

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



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

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

**FILE NUMBER:** S05-0028/Cellular Tower Facility-Cameron Park  
**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 north side of Lariat Drive, approximately 754 feet west of the intersection with Flying C Road, in the Cameron Park area, Supervisorial District 2. (Exhibit A)  
**APN:** 109-250-45  
**ACREAGE:** 4.67 acres  
**GENERAL PLAN:** Low Density Residential (LDR)  
**ZONING:** Estate Residential Five-Acre (LDR)  
**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, the existing telecommunications facility is not found to be in substantial conformity with the Conditions of Approval for Special Use Permit S05-0028 as listed in Attachment 1 and direct that the applicant bring the facility into conformance within 60 days in accordance with revised Condition #2; and
3. Revise Conditions #2 and #8 as shown in Conditions of Approval in Attachment 1.

**BACKGROUND:** Special Use Permit S05-0028 by the Planning Commission on February 23, 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 an 85 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 Harris property at the 1,353-foot elevation above sea level at 3011 Lariat Drive in Cameron Park. The antennas will be located 75 feet up from ground level, and two microwave dishes will be located at 69 feet and 62 feet. The antennas shall be painted green or covered by antenna socks and the tower will be painted flat brown and faux bark covering it up to 40 feet. The branches start at 35 feet above ground level. The tower will accommodate one or two more carriers, because of the microwave dishes, 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 brown slats put on the fence and with barbed wire atop for security, along with a 12-foot entrance closed by two 6-foot gates. A fire district approved hammerhead-type turnaround is to be provided at the point in the access drive where it turns north around the Sprint PCS lease area, at approximately 275 feet from the edge of the non-exclusive road easement on the Flying C Road cul de sac.*

*Access to the site is provided directly off of Flying C Road along a 15-foot wide access easement on a 490-foot graveled driveway which dead ends into 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 ground support equipment had been constructed pursuant to the approved plans but not the antennas had lost the majority of their “sock” coverage and that there were no limbs above the antennas giving the tower a flat-topped, bottle brush appearance. Site visit photographs are included as Exhibit E.

Conditions 1 and 2 of the Special Use Permit required that the applicants maintain the project components as approved. Those conditions read as follows:

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

Planning staff is recommending that the branches at the top of the tower be re-installed above the antennas consistent with the approved photo simulations, and the antenna sock coverings be replaced to provide full antenna surface coverage. Staff further recommends that Condition 2 be revised as described below and is shown in ~~strikeout~~ and underline in Attachment 1;

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D. Proof that the branches have been installed at the top of the tower consistent with the original approved photo simulations, and that new antenna “sock” coverings have been installed on all antennas, shall be received by Planning Services within 60 days from the end of the 10-day appeal period for the April 28, 2011 Five-Year Review 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 2, 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 (three pages)
- Exhibit D.....Applicant Supplied Conformance Documentation and Site  
Photos (six pages)
- Exhibit E.....Planning Services Site Visit Photographs (two pages)
- Exhibit F.....Aerial Photo Map

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit S05-0028/Cellular Tower Facility-Cameron Park 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 85 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 Harris property at the 1,353-foot elevation above sea level at 3011 Lariat Drive in Cameron Park. The antennas will be located 75 feet up from ground level, and two microwave dishes will be located at 69 feet and 62 feet. The antennas shall be painted green or covered by antenna socks and the tower will be painted flat brown and faux bark covering it up to 40 feet. The branches start at 35 feet above ground level. The tower will accommodate one or two more carriers, because of the microwave dishes, 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 brown slats put on the fence and with barbed wire atop for security, along with a 12-foot entrance closed by two 6-foot gates. A fire district approved hammerhead-type turnaround is to be provided at the point in the access drive where it turns north around the Sprint PCS lease area, at approximately 275 feet from the edge of the non-exclusive road easement on the Flying C Road cul de sac.

Access to the site is provided directly off of Flying C Road along a 15-foot wide access easement on a 490-foot graveled driveway which dead ends into 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. Proof that the branches have been installed at the top of the tower consistent with the original approved photo simulations, and that new antenna "sock" coverings have been installed on all antennas, shall be received by Planning Services within 60 days.
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 and approval 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 proposed carriers installs no more than 12 panel antennas per carrier on the monopine and that there shall not be any increase overall height of the tower and branches.
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.
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 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.
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.~~

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.

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.

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

12. 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.
13. The applicant shall remove vegetation along the access road to the project to meet Fire Safe standards (10 feet back from the road edge on each side).
14. 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.
15. The applicant shall provide high-priority "Knox" box on the shelter with keys for emergency access. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
16. The applicant shall provide a low-priority "Knox" padlocks on any road or security fence gates. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
17. All gates shall be two feet wider than the access road width and allow for Fire District access.
18. The applicant shall post a 12-inch address sign at the entrance on Flying C Road.

19. Additional requirements may be necessary.

**El Dorado County Environmental Management Department/Hazardous Materials Division**

20. Under the 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.

**Pacific Gas and Electric (PG&E)**

21. There shall be a minimum 30-foot separation between the monopine tower subject to this permit and the center of PG&E's nearest line of poles.

**El Dorado County Department of Transportation**

22. An encroachment permit shall be required for an improved entrance onto Flying C Road.