

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



Agenda of:	June 9, 2011
Item No.:	8.d
Staff:	Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S11-0002/AT&T Telecommunications Tower–Rolling Hills Church

APPLICANT: AT&T

AGENT: Lyle Company-Pat Kelly

ENGINEER: PDC Corporation

PROPERTY OWNER: Rolling Hills Christian Church

REQUEST: Special Use Permit to allow the construction of a wireless telecommunication facility consisting of 12 panel antennas mounted inside the top of a proposed 65-foot high faux church bell tower and a ground equipment shelter enclosed by a new 9-foot tall concrete block wall.

LOCATION: On the southeast side of White Rock Road, approximately 0.5 mile southwest of the intersection with Latrobe Road, in the El Dorado Hills area, Supervisorial District 2. (Exhibit A)

APN: 117-010-03 (Exhibit B)

ACREAGE: 11.32 acres

GENERAL PLAN: Carson Creek Specific Plan-Residential (CC-SP) (Exhibit C)

ZONING: Carson Creek Single Family (6,000 square-foot minimum) (CC-6K) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S11-0002 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Background: The Rolling Hills Church was approved as part of Design Review DR00-0016 by the Planning Commission on December 14, 2000. This approval allowed a three phase development plan for the construction of a church facility consisting of a 23,850 square-foot multi-use building, a 24,000 square-foot sanctuary building (Phase 2), and a 4,125 square-foot administrative building (Phase 3). Included in the approval were 555 parking spaces, landscaping and signs. The tallest of the buildings approved was the sanctuary building at 30-feet tall.

Special Use Permit S03-0035 approved on May 13, 2004 authorized an expansion of the church to include educational uses and events, and construction of an additional building and parking area. That approval changed the DR00-0016 approval-eliminated the Phase 2 and 3 buildings and replaced them with one 47,410 square-foot sanctuary building to house administrative offices, an assembly space for 1,500 people, Sunday school rooms, coffee room and resource center. It also allowed the expansion of the Phase 1 multi-use building to 24, 865 square feet and a total of 965 total parking spaces for the entire project area. The tallest portion of the sanctuary building is approximately 42-feet tall.

The subject 65-foot tall AT&T telecommunications tower proposed for the church site was submitted February 24, 2011 and deemed complete for distribution on February 28, 2011.

Project Description: Construction of a wireless telecommunication facility consisting of 12 panel antennas mounted inside a proposed 65-foot tall, three-sided faux church “bell tower;” supported by 3, 20-inch wide square pole supports. The faux “bell tower” 10-foot tall top band portion would shield the antennas from view. The lower matching band would be 3-feet wide and is for structural support. An 11.5-foot by 20-foot ground equipment shelter would house 11 equipment cabinets and associated equipment. The 10-foot, 6-inch tall equipment shelter would be located behind a 9-foot tall Concrete Masonry Unit (CMU) block enclosure, stuccoed with a textured, aggregate sealer and painted to match the existing church buildings. The three, 20-inch minimum, square metal legs to support the tower would be located outside the walled area. Two air conditioning units are proposed to be mounted on the outside of the rear of the equipment enclosure, and no generator is proposed to be installed. The lease area enclosure would be accessed through one 4-foot wide gate, and one sconce-type light would be mounted above the equipment shelter door. A GPS antenna is proposed to be mounted on the roof top of the concrete shelter building. The total lease area for those structures is proposed to measure 20-feet by 57 feet. (Site plans and elevations as Exhibits E-1, E-2, E-4, and E-5).

Access to the project would be provided by a proposed 12-wide easement along an existing asphalted driveway to be shared with the existing church facility. The access would begin at White Rock Road and travel east and then south behind the rear of the existing facilities to the proposed project lease area. There would be a parking space located by the walled project enclosure for parking and turnaround. The project proposes to require the utilization of three existing parking spaces. Review of the Special Use Permit approved for the church facility revealed that project had provided more parking spaces than required at that time and the loss of three would appear to be a less than significant change.

