



## 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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### MINUTES

**Regular Meeting  
October 22, 2015 – 8:30 A.M.**

#### **ADDENDUM:**

**Item No. 3 is hereby added to the Consent Calendar**

#### **CALL TO ORDER**

Meeting was called to order at 8:31 a.m. Present: Commissioners Stewart, Miller, Pratt, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

#### **ADOPTION OF AGENDA**

**Motion: Commissioner Miller moved, seconded by Commissioner Shinault, and carried (4-0), to approve the agenda as presented.**

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

#### **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.)

Chair Stewart requested that Item #3 be pulled from the Consent Calendar.

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (4-0), to pull Item #3 and approve the remaining item on the Consent Calendar.**

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

1. **15-1145** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of August 27, 2015 and the special meeting of September 2, 2015.

**This was Approved on Consent Calendar.**

**END OF CONSENT CALENDAR**

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

Roger Trout, Development Services Division Director, provided the following information:

- Thanked the Commission for their hard work with the Zoning Ordinance Update, which would be going to the Board of Supervisors with the Targeted General Plan Amendment in November;
- Board of Supervisors adopted the Public Notification Ordinance;
- The Commission's November and December meetings will be packed agendas with some controversial projects and stressed that time management of the meetings would be critical; and
- Provided a brief summary of the Development Services Division's budget that was recently approved by the Board of Supervisors.

**COMMISSIONERS' REPORTS**

Commissioner Shinault stated that the grading season was over in the Tahoe area except for those granted exceptions.

Commissioner Pratt spoke on various community surveys currently being circulated for input and encouraged everyone to participate.

Chair Stewart had attended the CIP TIM meeting recently. He also stated that the Silva Valley interchange was progressing nicely.

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

2. **15-1146** Hearing to consider a request to allow the construction of a wireless telecommunication facility [Special Use Permit S15-0008/Verizon Wireless Communication Facility (Mono-Pine)]\* on property identified by Assessor's Parcel Number 041-011-30, consisting of 48.26 acres, in the Grizzly Flat 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 S15-0008 based on the Findings and subject to the Conditions of Approval as presented.  
(Supervisory District 2)

Jennifer Franich presented the item to the Commission with a recommendation of approval.

Alan Heine, applicant's agent, conducted a PowerPoint presentation.

Mark Almer, Grizzly Flat Fire Safe Council, referenced their written public comment and on behalf of the entire Council, publicly supported this project. The entire community currently has no cell service and this is a critical issue during emergency situations. Mr. Almer went on to state that this project made public safety sense and not only urged the Commission to approve this project but to also have staff fast track the permitting process.

Don Spear, Transportation Division, supported the project as it will provide safety to his staff, especially during the winter and night times.

Melanie Hessing, long-time Grizzly Flat resident, made the following comments:

- Thanked staff for their dedication and service to the residents of El Dorado County;
- This project addressed the public safety issue; and
- Critical to quickly process the required permits for this project.

Chair Stewart closed public comment.

Tiffany Schmid thanked the public for coming to today's hearing and providing so much community support for this project.

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 Mitigated Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S15-0008 based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Shinault, Miller, Pratt, Stewart**

**NOES: None**

**ABSENT: Heflin**

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 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 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 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 area is within a Mineral Resource (MR) Zone according to the general plan. The project would not preclude the study or identification of economically viable natural resources on the subject parcel. Because of the relatively small project footprint, 2500 square feet within a 48.26-acre lot, mineral resource exploration and extraction could potentially occur on site, without significant encumbrance due to the presence of the wireless facility. Both commercial and public facilities land uses are considered appropriate in the Mineral Resource Zone according to the general plan. A cellular telecommunications facility is considered similar to a public utility facility, though privately-owned. The project would not introduce development that would compromise the natural resource value of the parcel.

**2.2 The project is consistent with General Plan Policy 2.2.2.7.**

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses.

Rationale: The project area is within a Mineral Resource Zone according to the general plan. As concluded in Finding 2.1 above, the project would not introduce development that would compromise the natural resource value of the parcel.

**2.3 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 small-scale agriculture, with the Grizzly Flat Rural Center to the south. 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 2,500 square-foot lease area within a 48.26-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.

**2.4 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 Environmental Management, Transportation, and PG&E for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. The facility will require no water, sewer, or solid waste service as it is an unmanned facility. 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. The applicant proposes to bore conduits from that location over to the site to access electricity. Verizon Wireless

proposes to utilize the current electrical feeds located approximately 200 feet southeast of the tower site, along the entrance driveway.

