# **EXHIBIT 1**

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S05-0021 - As approved by the Planning Commission February 9, 2006

RECEIVED PLANNING DEPARTMENT

# **Findings**

Special Use Permit S 05-0021 has been requested by Nextel Communications for the purpose of installing a 55-foot steel mono-pine with twelve (12) panel antennas mounted at a centerline of 51 feet at 7465 Latrobe Road in the Latrobe area of El Dorado County. This Special Use Permit authorizes Nextel Communications to place the mono-pine and ground equipment within a 40-foot by 40-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire atop and a 12-foot wide gate on the north side of the enclosure. The Special Use Permit shall only be approved or conditionally approved if all of the following findings are made:

- 1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Staff Report, Environmental Questionnaire and site visit. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.
- 2. The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999, because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.

The proposed site currently supports a single-family residence. Nextel Communications proposes a mono-pine to provide enhanced cellular service within the Latrobe area. The main use of the site is for residential purposes. The cellular facility would be incidental to the main residential use of the property when developed. The design of the mono-pine and location on the site has been carefully considered, and will blend with the surroundings as best as possible. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.

3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.

This is a new wireless proposal designed as a two-carrier facility, to allow for future colocation, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once or twice a month to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving cellular service. After review of the submitted site plan and visual

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simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the mono-pine in the Latrobe area.

#### Conditions

# 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. 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 to allow the construction and operation of a new wireless communications facility. Proposed are 12 panel antennas to be placed at the centerline of 51 feet on a 55 foot tower designed to resemble a pine tree, often called a monopine, with associated ground support equipment, within a 40 by 40 foot lease area on the Cottle property at the 855-foot elevation above mean sea level at 7465 Latrobe Road in Latrobe area. Also proposed to be located in the lease area are an associated 12 by 20 foot prefabricated equipment shelter, a backup generator, propane tank, and two air conditioners. The 1,600 square foot lease area is proposed to be surrounded by a six-foot-high, brown slatted chain-link fence with barbed wire atop for security, along with a 12-foot entrance closed by two six-foot gates. All antennas will be painted with a non-reflective, flat paint that exactly matches the color of the foliage, or be covered with "antenna socks." The antennas will be mounted on an antenna array mount to avoid horizontal expansion of the overall structure beyond the foliage at the point those antennas are mounted on the pole. All associated ground structures and equipment will be painted a brown, non-reflective color that exactly matches the color of the pole (trunk). The tower is designed to accommodate two total carriers with the potential that each one can place 12 antennas

The owner of the property, Wayne Cottle, has granted access to the tower to Nextel Communications and/or its authorized agents. Direct access to the project location is within the subject parcel.

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

#### A: Meets condition

All site improvements shall conform to the site plan and elevations attached as Exhibit D.

3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a non-reflective, flat brown color that matches the pole (trunk). The chain like fence shall be covered with brown-slats. All antennas shall be painted with a non-reflective, flat paint that exactly matches the color of the foliage, or be covered with "antenna socks," and those antennas shall not extend beyond the outermost portion of the limbs at the point where the antennas are mounted. Planning Services shall verify the painting of the structures and length of the antennas prior to final inspection of the facility.

A: Microwave to be painted green to match.

4. For collocation purposes, no further review by the Planning Commission shall be required, provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the two proposed carriers installs no more than 12 panel antennas per carrier are placed on the mono-pine, and that there shall not be any increase overall height of the tower and branches.

A: Condition met

5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.

A: Condition met

6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.

A: Condition met

7. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition.

A: Condition met

8. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part o the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language

specified above. The failure of the Planning Commission to conduct or complete a fiveyear review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.

- 9. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
- 10. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
- 11. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

#### Latrobe Fire Protection District

12. The applicant shall install a minimum 12-foot wide all weather access road to within 150 feet of the equipment shelter with a vertical clearance of 13 feet 6 inches, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. The Latrobe Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.

A: Condition met

- 13. The applicant shall provide a Fire District approved turn-a-round at the project site. A: Condition met
- 14. The applicant shall provide high priority "Knox" access padlock for emergency access through the 12-foot gate and into the fenced enclosure site and on the shelter. The gates shall comply with the Fire Prevention Officer's standard. The Latrobe Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.

