

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



**Agenda of:** April 28, 2011  
**Item No.:** 8.b  
**Staff:** Tom Dougherty

**FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT**

**FILE NUMBER:** S05-0018/Cellular Tower Facility-Pollock Pines  
**APPLICANT:** Verizon Wireless  
**AGENT:** Complete Wireless Consulting, Inc., Andrew Lesa  
**REQUEST:** Request for a five-year review of an existing cellular telecommunications facility.  
**LOCATION:** On the south side of Pony Express Trail, approximately 1,910 feet east of the intersection with Blair Road, in the Pollock Pines area, Supervisorial District 2. (Exhibit A)  
**APN:** 101-201-80  
**ACREAGE:** 2.12 acres  
**GENERAL PLAN:** Multifamily Residential (MFR)  
**ZONING:** Tourist Residential (RT)  
**ENVIRONMENTAL DOCUMENT:** Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following action:

1. Find that the project is Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines;
2. Find that for this five-year review period, upon satisfaction of revised Condition #5, the existing telecommunications facility can be found to be in substantial conformity with the Conditions of Approval for Special Use Permit S05-0018 as listed in Attachment 1; and
3. Revise Conditions #5 and #8 as shown in Conditions of Approval in Attachment 1.

**BACKGROUND:** Special Use Permit S05-0018 was approved by the Planning Commission on January 12, 2006. The following is the approved project description:

*Construction and operation of a new wireless communications facility. Construction includes 12 panel antennas to be placed on a 120 foot tower designed to resemble a pine tree, often called a monopine, with associated ground support equipment, within a 30 by 50 foot lease area on the Choi property at the 3,874-foot elevation above sea level at 5940 Pony Express Trail in Pollock Pines. The antennas will be located 110 feet up from ground level. The antennas will be painted green and the tower will be painted flat brown and faux bark covering it up to 47 feet. The branches start at 42 feet above ground level. The tower will accommodate four total carriers with the potential that each one can place 12 antennas. The 1,500 square foot lease area is to be surrounded by a six-foot-high chain-link fence with barbed wire atop for security, along with a 12-foot entrance closed by two six-foot gates. Utilities will be trenched from existing receptacles to the lease area along an existing parking area just south of the existing motel and the existing 20-foot wide access and utility easement along the eastern parcel boundary. A fire district approved hammerhead-type turnaround is to be provided at the lease area.*

*Access to the site is provided off of Pony Express Trail to an access easement on a 530-foot driveway which dead ends into a hammerhead design at the site.*

*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.*

The antennas and related ground support equipment installation was finalized on December 4, 2007 with Building Permit 172637.

**Five-Year Review-Site Inspection:** A staff site visit on March 15, 2011 found the antennas and ground support equipment were constructed pursuant to the approved plans. Staff found that the antennas and ground support equipment were built in substantial compliance to what was approved, however excessive erosion is occurring upon the access driveway. Site visit photographs are included as Exhibit E.

Condition 5 of the Special Use Permit required that the applicants maintain the project components as approved. Condition 5 reads as follows:

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.*

Planning staff is recommending that the erosion damage to the access driveway be repaired as described below and as shown in ~~strikeout~~ and underline in Attachment 1:

5. All improvements associated with the communication facility, including equipment shelters, antennae, fencing, and access driveway surfacing and drainage 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. The gravel driveway shall be maintained in a dust free and erosion controlled

condition at all times. Proof that the access driveway surfacing and drainage problems have been corrected shall be received by Planning Services within 60 days from the end of the ten-day appeal period for the April 28, 2011 hearing approval.

Condition 8 of the Special Use Permit required a five-year review by the Planning Commission. Planning staff is recommending that the next five-year review be performed at staff level as described below and as shown in ~~strikeout~~ and underline in Attachment 1:

*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.*

**CONCLUSION:** It is the opinion of Staff that at the time of the five-year review period site inspection, the cell tower facility is currently not in substantial conformance with the conditions of approval. Upon satisfaction of the said project revised Condition 5, the project will have complied with the Conditions of the Special Use Permit.

**ENVIRONMENTAL REVIEW:** Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1.....	Conditions of Approval
Exhibit A.....	Location Map
Exhibit B.....	Approved Site Plan and Elevations (six pages)
Exhibit C.....	Approved Photo Simulations (two pages)
Exhibit D.....	Applicant Supplied Conformance Documentation and Site Photos (eight pages)
Exhibit E.....	Planning Services Site Visit Photographs (two pages)
Exhibit F.....	Aerial Photo Map

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit S05-0018/Cellular Tower Facility-Pollock Pines Planning Commission/April 28, 2011

#### 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:

Construction and operation of a new wireless communications facility. Construction includes 12 panel antennas to be placed on a 120 foot tower designed to resemble a pine tree, often called a monopine, with associated ground support equipment, within a 30 by 50 foot lease area on the Choi property at the 3,874-foot elevation above sea level at 5940 Pony Express Trail in Pollock Pines. The antennas will be located 110 feet up from ground level. The antennas will be painted green and the tower will be painted flat brown and faux bark covering it up to 47 feet. The branches start at 42 feet above ground level. The tower will accommodate four total carriers with the potential that each one can place 12 antennas. The 1,500 square foot lease area is to be surrounded by a six-foot-high chain-link fence with barbed wire atop for security, along with a 12-foot entrance closed by two six-foot gates. Utilities will be trenched from existing receptacles to the lease area along an existing parking area just south of the existing motel and the existing 20-foot wide access and utility easement along the eastern parcel boundary. A fire district approved hammerhead-type turnaround is to be provided at the lease area.

Access to the site is provided off of Pony Express Trail to an access easement on a 530-foot driveway which dead ends into a hammerhead design at the site.

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.

2. 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 matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.
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 four proposed carriers installs no more than 12 panel antennas per

carrier are placed on the mono-pine, and there shall not be any increase in the overall height of the tower and branches.

5. All improvements associated with the communication facility, including equipment shelters, antennae, ~~and fencing, and access driveway surfacing and drainage~~ 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. The gravel driveway shall be maintained in a dust free and erosion controlled condition at all times. Proof that the access driveway surfacing and drainage problems have been corrected shall be received by Planning Services within 60 days from the end of the ten-day appeal period for the April 28, 2011 hearing approval.
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.
7. All obsolete or unused communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Planning Department at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition.
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 five year 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.~~

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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:

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- (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.

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.

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

11. The applicant shall be subject to a site plan review fee of \$150.00. The site plan review fee shall be due to the District prior to commencement of any work performed.
12. The applicant shall install a minimum 12-foot wide all weather access road 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. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
13. The applicant shall provide a Fire District approved turn-a-round within 50 feet of the project site. As an alternative to a turnaround, the applicant may install a clean agent system in the equipment shelter. The system shall be approved by the Fire District prior to issuance of the building permit.
14. The applicant shall provide high priority Knox access padlock for emergency access through the 12-foot gate and into the fenced enclosure site. The gates shall comply with the Fire Prevention Officer's standard. The El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
15. Vegetation control is required at site.

#### **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 (PM10)

in the form of dust, 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).
18. 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 the back up generator or any other 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.