Approximately 60 feet of trenching would be required to underground the electric and telephone wires from the existing electrical transformer and telephone/data service boxes. They are located to the west of the proposed lease area, within the landscape area by the existing classroom building. The trench would be located within a proposed three-foot wide utility easement as shown in the attached Exhibit E-2.

Site Description: The site is located on an 11.32-acre parcel that is located at the 600-foot elevation above sea level. There is an existing church facility that is comprised of two buildings, totaling 71,310 square feet, asphalted parking areas with room for 965 parking spaces, with associated landscape trees, shrubs, grass areas, and pole lighting. The tallest portion of the two buildings is approximately 42 feet above ground level. The site is relatively flat and has been entirely developed with no natural, pre-facility land features or elements. The proposed project lease area is currently asphalted with concrete curbing and includes one “island” in the asphalt containing one landscape tree.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CC-6K	CC-SP	Residential/Rolling Hills Christian Church facility.
North	R1A	MDR	Residential/Single-family residences across White Rock Road.
South	CC-6K	CC-SP	Residential/Single-family residences (Four Seasons subdivision, age restricted).
East	R&D	R&D	Research and Development/various retail and service businesses (El Dorado Hills Business Park).
West	R1	HDR	Residential/Single-family residences, Shadow Hills Estates and Springfield Meadows Subdivisions across White Rock Road.

Discussion: The surrounding parcels are designated for residential and research and development-type uses by the General Plan. The closest residential structure on a surrounding parcel is located approximately 180 feet to the south of the lease area measured by air photo. All parcels to the east and south are located behind an existing 6-foot tall CMU block wall and are located lower in elevation than the proposed project lease area. The ground equipment would be shielded from the residential parcels north and west of White Rock Road by the existing buildings. (See Exhibits J-1 and J-2).

Project Issue: The primary discussion item for this project includes aesthetics.

Aesthetics: The proposed ground equipment fenced lease area within the project site would not be readily visible from surrounding residences and businesses; however the top of the faux “bell tower,” the lower structural band and upper support legs would be visible. The tower is designed to blend in with the existing church facility buildings in colors and materials. The 65-foot tower would extend approximately 23 feet higher than the tallest church facility building, but is designed and conditioned to resemble a church bell tower in an attempt to further blend with the existing church facilities.

The applicant is proposing to place equipment cabinets and support equipment within a building to be surrounded by a proposed nine-foot-tall CMU block enclosure located within a 20 by 30-foot portion of the lease area. The three tower legs would be placed in an area outside that wall adjacent to it on the south side within a 26.5 by 20-foot portion of the lease area. The total lease area is proposed to measure 20 feet by 57 feet. As illustrated in the photo simulations, site plan and elevations, the tower and ground equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing church facility structures.

The ground equipment will further be screened from views from the El Dorado Hills Business Park parcels to the east, as well as the existing residences within Four Seasons subdivision to the south, by an existing six-foot tall concrete block wall along those parcel perimeter areas. Further, as previously stated, those parcels are lower in elevation than the church parcel. The three support legs and top of the proposed tower would be partially visible from various locations in all directions. Zoning Ordinance Sections 17.14.210 F & G require screening in order to reduce the aesthetics impacts to a less than significant level. The project has been designed to address those requirements. As conditioned, and with strict adherence to applicable County Code, impacts to aesthetics are anticipated to be reduced below a level of significance.

General Plan: The adopted Carson Creek Specific Plan (CC-SP) is the General Plan land use map for the project area. The project site is designated by CC-SP for residential uses. The policies and issues that affect this project are discussed below:

Support Uses in Residential Areas: **Policy 2.2.5.9** states that *the County recognizes the need to allow for certain types of extended family support services and institutional uses in areas in which residential uses are allowed on the General Plan land use map. This policy recognizes the need to provide for support services to both the urban and rural residential areas throughout the County. While allowing for the establishment of such support services, this policy will protect the residential areas by only allowing the establishment of such support services with a special use permit. This will require a finding that the establishment of the uses will have no significant adverse effect on surrounding property or the permitted uses thereof.*

Discussion: The CC-SP specifically recognizes Policy 2.2.5.9 and allows *uses which are recognized to be consistent with this policy are those that provide a direct service to the family and/or community and include cemeteries, community and group meeting centers, fire stations, libraries, public utility facilities, other public facilities, and recreational facilities.* A cellular telecommunications facility is considered to be a public utility facility, though owned privately.