A: Padlock existing today

15. Vegetation control is required at site and shall be approved by the fire district.

# El Dorado County Air Quality Management District

- 16. If 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, then District Rules 223, 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 Rule 223, 223.1 and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive dust Plan (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to the start of project construction.
- 17. Burning of wastes that result from 'Land Development Clearing' must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).
- Project construction may involve road development and shall adhere to District Rule 224
  Cutback and Emulsified Asphalt Paving Materials and the County ordinance concerning
  asbestos dust.
- 19. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s) equipment specifications and emission factors.

### El Dorado County Environmental Management Department, Solid Waste and Hazard Materials

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



SITE NAME: CA1391-LATROBE-PHASE 1B

SITE NUMBER: SF72XC556

AUGMENT ID: SF72XC556M14.1 ADDRESS: 7465 LATROBE RD

**SHINGLE SPRINGS, CA 95682** 

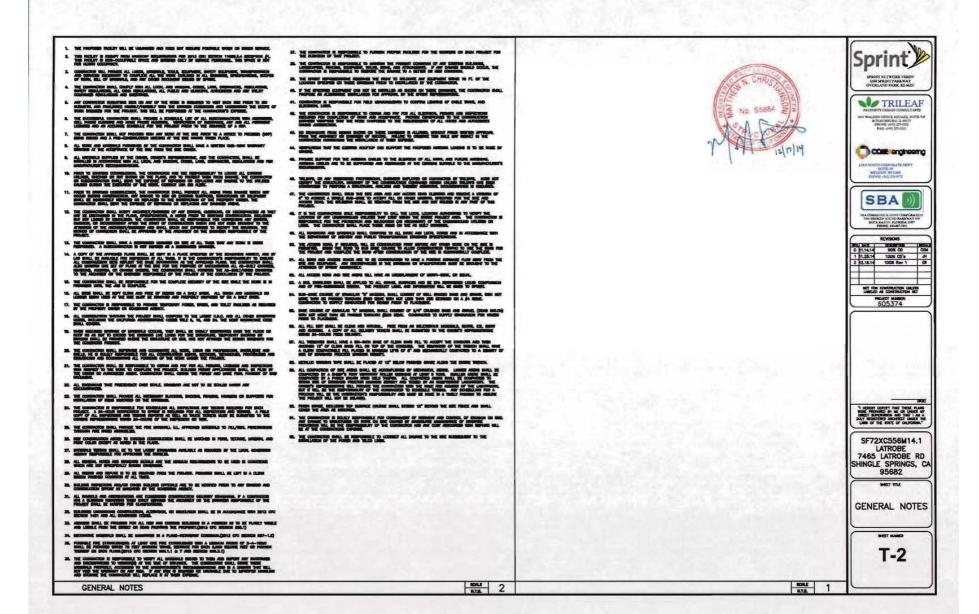
JURISDICTION: EL DORADO COUNTY

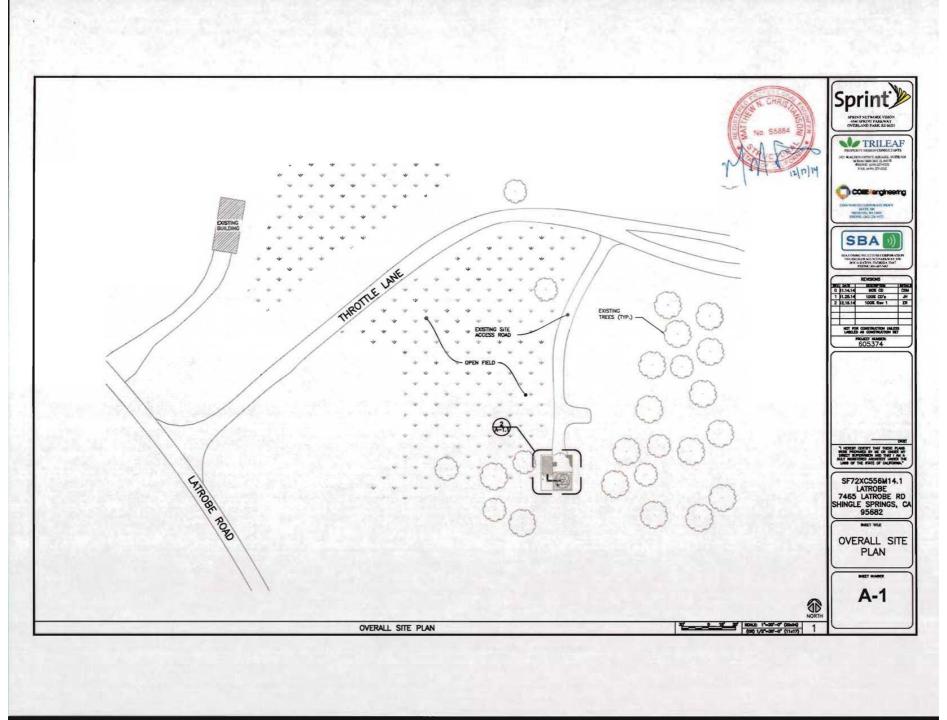
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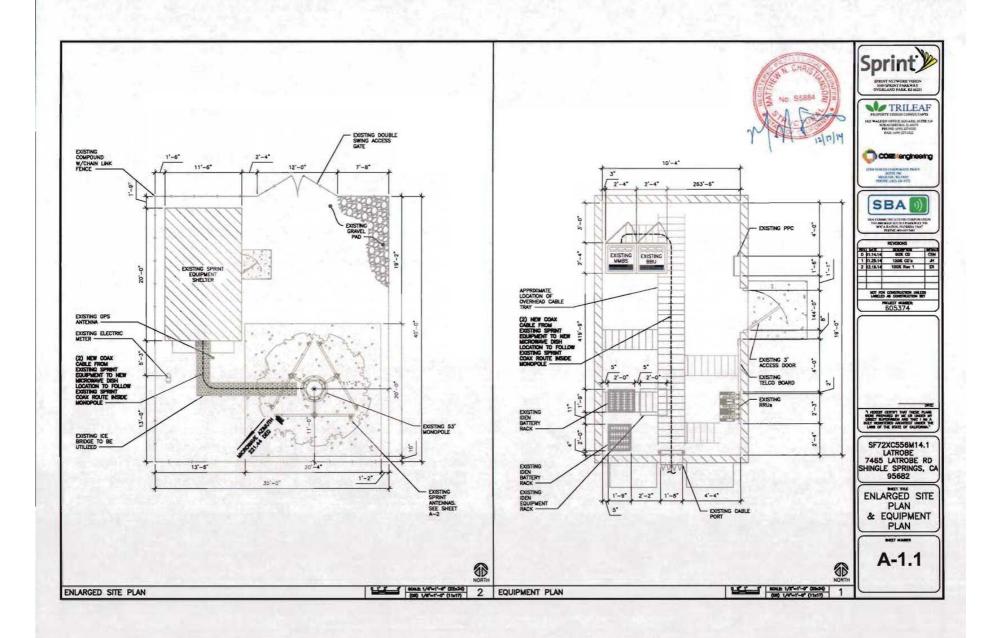
PROJECT TYPE: MICROWAVE SWEEPBACK

