicable to the subdivision as this standard would affect a street design serving the streets within a private individually graded residential development. The design would sufficiently accommodate on site traffic and circulation conditions, which would be privately enforced by the HOA. Construction of this improvement would be conducted in accordance with the DISM, subject to approved plans.~~

**Design Waiver 3: Reduction of cul-de-sac radius at the end of C Court and A Street from 50 feet to 47 feet;**

- A. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver;

Similar reduced cul-de-sac radius currently exists in other Serrano residential villages as a result of the granting of the design waiver. This modified improvement would sufficiently and safely serve the vehicular and pedestrian circulation needs of the residents and emergency apparatus in the development. These improvements would be privately owned and maintained by the Serrano El Dorado master HOA.

- B. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

Application of the standard improvement could result in a re-design and adjustments of the site layout that could lead to unnecessary disturbance and impacts and would be inconsistent with previously approved modifications in other villages.

- C. The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.

The proposed deviation would not be detrimental to health, safety, and welfare of the public. The modified cul-de-sac has been designed to sufficiently accommodate the vehicular traffic and speed anticipated along the streets. The required improvements shall be constructed in accordance to the construction standards of the DISM, subject to review of construction plans. Implementation of project condition of approvals and applicable mitigation measures shall be verified during review and prior to issuance of any construction permits.

- D. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The modified standard would not have any nullifying effect on the objectives of this article or ordinance applicable to the subdivision as this standard would affect a street design serving the streets within a private individually-graded residential

development. The design would sufficiently accommodate on-site traffic and circulation conditions, which would be privately enforced by the HOA. Construction of this improvement would be conducted in accordance with the DISM, subject to approved plans.

**Conditions of Approval**

**Project Description**

1. The following conditions of approval shall apply to the Planned Development, Tentative Map, and Design Waivers based upon and limited compliance with the project description and Planning Commission hearing exhibits marked Exhibits K, L, N, and O. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

- A. Tentative Subdivision Map of 121.8 acres creating 50 residential lots ranging from .45 acre to 0.9 acres in size and four Open Space lots ranging from 0.6 acre to 34.7 acres in two phases;
- B. Development Plan for the proposed residential subdivision with modifications to the rear and side yard setbacks standards under One-Half Acre (R-20,000) Zone District.

<b>Affected Residential Lot</b>	<b>Current One-Half Acre Zone-Planned Development District (R-20,000/PD) Minimum Development Standard</b>	<b>Proposed Modified One-Half Acre-Planned Development Zone District (R-20,000/PD) Minimum Development Standard</b>
24 <sup>A</sup>	Side Yard- 10 feet Rear Yard- 30 feet	Side and Rear Yard-10 feet
25 <sup>C</sup>	Side Yard- 10 feet Rear Yard- 30 feet	Side Yard-30 feet (Eastern Property Line) Rear Yard -10 feet
26 <sup>C</sup>	Side Yard- 10 feet Rear Yard- 30 feet	Side Yard-30 feet (Eastern Property Line) Rear Yard -10 feet
27 <sup>A</sup>	Side Yard- 10 feet Rear Yard- 30 feet	Side and Rear Yard-10 feet
34 <sup>B</sup>	Rear Yard-30 feet	Rear Yard-10 feet
35 <sup>B</sup>	Rear Yard-30 feet	Rear Yard-10 feet

Notes: A. Corner lots (corner of A and B Streets). Front yard to be determined based on driveway access. B. Lots along A Street encumbered by Carson Creek 200-foot setback C. Lots adjacent to properties in Bass Lake Hills Specific Plan

- C. Design Waiver of the following El Dorado County Design and Improvement Standard Manual (DISM) standards:
1. Modification of the following road improvements under DISM Standard Plan 101B:
    - (a) Reduction of right-of-way width from 50 feet to 46 feet for A and B Streets, and from 50 feet to 36 feet for C Court;
    - (b) Reduction of road width from 36 feet to 28 feet for C Court;
    - (c) ~~Construction of sidewalk reduced from 6 foot wide to 4 foot wide on one side of A and B Streets;~~
    - (d) ~~Elimination of sidewalks on C Court;~~
  2. ~~Exceed standard street gradient of 12% for C Court and portions of A Street measuring up to 15 % grade; and~~
  3. Reduction of cul-de-sac radius at the end of C Court and A Street from 50 feet to 47 feet and improved surface radius from 50 feet to 40 feet.