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

2.6

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 very high fire hazard area. The Pioneer Fire Protection District and Cal Fire were given the opportunity to comment and had no additional conditions of approval to apply to the project. 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.

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

2.8

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, the project will utilize an existing gravel driveway for access. The site is located at Eagle Hill Road, a public road. Emergency access to the facility would be available by the 15-foot wide, 200-foot long, non-exclusive gravel road extension from the driveway and a hammerhead turnabout. The Transportation Division, Pioneer Fire Protection District, and Cal Fire reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the Pioneer Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

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

2.10

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 electronic base transfer system (BTS or cabinets), two air conditioning units, and a back-up generator within the equipment shelter. The maximum noise level from the air conditioner is 61.0 dBA when measured at a distance of 6.5 feet, according to the sound

level evaluation for this site and proposed equipment. The maximum calculated noise levels for continuous operation of the air conditioners are 27.0 and 28.0 dBA, at the east and west property lines, respectively, which is well below the County's most restrictive nighttime limit of 40 dBA. 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. 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.

**2.11 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 project is in compliance with the policy related to steep slopes.

**2.12 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 is surrounded by trees, but no trees are proposed for removal for construction. An arborist study was conducted in order to identify measures to protect oaks during construction. According to the Revised Arborist Survey report by Natural Investigations Company, dated June 8 2015 and submitted by the applicant, the project area consists of an existing road and cleared area, and contains approximately 5% oak tree canopy. The subject parcel's overall pre-project oak canopy coverage is 9%. Construction activities would result in the removal of two Jeffrey pines and three incense cedars. No oak trees will need to be removed. However, several trees, including two black oak trees, will be trimmed to create the vertical clearance necessary for construction and operation of the project. This trimming would temporarily impact approximately 157 square feet and 610 square feet, respectively, of oak canopy. The temporary oak canopy loss (0.02 acres) is approximately 0.4 percent of the total oak tree canopy within the parcel. Greater than 90 percent of the oak tree canopy is being preserved. However, this trimming may adversely affect the oak trees. The report included several recommendations to minimize tree impacts and preserve the oak trees, which are listed in condition of approval 14. With the implementation of the conditions of approval, the project is consistent with policy 7.4.4.4 of the General Plan.

2.13 **This project is consistent with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires that the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority.

Before granting approval, a determination shall be made by the approving authority that the proposed use:

*A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and*

Rationale: In accordance with Policy 8.1.4.1 of the Agriculture and Forestry Element of the General Plan, the application was sent to the Agricultural Commission for review and comment. The Department of Agriculture did not respond with any concerns about the project. The project concerns a small portion of the property which is not currently used for agriculture. The facility will not interfere with any agricultural pursuits in the area or intensify or add any conflicts between residential areas and agricultural activities.

*B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and*

Rationale: The Department of Agriculture did not have any concerns about the project. The majority of the parcel will remain as it is currently used, as only the access drive and the 2500 square-foot lease area will be disturbed. The operation of the facility will not change the size or use of the remainder of the site. Therefore, the facility will not interfere with any agricultural pursuits in the area and will not negatively affect other agricultural lands between the project site and non-agricultural lands.

*C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Rationale: The project will not create any new lots, and the subject parcel will remain at over 48 acres. The development of the facility will not reduce any buffering effects that currently exist, as the development involves only the 2500 square feet lease area and access drive.



### **3.0 ZONING FINDINGS**

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

The parcel is zoned Planned Agricultural Twenty-Acre (PA-20). The project has been analyzed in accordance with Zoning Ordinance Section 130.36.150 (Development Standards) for minimum lot size, 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 site justification statement identifying the proposed site as the most optimum in providing services to the Omo Ranch area (Exhibit G-1 through G-3). The proposed tower would allow up to two other carriers to collocate at this facility in the future.

#### **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 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 F. 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 facility shelter will be painted to match the natural color scheme. The tower pole will be painted to match the natural color scheme and will have tree limbs resembling a Pine. The antennas will be painted to match the branch color and will have pine needle socks installed around them to reduce visual impact. As illustrated in the photo simulations, site plan, and elevations, the tower and ground equipment are designed to blend with the native oak and pine tree vegetation. 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 proposed mono-pine tower would be visible only from the immediate surrounding area. The tower would not be visible from surrounding properties or nearby roads. The wireless communication tower would be designed to resemble a pine tree with antennas located in faux branches. The tower pole would be painted to match the bark color of a pine tree. The monopine design would camouflage the facility to blend in with the surrounding vegetation. Photo simulations are provided in Exhibits F-1 to F-3.