Land Use Compatibility: **Policy 2.2.5.21** directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.

Consistent: The proposed communications tower facility would add to regional cellular communications coverage to meet increasing demand for wireless facilities. In addition, the project is designed to improve the ability for emergency service providers to improve their communication capabilities which would be considered a benefit of the proposed project. With an approved Special Use Permit, the project would be compatible and consistent with the CC-SP land use designation for residential uses. The project has been designed to minimize the visual effects on adjacent properties, as directed by Section 17.14 of the Zoning Ordinance. All facility components would be painted to match the existing buildings. As proposed and conditioned the “bell tower” communications tower would consistent with General Plan Policy 2.2.5.21.

Special Use Permit Required: **Policy 5.6.1.4** states that *Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.*

Discussion: The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. The project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would be consistent with the General Plan.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.

Discussion: The proposed project plans were reviewed by the El Dorado Hills Fire Department. The Fire Department found that the plans showed the project would meet the minimum Fire Safe standards for the access road and turnaround capacity at the lease area site. The Fire Department has no outstanding concerns with the project. Therefore, the project would be in compliance with the General Plan Policy.

Noise Impacts: **Policy 6.5.1.2** states that *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.* Policy 6.5.1.7 states 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.*

Discussion: Routine maintenance visits would occur once a month. Changes in traffic-generated noise levels along White Rock Road with the addition of the maintenance vehicle(s) would not be measurable. The project includes two air conditioners mounted externally on the equipment shelter. The equipment shelter would be contained within the surrounding proposed nine-foot tall concrete block wall for additional noise buffering. A noise specification sheet was submitted

for the air conditioners which showed the noise levels of the proposed units would not exceed the noise limits of 55 dB at the property line within a community region at night, as required by Table 6-2 of the General Plan. The closest residential structure on a surrounding parcel is located approximately 180 feet to the south of the lease area measured by air photo. The project would be compliant with General Plan noise standards.

Conclusion: The project has been reviewed in accordance with the 2004 General Plan policies, and it has been determined that it is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The parcel is zoned Carson Creek Single Family (6,000 square-foot minimum) (CC-6K). The project would occur entirely within the CC-6K designated portion.

County Code permits wireless communication facilities in all districts with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210(D) of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided project narratives explaining the project details, potential benefits to the community, and site selection which are provided in attached Exhibits G and H.

Special Use Permit Request: To comply with County requirements, the project has been designed with the potential for a multi-carrier facility for future collocation, should the tower meet other carrier's requirements. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment at least once or twice a month to ensure proper performance of the facility.

Pursuant to County Code Section 17.14.210(D)(5)(b), wireless facilities are permitted upon approval of a Special Use Permit. The Carson Creek Specific Plan, Chapter 4, Section 4.4 (CC-6K Zone District) *public utilities buildings and structures other than distribution and transmission lines* would be permitted with an approved Special Use Permit from the Planning Commission.

Section 17.22.540 (A) requires the Planning Commission to make the following findings prior to approval of a Special Use Permit:

1. The issuance of the permit is consistent with the General Plan;
2. The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

Discussion: The project, as proposed and conditioned, would be designed to minimize its effects on the surrounding uses. After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.210 F and G of the County Code. It can be found that the use would provide a benefit to the area by improving cellular service for phone, internet and emergency communications.

Design and Development Standards:

Section 17.14.210(B) of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. Below is an analysis of these standards.