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, including grading, improvement, and building plans must be submitted for review and approval and shall be implemented as approved by the County.

### Planning Services

2. 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. Prior to Final Map, a copy of El Dorado Irrigation's Meter Award Letter or similar document shall be provided pursuant to Resolution 118-92.
4. All necessary on-site water and sewer facilities shall be appropriately sized to accommodate future anticipated development of adjacent properties, including the

adopted Bass Lake Hills Specific Plan area, provided that the party constructing such facilities shall be entitled to reimbursement from all other benefitting properties pursuant to separate reimbursement agreements, the entry into which shall be a condition to the filing of a final map for any benefitting property. The improvement plans shall be subject to the review and approval of the EID prior to filing the Final Map. The location of all necessary water and sewer easements providing for utility access to adjoining properties shall be subject to the review and approval of EID and shall be shown on the Final Map.

5. This Tentative Map shall expire 36 months from the date of the map approval.
6. Minor changes in the adopted Planned Development Permit may be approved by the Planning Services provided that the changes:
  - A. Do not change the boundaries of the subject project property;
  - B. Do not change any use as shown on the official development plan; and
  - C. Do not change the intent of the official development plan

Major changes in the official development plan may be approved by the Planning Commission and shall be made in accordance with the requirements of Section 130.04 of the County Code. A major change in a development plan approved by the Planning Commission shall be filed with the Board of Supervisors pursuant to Section 130.04.005(B) (3) of the County Code. The Planned Development Permit shall expire concurrently with the term of the Tentative Map.

**Transportation Division**

**Project Specific Conditions**

7. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. 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 the filing of the final map (the requirements outlined in Table 1 are minimums):

**Table 1. Serrano Village C-2 Street and Improvement Details**

<b>Road Name</b>	<b>DISM Plan</b>	<b>Road/ Sidewalk Width</b>	<b>ROW</b>	<b>Exceptions/Notes</b>
A Street (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.); Approved Temporary turnaround at end	36ft / 4ft sidewalk on one side	46ft (includes PUE)	Type 1 (modified) rolled curb, gutter both sides. Sidewalk is measured from back of walk to back of curb. See Phasing Condition
B Street	Modified Std	36ft / 4ft	46ft	Type 2 (modified)

(onsite)	Plan 101B (3"AC over 8"AB Min.); Approved Temporary turnaround at end	sidewalk on one side	(includes PUE)	vertical curb, gutter both sides when fronting open space lots. Type 1 (modified) rolled curb when fronting residential lots. Sidewalk is measured from back of walk to back of curb.
C Court (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.); Approved Temporary turnaround at end	28ft	36ft (does not include PUE)	Type 1(modified) rolled curb, gutter both sides.

\* Road widths are measured from curb face to curb face. Curb face for rolled curb and gutter is 6" from the back of the curb.

8. **Final Map:** A Final Map shall not be recorded for Lots 9 through 33 until a secondary access approved by the Fire Department has been constructed.
9. **Offer of Dedication (onsite roadways):** An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated above, shall be made for the proposed roads, with slope easements where necessary. Said offer shall be rejected at the time of the final map. The offer shall be subject to that agreement between Serrano and the County, recorded as document 98-0015833-00 on March 26, 1998. Subject to the above agreement, all roads are offered in fee to the Master Owner's Association simultaneously with the filing of the final map.
10. **Offsite Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to filing of the final map.
11. **Road & Public Utility Easements:** The applicant shall provide a 46-foot wide non-exclusive road and public utilities easement for the on-site access roadways A Street and B Street, prior to the filing of the map. Additionally, the applicant shall provide a 36-foot wide non-exclusive road and public utilities easement for C Court prior to the filing of the final map.
12. **Driveways:** Per El Dorado County Design and Improvement Manual (DISM) driveways will be constructed for production homes where the street excavation or embankment along the frontage exceeds a depth or height or 6-Feet. Construction of driveways on lots 47, 42, 43, 44, 4, 5, 6, 8, 35, 37, 11, 12, and 19 need to be constructed with the roadway

improvements. Driveways for custom homes on the subject lots will be constructed at the time of home construction consistent with the development lot notebook, HOA Design Guidelines, and County regulations.

