

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



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

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

**FILE NUMBER:** S05-0027/Telecommunications Facility-Pinnacle Court

**APPLICANT:** Verizon Wireless

**AGENT:** Complete Wireless Consulting, Inc., Andrew Lesa

**REQUEST:** Five-year review of an existing cellular telecommunications facility.

**LOCATION:** East side of Pinnacle Court, approximately one-fourth mile east of the intersection of Artesia and Shingle Springs Road, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

**APN:** 319-110-13

**ACREAGE:** 5.0 acres

**GENERAL PLAN:** Low Density Residential-Important Biological Corridor (LDR-IBC)

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

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

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

1. Find 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 S05-0027 as revised by staff and listed in Attachment 1; and
3. Find that for this five-year review period, the telecommunications facility is found to be in substantial conformity with the Conditions of Approval for S05-0027.

## BACKGROUND

The Planning Commission approved Special Use Permit S05-0027 on April 13, 2006. The project as approved consisted of a 60-foot monopine with up to 12 panel antennas. The pole and ground equipment were to be within a 30 by 150-foot lease area.

Grading Permit No. 179379 was issued for the site on March 30, 2007 and was finalized on August 3, 2007. Building Permit No. 173814 was issued for the Verizon Wireless cellular tower on March 30, 2007. The permit was finalized on August 10, 2007.

Condition No. 17 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.17 of the Special Use Permit required a five-year review by the Planning Commission as follows:

17. *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. 17 to permit future five-year reviews to be completed at staff-level. Condition No. 17 would be replaced by the following:

*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:** A site visit was conducted on December 9, 2010 to verify site conditions of all cellular facilities located on the subject site. Based on the site visit, 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  
and Site Photographs

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit S05-0027/Telecommunications Facility-Pinnacle Court  
Planning Commission/June 9, 2011

### Development Services Department-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~~ shall constitute a violation of permit approval.

The project description is as follows:

A special use permit to construct a 60-foot tall monopine wireless communications facility with 12 antennas and two future microwave dishes. A 240 square foot equipment shelter and emergency back-up generator are proposed to be located within a 30-foot by 50-foot ground lease area at the base of the monopine.

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. District Rule 223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan for the proposed project.

3. Burning of wastes that result from "Land Development Clearing" must be permitted through the Air Quality Management District. Only vegetative waste material may be disposed of using an open outdoor fire. (Rule 300)

Monitoring: Prior to the burning of wastes for “land development clearing,” the Air Quality Management District shall review and permit such activity.

4. Project construction involving the application of architectural coating shall adhere to District Rule 215 regarding Architectural Coatings.

Monitoring: The Air Quality Management District shall ensure adherence to Rule 215 during the construction process.

5. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the Air Quality Management District. Submittal of applications shall include facility diagrams(s), equipment specifications and emission factors.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve any applications for new point source emission units or non-permitted emission units.

6. 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.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any item of historical or archaeological interest and only allow grading activities to continue once the issue has been resolved.

7. 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.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any human remains on the project site and only allow grading activities to continue once the issue has been resolved.

8. The project shall be modified, including the construction of a fire safe turnaround area, as necessary, to incorporate the requirements required by the El Dorado County Fire

Protection District and shall be reviewed and approved by the El Dorado County Fire Protection District prior to the issuance of a building permit.

Monitoring: The El Dorado County Fire Protection District shall review and approve the project prior to building permit issuance to ensure compliance with all District regulations.

9. Grading and construction activities on the site shall be limited to daylight hours from 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM Saturday. No construction or grading activities shall take place on Sundays or holidays.

Monitoring: Department of Transportation shall investigate any noise complaints received regarding the occurrence of grading and construction activities in violation of the mitigation measure discussed above.

10. Only equipment with properly maintained mufflers shall be used during construction.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment maintenance during project construction.

11. Construction equipment shall not idle on the property (construction site) when not in active use.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment use and potential air quality impacts during project construction.

## **PROJECT SPECIFIC CONDITIONS**

12. All site improvements shall conform to the site plans attached as Exhibit D.
13. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground mounted equipment is located within the existing leased area and provided that no more than ~~four~~ 12 antennas are placed on the pole at any one time with no increase in height.
14. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
15. All improvements associated with the communication facility, including equipment shelters, towers, antenna and fencing shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent. Prior to final occupancy, the color of the tree pole foliage shall be painted to match the foliage of the surrounding trees within the project area. The tree pole structure shall also be painted in a manner which matches the tree trunks of the existing trees in the project vicinity.

16. 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.
17. ~~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.

18. Prior to final occupancy, a sign conforming with ANSI C95.2 color, symbol and content, and other markings as appropriate, should be placed close to the antennas with appropriate contact information in order to alert maintenance or other workers approaching the antenna to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits.

19. The leased area is to be enclosed by a six-foot tall slatted chain link fence prior to final occupancy.
20. Except during unanticipated emergency situations, the generator shall run only one hour per week between the hours of 7:00 AM and 7:00 PM for routine maintenance purposes.
21. 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 Fire Protection District**

- ~~2122~~. Prior to building permit issuance, the applicant shall submit a site plan review fee of \$150.00 to the El Dorado County Fire Protection District.
- ~~2223~~. Prior to final occupancy, fire access shall be provided to meet fire safe standards.
- ~~2324~~. Prior to final occupancy, the site address shall be posted on Pinnacle Court at a minimum of 12 inches in size.
- ~~2425~~. A minimum 12-foot wide all weather access road to within 50 feet of the equipment shelter shall be provided prior to final occupancy.
- ~~2526~~. Those sections of the existing access road that do not meet 40-foot required turning radius must be widened to 20-feet prior to final occupancy, as determined by the El Dorado County Fire Protection District.
- ~~2627~~. All equipment and debris currently blocking the access gate shall be removed prior to final occupancy.
- ~~2728~~. Prior to final occupancy, the applicant shall confirm that a “Knox” padlock is on the gate and a “Knox Box” is on any equipment shelters at the subject site.
- ~~2829~~. Prior to final occupancy, a Fire District approved turnaround area shall be constructed at the project site.
- ~~2930~~. All project access roads shall have 13-foot 6-inch tall vertical clearance and be capable of supporting a 40,000 pound load prior to final occupancy.



~~3031~~. Road grades shall not exceed 16 percent prior to final occupancy.

~~3132~~. All project gates shall comply with Fire Prevention Officer's standard as determined by the El Dorado County Fire Protection District.

**El Dorado County Environmental Management Department**

~~3233~~. Under the Certified Unified Program Agency (CUPA) programs, if the operations 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 Environmental Management Department and applicable fees paid.

**Air Quality Management District**

~~3334~~. Prior to the start of project construction, an asbestos dust mitigation plan application shall be submitted to and approved by the Air Quality Management District.

~~3435~~. Any project road construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County Ordinance concerning asbestos dust.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S05-0027/Telecommunications Facility-Pinnacle Court 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.