1. *Communication service providers are, therefore, encouraged to:*
 - a. *Employ all reasonable measures to site their antenna equipment on existing structures as façade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;*
 - b. *Work with other service providers and planning staff to collocate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location thereby reducing the number of sites countywide;*
 - c. *Develop communication facilities (i.e. tower companies) with commitments from licensed carriers.*

Discussion: The applicants supplied an *Alternative Site Analysis*, copy included in the attached Exhibits, that looked at three potential locations in the. As discussed in the applicant's project description (Exhibit H), the tower is proposed in order to allow wireless communication to provide in-building (residential and businesses) coverage in the south El Dorado Hills area. Another goal is to create one structure that could potentially accommodate other wireless users serving the area. The supplied analysis and found the subject project site to be the most optimum to achieve their needed coverage area.

Section 17.14.210(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

Development Standards: Section 17.14.210(E) thru (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. **Visual:** The project provides photo-simulation to adequately reflect the changes that are being requested under this action. The photo-simulation would be used during the plan check permit process to ensure that the project adequately reflects approval of the Planning Commission and as part of the exhibits approved with the application. Photo-simulations of the wireless facility are included as Exhibits F-1 to F-3.
- F. **Development Standards:**
 1. **Screening:** The applicant is proposing to place equipment cabinets and support equipment within a building to be surrounded by a proposed nine-foot-tall concrete CMU block enclosure located within a 20 by 30-foot portion of the lease area. The three tower legs would be placed in an area outside that wall adjacent to it on the south side within a 26.5 by 20-foot portion of the lease area. As illustrated in the photo simulations, site plan and elevations, the tower and ground

equipment are designed to standards set by Zoning Code Section 17.14.210 to blend with the existing church facility structures.

The ground equipment will further be screened from views from the El Dorado Hills Business Park parcels to the east, as well as the existing residences within Four Seasons subdivision to the south, by an existing six-foot tall concrete block wall along those parcel perimeter areas. Further, as previously stated, those parcels are lower in elevation than the church parcel. The three support legs and top of the proposed tower would be partially visible from various locations in all directions.

2. **Setbacks:** CC-6K Zone District requires 15-foot rear setback from the south property. The submitted site plan shows the project meets the setback requirement for the screening wall and tower support legs.
 3. **Maintenance:** Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the equipment building, ground support equipment, concrete block enclosure wall, tower support columns, tower support and screening bands, be maintained at all times and consistent with the features depicted in the visual simulations and elevations. A Condition of Approval has been included requiring the maintenance of the facility.
- G. **Radio Frequency (RF) Requirements:** Section 17.14.210(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). A *Radio Frequency (RF) Analysis* dated January 25, 2011 was submitted for the project. Using the FCC's recommended equation for calculating the expected RF field strength, the maximum power for a typical Metro PCS configuration was calculated for a person at six feet above the ground elevation, watts ERP, and found to be less than 1.4 percent of the existing standard for general population uncontrolled exposure. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions.
- H. **Availability:** Section 17.14.210(H) of the County Code requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been conditioned to allow continued co-location at this facility, with approval of a revision to a Special Use Permit reviewed by either the Zoning Administrator or the Planning Commission, as determined by the Development Services Director. Pursuant to the agent for the applicants, whether or not any collocations at all could occur would depend on future requests, the particular needs of a different carrier, and that proposed projects conformance with the applicable regulations.

- I. **Unused Facilities:** Section 17.14.210(I) of the County Code 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. The project has been conditioned to comply with this requirement.

- J. **Other Permit Requirements:** Section 17.14.210(J) of the County Code states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. This project site is not governed by CC&Rs. The church facility contains on-site classrooms, and the Business Park contains one school, Marble Valley School, within 1,000 feet of the site. The school was notified by of the project by phone, and again during the public notification to parcels within 500 feet of the project parcel boundary, and no response with any concerns was received. The ground support equipment would be contained behind a proposed nine-foot tall concrete CMU block wall, with a locked four-foot wide access door for safety. The three, minimum 20-inch square, support poles would have no features permitting free-climbing from ground level, and the entire eastern and southern perimeter of the project parcel has an existing six-foot tall solid concrete block wall. Pursuant to the submitted radio frequency analysis, the cellular telecommunications facility would not be anticipated to pose a potential significant threat due to RF exposure measured using current FCC guidelines.