- 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 PA-20 Zone District requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located over 100 feet from all property lines and the location is therefore consistent with the PA-20 Zone District setback standards (Exhibit E-4).

- 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 August 25, 2014) confirms compliance with the FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit H).

*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 quantity antennae have been identified. Any separate future collocation would require a revision to this 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 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: At one percent or less of the public safety standard established by the FCC, the risk of Radio Frequency (“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 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: The proposed use complies with the requirements of Zoning Ordinance Section 130.14.210.E through J (facility requirements/analysis) and 130.36.160 (parcel size for Planned Agriculture (PA) Zone District).

**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-1.....Title Sheet, Sheet T-1  
Exhibit E-2.....Plot Plan/Site Topography, Sheet C-1  
Exhibit E-3.....Overall and Enlarged Site Layout and Access, Sheet A-0  
Exhibit E-4.....Overall Site Plan, Site Layout and Antenna Layout, Sheet A-1  
Exhibit E-5.....Grading and Drainage Plan, Sheet A-2  
Exhibit E-6.....Elevations, Sheet A-3  
Exhibit E-7.....Equipment Shelter, Sheet A-4  
Exhibit F.....Photo Simulations; February 23, 2015  
Exhibit G-1.....Existing VZW 4G Coverage; April 3, 2015  
Exhibit G-2.....VZW 4G Coverage with Proposed Omo Ranch Site; April 3, 2015  
Exhibit G-3.....4G Coverage of Proposed VZW Omo Ranch Site; April 3, 2015  
Exhibit H.....Human Exposure to RF Energy Compliance Report; August 25, 2014

Exhibit I .....Proposed Mitigated 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.

Approval of the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission within the existing 48.26-acre parcel identified by Assessor's Parcel Number 041-011-30, and consisting of the following:

- a. One 120-foot tall monopine with (4) sectors with (2) antennas per sector and (8) remote radio units (RRU) per sector for a total of eight antennas;
- b. One 4-foot diameter microwave dishes;
- c. One 11-foot 6-inch by 20-foot ground equipment shelter within a 50- by 50-foot Verizon Wireless lease area to house equipment cabinets and associated equipment;
- d. One standby diesel generator with a 300 gallon fuel tank;
- e. One 2,500-square foot equipment compound surrounded chain link fencing; and
- f. A 200-foot gravel road extension from the existing dirt road 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. Pursuant to 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 colocation 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 RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch 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 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 archaeological resource", contingency funding, and a time allotment sufficient to allow recovering an archaeological 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 archaeological 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. The following shall be incorporated as a note on the grading/improvement plans:

If construction activities occur during the 2016 nesting season (March to September 2016), the applicant will be required to have a pre-construction survey for presence of special-status bird species or any nesting bird species within 500 feet of proposed construction areas. The survey shall be conducted by a qualified biologist. If active nests are identified in these areas, California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service (USFWS) shall be consulted 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.

The results of the pre-construction survey and any avoidance recommendations shall be submitted to the County. If any non-listed special-status species are found on or adjacent to the project site, work should be stopped in the immediate area and the project biologist should be consulted for avoidance measures. If a listed species is found on or adjacent to the project site, necessary measures to protect the species in coordination with the CDFW or the California Native Plant Society shall be taken. Grading and construction activities may begin 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. The following shall be incorporated as a note on the grading/improvement plans:

A Canopy monitoring plan prepared by a qualified professional will be required for this project to ensure that tree trimming will not adversely affect the vigor of the oaks surrounding the lease area. The plan shall include supplemental watering of the affected oak trees, pruning performed by a certified arborist or other knowledgeable tree care professional, and the following tree protection measures which shall be listed on the project grading plan:

- a. All native oak trees that are 6 inches diameters above breast height (dbh) or larger on the project site, all portions of adjacent off-site native oak trees that are 6 inches dbh or larger which have driplines that extend onto the project site, and all off-site native oak trees that are 6 inches dbh or larger which may be impacted by utility installation and/or improvements associated with this project, shall be preserved and protected as follows:
- b. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of the tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of the tree. Removing limbs which make up the dripline does not change the protected area.
- c. Temporary orange construction fencing or a similar protective barrier shall be installed one foot outside the driplines of the oak trees prior to initiating project construction, in order to avoid damage to the trees and their root system.
- d. No signs, ropes, cables (except cables which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the oak trees.
- e. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of the oak trees.
- f. Any soil disturbance (scraping, grading, trenching, and excavation) is to be avoided within the driplines of the oak trees. Where this is necessary, an International Society of Arboriculture (ISA) Certified Arborist will provide specifications for this work, including methods for root pruning, backfill specifications and irrigation management guidelines.
- g. All underground utilities and drain or irrigation lines shall be routed outside the driplines of oak trees. Trenching within protected tree driplines is not permitted. If utility or irrigation lines must encroach upon the dripline, they should be tunneled or bored under the tree under the supervision of an ISA Certified Arborist.