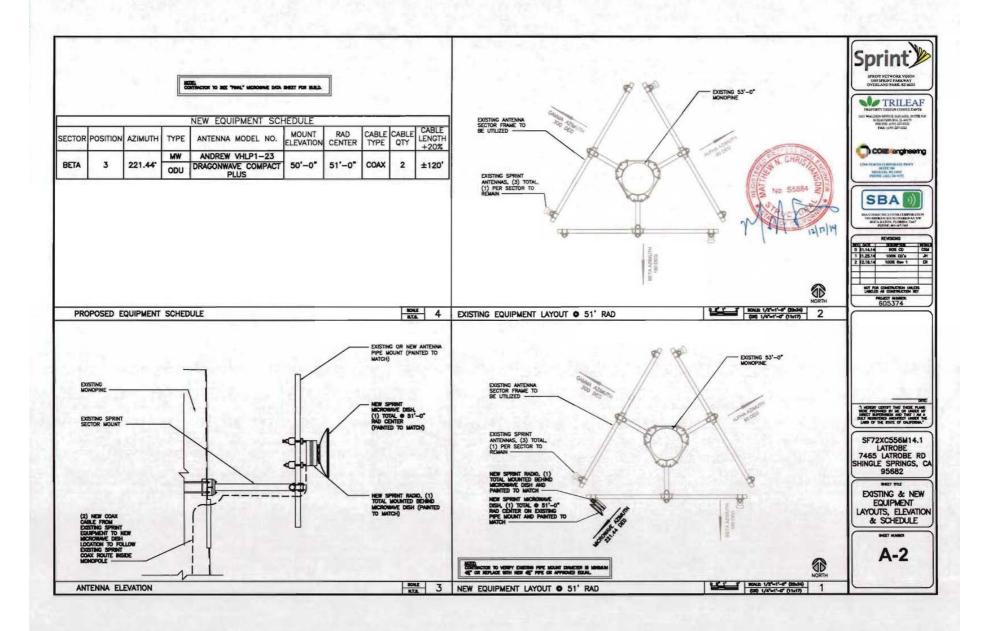


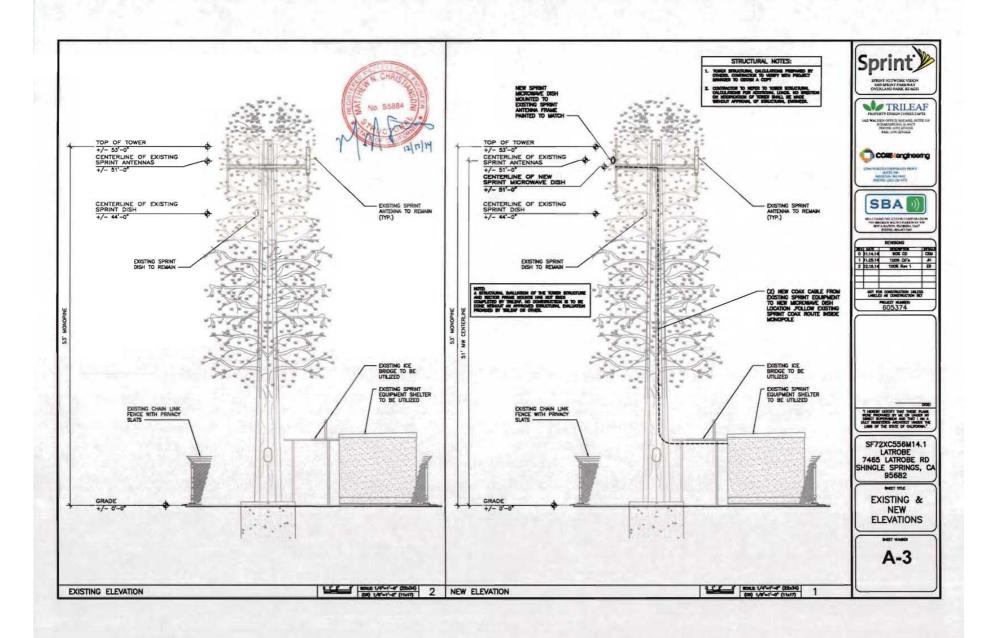


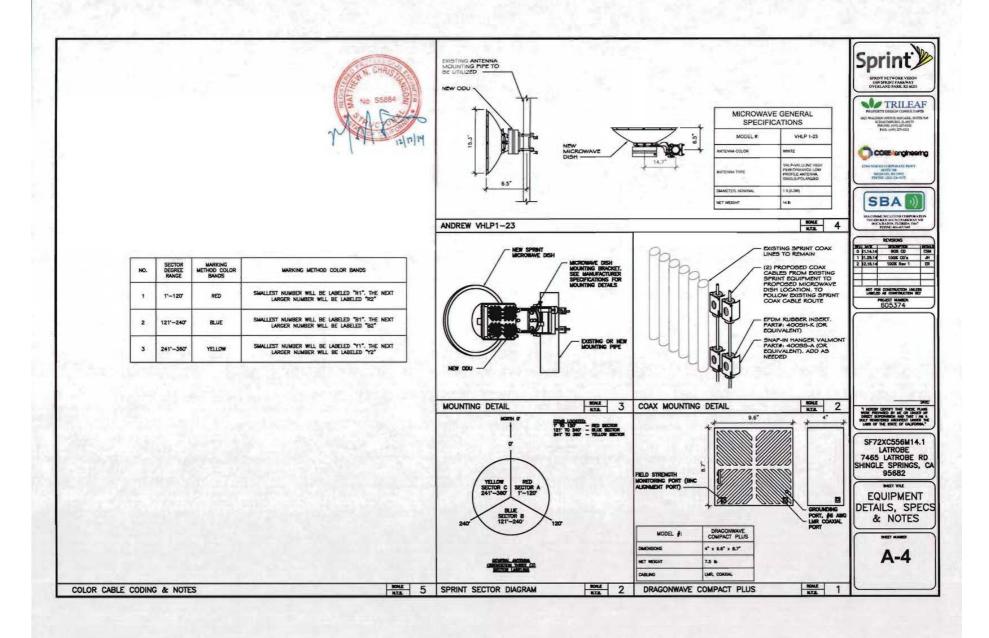


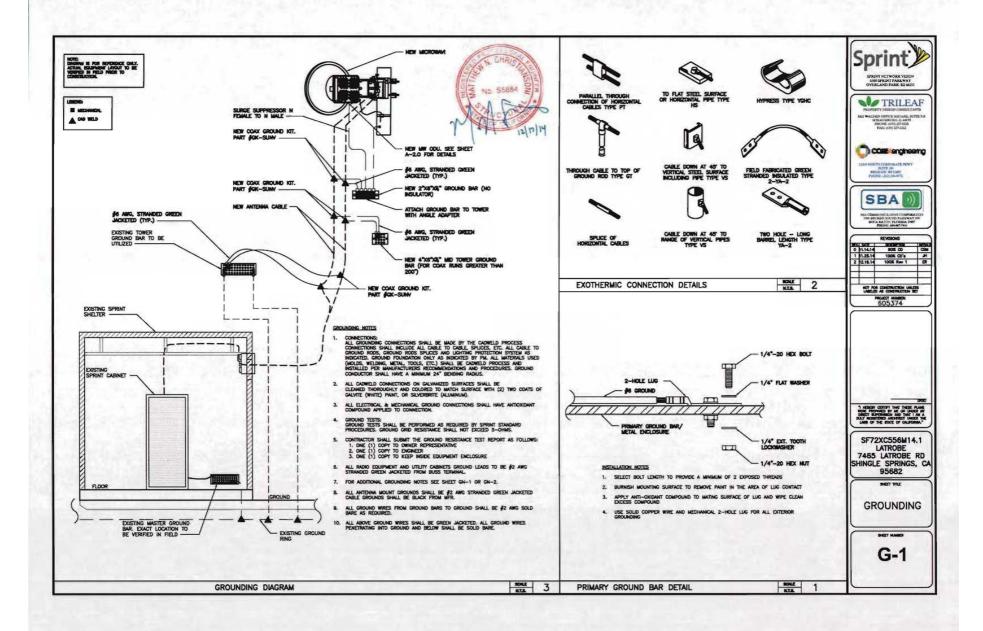




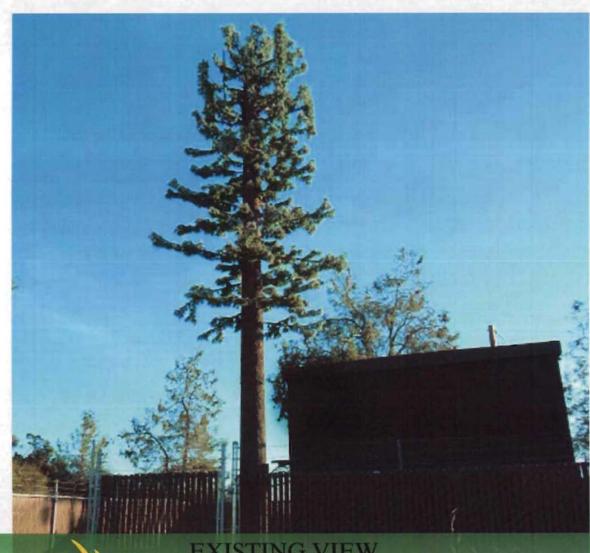












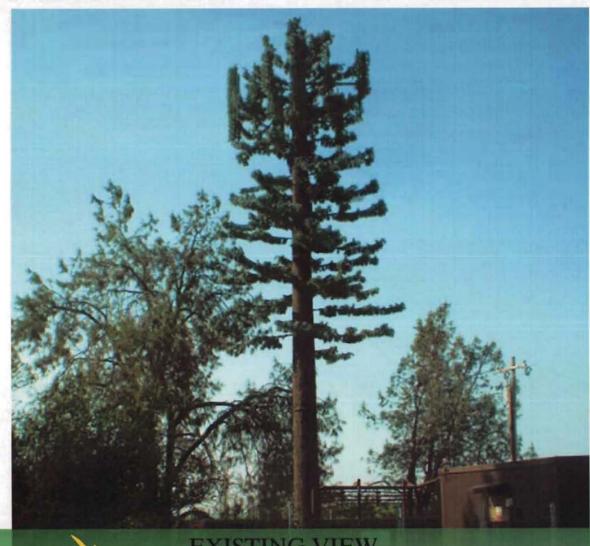
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SF72XC556M14.1 7465 Latrobe Road Shingle Springs, CA 95682

TRILEAF

Disclaimer: This photo simulation is an artist's depiction of a future installation. The actual construction may vary slightly in size, layout, color and texture from this simulation.

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Sprint

EXISTING VIEW SF72XC556M14.1 7465 Latrobe Road Shingle Springs, CA 95682

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