

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



<b>Agenda of:</b>	June 9, 2011
<b>Item No.:</b>	8.a
<b>Staff:</b>	Gina Paolini

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

**FILE NUMBER:** S05-0026/Telecommunications Facility-Strickland Mine Road

**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 west side of Strickland Mine Road, approximately 3,450 feet west of the intersection with El Dorado Road, in the El Dorado area, Supervisorial District 3. (Exhibit A)

**APN:** 329-020-28

**ACREAGE:** 5.0 acres

**GENERAL PLAN:** Low Density Residential (LDR)

**ZONING:** Estate Residential Five-Acre (RE-5)

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

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

1. Find that the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule of CEQA-There is no possibility that the activity will have a significant effect on the environment);
2. Approve the Conditions of Approval for Special Use Permit S05-0026 as revised by staff and listed in Attachment 1; and

3. Find that for this five-year review period, the telecommunication facility is found to be in substantial conformity with the Conditions of Approval for S05-0026.

## BACKGROUND

The Planning Commission approved Special Use Permit S05-0026 on January 26, 2006. The project as approved consisted of a 69-foot steel monopole with up to 12 panel antennas. The pole and ground equipment were to be within a 40 by 50-foot lease area to be enclosed by a 6-foot tall chain link fence.

Building Permit No. 172634 was issued for the Verizon Wireless cellular tower on November 27, 2006. The permit was finalized on April 7, 2011.

Condition No. 10 of the approved Conditions of Approval required a five-year review of the facility. The Conditions of Approval for Special Use Permit S05-0026 have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been complied with (Exhibit B).

## STAFF ANALYSIS

**Condition Modification:** Condition No. 10 of the Special Use Permit required a five-year review by the Planning Commission as follows:

10. *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 of 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.*

To streamline future reviews, staff is recommending that the Planning Commission revise Condition No. 10 to permit future five-year reviews to be completed at staff-level. Condition No. 10 would be replaced by the following 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.*

Staff has also identified other minor corrections and changes to the conditions. These are shown in strikeout and underline in Attachment 1.

**Five Year Review:** Based on review of building permits and project conditions, it is the opinion of staff that the project site is in compliance with the Conditions of Approval.

## **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  
Attachment 2 .....Findings

Exhibit A .....Location Map  
Exhibit B .....Applicant's Statement of Use Permit Compliance  
Exhibit C .....Site Photographs

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

**Special Use Permit S05-0026/Telecommunications Facility-Strickland Mine Road  
Planning Commission/June 9, 2011**

### **El Dorado County Planning Services**

1. This Special Use Permit approval is based upon and limited to compliance with the 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:

Issuance of Special Use Permit S05-0026 for a 69-foot steel monopine with up to 12 panel antennas mounted at a centerline of 60 feet and 2 future microwave dish antennas mounted at a centerline of 52 feet located at 5101 4041 Strickland Mine Road. The 6 panel antennas would be placed in 3 groups of 2 and would be located on a triangular mounting structure. The antenna panels are approximately 6.1 to 8.1 inches wide, 47.4 to 48.2 inches long and 4.1 to 5.7 inches deep. All antennas are to be made of non-reflective materials. The pole and faux bark on the monopine will be painted a flat brown color.

This special use permit authorizes Verizon Wireless to place the monopine and ground equipment within a 40- by 50-foot lease area to be enclosed by a 6-foot high chain link fence. The equipment for the facility would include a 240-square foot equipment shelter, two air conditioning units, an emergency back up generator, and electrical and telco connections. A global positioning system (GPS) antenna would be mounted to the equipment shelter to provide for communication between the wireless facility and low-orbiting satellites and a 300-watt light mounted near the entrance to the equipment shelter. The facility would be connected to land-based electrical and telephone utilities located on a nearby joint-utility pole. There would be a 12-foot-wide gate, with a high priority security Knox padlock on the enclosure.

Access to the site is provided from Strickland Mine Road to a paved driveway and a dirt road. Modifications have been required to accommodate fire apparatus per fire department conditions of approvals.

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

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in

compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

## **MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION**

2. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Deputy Director of Planning shall be on-call. 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 the on-call 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 appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

**MONITORING:** Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

3. 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. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

**MONITORING:** Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

## **PROJECT SPECIFIC CONDITIONS**

4. All site improvements shall conform to the site plan attached as Exhibit D and elevations shown on Exhibit E.
5. 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.
6. 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 no more than 12 panel antennas are placed on the monopole at any one time, with no increase in height.

7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent. A self timer will be required to be installed for the 300-watt light.
8. 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.
9. 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.
10. ~~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 of 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.

11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

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

- ~~11~~12. The applicant shall obtain a building permit from the El Dorado County Building Services for the project facilities prior to the commencement of construction.

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

- ~~12~~13. The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, prior to issuance of a building permit.

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

- ~~13~~14. The applicant shall comply with the following requirements of the Diamond Springs/El Dorado Fire Protection District which include but shall not be limited to:
- a. The applicant shall meet with the District to determine for easy access by fire and emergency apparatus during incidents that occur at the building.
  - b. The project shall comply with all building and California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the Fire District prior to issuance of a building permit.

- c. Fire flow to the building is 1,000 GPM for duration of two hours at 20 psi. This may require a new fire hydrant to be installed. Fire hydrant placement shall be approved by the Fire District.
  - d. Knox Box with keys for emergency access shall be installed per District requirements to be monitored with electrical shunt. The Fire District shall verify the installation of the security system prior to final inspection of the facility.
  - e. Fire apparatus access road shall be provided within 150 feet to all portions of the building.
  - f. Additional requirements may be necessary once a full set of plans are submitted to this district for review.
- ~~1415.~~ 1415. If the road is damaged by construction activities, the road will be repaired to its present condition. Planning staff ~~will~~ shall verify prior to issuance of final building permit sign off.



## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S05-0026/Telecommunications Facility-Strickland Mine Road Planning Commission/June 9, 2011**

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

#### **1.0 CEQA FINDINGS**

- 1.1 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.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.