- h. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of the oak trees.
- i. No sprinkler or irrigation system shall be installed in such a manner that it sprays water within the driplines of the oak trees.
- j. Tree pruning that may be required for clearance during construction must be performed by an ISA Certified Arborist or Tree Worker and in accordance with the American National Standards Institute (ANSI) A300 pruning standards and the ISA "Tree Pruning Guidelines".
- k. Landscaping beneath the oak trees may include non-plant materials such as boulders, decorative rock, wood chips, organic mulch, non-compacted decomposed granite, etc. Landscape materials shall be kept two feet away from the base of the trunk. The only plant species that shall be planted within the driplines of the oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.
- l. Any fence/wall that will encroach into the dripline protection area of any protected tree shall be constructed using grade beam wall panels and posts or piers set no closer than 10 feet on center. Posts or piers shall be spaced in such a manner as to maximize the separation between the tree trunks and the posts or piers in order to reduce impacts to the trees.
- m. In the instance where there is not enough room on a work site, 4-inches of new mulch with metal plates or ¾ inch plywood placed over the mulch, will be installed.

In the event that oak trees are severely impacted by trimming and construction activities, or that the oak canopy does not regenerate, the entirety of the oak canopy lost shall be replaced in accordance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4. The applicant shall submit an updated canopy monitoring plan for review by the county. Replacement is subject to intensive to moderate management and 10 to 15 years of monitoring, respectively. The survival rate shall be 90 percent as specified in the approved monitoring plan for the project.

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

- 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.

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

18. Under the 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 to the Community Development Agency / Environmental Management Division and applicable fees paid.

#### **Transportation Division**

19. The driveway will be improved to the satisfaction of the fire department.

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

20. 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 Building Services. (Rules 223 and 223.1)
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.

#### **Pioneer Fire Protection District**

26. Grading and construction permits shall be reviewed by the Pioneer Fire Protection District to ensure that the structure, primary access gate, and surrounding vegetation is constructed and maintained in accordance with the applicable fire safety standards and regulations.
27. All fences will be constructed from non-combustible materials.

### **ADDENDUM**

#### **CONSENT CALENDAR**

3. . **15-1226** Hearing to consider a Findings of Consistency with the El Dorado County General Plan and Bass Lake Hills Specific Plan for a proposed school site acquisition pursuant to California Government Code Section 65402(a) [GOV15-0004/Rescue Union School District School Site Acquisition] on property identified by Assessor's Parcel Numbers 115-040-06 and 115-040-08, consisting of 21 acres, in the El Dorado Hills area, submitted by Rescue Union School District; and staff recommending the Planning Commission find the acquisition of the proposed real property by the Rescue Union School District to be consistent with applicable policies of the General Plan and the Bass Lake Hills Specific Plan. (Supervisory District 1)

Mel Pabalinas presented the item to the Commission with a recommendation to find the item consistent with the El Dorado County General Plan and the Bass Lake Hills Specific Plan.

Commissioner Pratt confirmed that the Commission's jurisdiction was strictly on the compatibility.

David Swart, applicant, provided responses to the written public comment on predicted enrollment and the use of taxpayers' dollars for this acquisition.

Chair Stewart wanted to ensure that any impacts to and from the commercially zoned parcel to the north of the proposed school site were being addressed. Mr. Swart responded that although they were hopeful that the area would be returned to a park that could be jointly used, the District had prepared for that site to remain commercially zoned and, therefore, ensured that their 21-acre site would have safe ingress/egress and to also be able to provide a buffer zone for whatever is adjacent to them.

Mr. Pabalinas indicated that staff would work with all involved applicants to ensure compatibility with the school site.

Chair Stewart closed public comment.

There was no further discussion.

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (4-0), to find the acquisition of the proposed real property by the Rescue Union School District to be consistent with applicable policies of the General Plan and the Bass Lake Hills Specific Plan.**

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

### **ADJOURNMENT**

Meeting adjourned at 9:15 a.m.

**APPROVED BY THE COMMISSION**

Authenticated and Certified:

 11/12/15

Rich Stewart, Chair