13. **Turnaround:** The applicant shall provide a temporary turnaround at the end of A Street for Phase 1 and B Street for Phase 2. The improvements shall be substantially completed, to the approval of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

#### Standard Conditions

14. **TIM Fees:** Prior to issuance of building permits for the lots created by the project, the building permit applicant shall pay the traffic impact mitigation fees in effect at the time the building permit application is deemed complete.
15. **Signing and Striping:** The project improvement plans shall include all necessary signing and striping as required by the Transportation Division. Signing and striping shall conform to the latest version of the California Manual on Uniform Traffic Control Devices (MUTCD) (Sub. Ord. 120.16.020.D Signs, Rural Subdivisions).
16. **Curb Returns:** All curb returns shall include pedestrian ramps with truncated domes conforming to Caltrans Standard Plan A88A, including a 4-foot sidewalk/landing at the back of the ramp. Alternate plans satisfying the current accessibility standards may be used, subject to review and approval by County. Curb returns and pedestrian ramps will be constructed along with the roadway improvements and will comply with American Disability Act (ADA) requirements.
17. **Entrance Gates:** Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, all gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. All Gates shall be designed and constructed with turnarounds acceptable to the County and Fire Department.
18. **Road Turnarounds:** The applicant shall provide a turnaround to the provisions of County Design Standard 114 as modified by any Design Waivers approved with the project, or as otherwise required by local fire district.
19. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
20. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).

21. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.

22. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

23. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standard Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.

24. **Subdivision Improvement Agreement & Security:** The developer shall enter into a Subdivision Improvement Agreement (SIA) with the Transportation Division for all onsite roadways, grading, drainage and other support infrastructure as required by the County Subdivision Division Ordinance, prior to filing of the final map.

For improvements not completed at the time of recordation of the final map, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmens surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements that have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms.

The developer's Engineer of Record shall prepare a "Certificate of Partial Completion" as attachment to the SIA, which sets forth the total cost of the project, percent complete, and the estimated remaining cost of the work to complete the project. Verification of the Certificate of Partial Completion shall be determined by the County.

25. **Off-site Improvement (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Transportation Division Right of Way Unit, and enter into an agreement pursuant to Government Code

Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

- A. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- B. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- C. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

- 26. **Easements:** All existing and proposed easements shall be shown on the project grading plans, improvement plans, and on the final map.
- 27. **Drainage Easements:** The site plans shall show drainage easements for all on site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
- 28. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
- 29. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the County Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
- 30. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.



31. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Transportation Division. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
32. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
33. **Drainage Study / NPDES Compliance:** The project proposes to render more than 5,000 square feet of area impervious to surface runoff. This qualifies the project as a “Regulated Project” under section E.12.c of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ (Order).

The project shall incorporate Site Design Measures, Source Control Measures, Low Impact Development (LID) Design Standards, and Hydromodification Management practices consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the SWRCB, the applicant shall comply with the Order in place at the time of issuance of construction permits.

The applicant shall provide a drainage report with the project grading plans and project improvement plans, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- Adequate hydromodification management measures are implemented with the project in accordance with the Order.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Transportation Division prior to occupancy.

34. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided wherever possible. The CC&Rs for Village C2 shall include a requirement for a grading and drainage plan to be submitted for review and approval of the Architectural Control Committee of the Master or Village Homeowners' association at the time of building permit application. The CC&Rs shall require all "downhill" lots must be designed to accept any drainage from uphill lots and the Master or Village Homeowners' Association shall enforce this condition.
35. **Drainage Maintenance:** Drainage maintenance shall be the responsibility of the Master Owner's Association. Therefore, all easements for drainage facilities shall first be offered to the County of El Dorado with rejection; the offer shall be subject to that agreement between Serrano and the County recorded as document 98-0015834-00 on March 26, 1998. Pursuant to the terms of said Agreement, upon rejection by the County, all drainage easements will be subsequently offered to the Master Owner's Association simultaneously with the filing of the final map. (DISM Pg 15, Sec 2.C.1.c.)
36. **NPDES Construction Permit:** The project proposes to disturb more than 1 acre of land and therefore, is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (CGP), including any and all amendments or revised orders issued by the SWRCB.

The applicant shall demonstrate compliance with the CGP (or equivalent permit issued by the SWRCB) prior to issuance of construction permits by County.

37. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to Transportation Division with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.(Circ Elem. Policy TC-Xa.3)

### **El Dorado Hills Fire Department**

38. This department shall allow construction to occur up to and including Lots 9 and 33 with an approved turnaround at the end of the road at Lots 10 and 32. If the road is not built at the full allowable length, a turnaround shall be required at the end of the dead-end road. Street A shall not be extended any further than Lots 9 and 33 until a secondary means of egress is established. No Final Map shall be recorded until this condition has been satisfied.
39. The applicant shall prepare and implement a Wild Fire Safe Plan subject to approval by the Fire Department according to the California Fire Safe Regulation prior to filing the Final Map. This shall address the homes that back up the open wildland for this project.
40. This applicant shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the

- Fire Department. Said improvement shall be subject to approval by EID and the Fire Department prior to filing the final map.
41. To enhance the night-time visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the fire department and Fire Safe Regulations, prior to filing the Final Map.
  42. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.
  43. This development shall be prohibited from installing any type of traffic calming devices that utilizes a raised bump of a lower dip section of roadway.
  44. All homes that are adjacent to a natural open space shall have non-combustible fencing.
  45. Applicant shall hire a qualified traffic engineer to review the Russi Ranch Drive and A Street intersection for installation of a stop sign on Russi Ranch Drive. If the traffic engineer recommends a stop sign, the applicant shall show it on the improvement plans for Village C2, provided the stop sign installation is approved by the fire protection district with consultation to the Master Owners Association.

#### **Air Quality Management District**

46. 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. District Rules 223 and 223.1 and 223.2, which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rules 223, 223.1, and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive Dust Prevention (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to issuance of a building permit or grading permit.
47. Project construction shall adhere to District 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust.
48. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.
49. The applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a building permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.

50. The applicant shall submit a list to the District stating which of the following mitigation measures will be used to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project for approval prior to the issuance of a Building Permit or Grading Permit:

The District's goal is to strive to achieve and maintain ambient air quality standards established by the United States Environmental Protection Agency and the California Air resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures.

- A. Use low-emission on-site mobile construction equipment.
- B. Maintain equipment in tune per manufacturer specifications.
- C. Retard diesel engine injection timing by two to four degrees.
- D. Use electricity for power poles rather than temporary gasoline or diesel generators.
- E. Use reformulated low-emission diesel fuel.
- F. Use catalytic converters on gasoline-powered equipment.
- G. Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible.
- H. Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- I. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- J. Configure construction parking to minimize traffic interference.
- K. Develop a construction traffic management plan that includes, but is not limited to: providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.

County Surveyor

51. All survey monuments must be set prior to the filing of the final map, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments or amount of bond or deposit to be coordinated with and approved by the County Surveyor's Office.
52. The roads serving the development shall be named by filing a complete Road Name Petition with the County Surveyors Office prior to filing the Final Map.

El Dorado Hills Community Services District

53. The CSD requires a mandatory waste management services for each new residence. Each residence should be able to store a minimum of three waste and recycle material

containers to be placed in areas not visible from the street. These services would be provided by the current waste collection provider. Prior to issuance of building permit, the applicant shall provide written evidence of acquisition of waste management services.

54. All construction debris resulting from the development of the project should be disposed of in a manner consistent with the solid waste diversion plan practiced in El Dorado Hills CSD and as mandated by AB 939, and in compliance with El Dorado County Construction and Demolition Debris Recycling Ordinance, Section 1, Chapter 8.43 of Title 8 of the El Dorado County Ordinance Code. Construction debris are to be disposed of by the current waste collection franchise. This information shall be noted and verified on all construction plans prior to approval.

**ADJOURNMENT**

Meeting adjourned at 12:59 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Rich Stewart, Chair