Discussion: After review of the submitted site plan and a visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there are no unresolved issues with the project.

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17.

Agency and Public Comments: The following agencies and public groups/committees were provided project details for review for comments and/or concerns:

El Dorado Hills Community Service District (EDHCSD): The EDHCSD reviewed the project proposal and did not respond with any concerns or unresolved issues.

El Dorado Hills Design Review Committee (EDHDRC): The EDHDRC reviewed the project at their March meeting and did not respond with any concerns with the project as proposed.

El Dorado Hills Area Planning Advisory Committee (EDHAPAC): The EDHAPAC reviewed the project at their Wednesday March 9, 2011 meeting and responded that they had voted unanimously to support the project due to “its small size and location to the back of the property.”

El Dorado Hills Business Park Association (EDHBPA): The project was distributed to the EDHBPA and they did not respond with any concerns with the project as proposed.

Four Seasons Owner’s Association (FSOA): The project was distributed to the FSOA and they did not respond with any concerns with the project as proposed.

The following County agencies were solicited for comments and either did not respond or responded they had no recommended Conditions of Approval:

- El Dorado Hills Fire Department
- El Dorado County Building Services
- El Dorado County Department of Transportation
- El Dorado County Surveyor’s Office

ENVIRONMENTAL REVIEW

Federal Communication Commission (FCC): The Federal Communication Commission (FCC) prohibits local governments from denying a wireless facility project based on concerns about the dangers of exposure to radio frequency/EMF. This is due to inconclusive evidence about the health risk of exposure to radio frequency EMF.

The Telecommunications Act of 1996 became effective on February 8, 1996. This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704(7)B(iii) requires any denials to be in writing and supported by “substantial evidence.” Section 704(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with Federal regulations.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3-1.34	100	100
1.34-3.0	100	180/F ²
3.0—30	900/F ²	180/F ²
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

A Radio Frequency (RF) Analysis dated January 25, 2011 was submitted for the project. The maximum power for a typical Metro PCS configuration was calculated for a person at six feet above the ground elevation standing on the road above the eastern edge of the proposed site, watts ERP (including future growth), and found to be less than 1.4 percent of the existing standard for an uncontrolled environment. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

Staff has prepared an Initial Study, (Environmental Checklist Form and Discussion of Impacts, included in the attached as Exhibit K), to determine if the Special Use project may have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Number Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Map
Exhibit E-1	Site Plan, Sheet Number A-1
Exhibit E-2	Enlarged Site Plan, Sheet Number A-2
Exhibit E-3	Equipment Layout and Antenna Plan, Sheet Number A-3
Exhibit E-4	West Elevation, Sheet Number A-4
Exhibit E-5	North Elevation, Sheet Number A-4.1
Exhibit E-6	Equipment Details (Lighting Fixture), Sheet Number A-6
Exhibits F-1 to F-3	Applicant-submitted Visual Simulations
Exhibit G	Applicant-submitted Project Description (two pages)
Exhibit H	Applicant-submitted <i>Alternative Site Analysis</i> (four pages)
Exhibits I-1 to I-3	Site Visit Photos
Exhibits J-1, J-2	Aerial Photos
Exhibit K	Negative Declaration/Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S11-0002/AT&T Telecommunications Tower-Rolling Hills Church Planning Commission/June 9, 2011

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 E-1Site Plan, Sheet Number A-1
Exhibit E-2Enlarged Site Plan, Sheet Number A-2
Exhibit E-3Equipment Layout and Antenna Plan, Sheet Number A-3
Exhibit E-4West Elevation, Sheet Number A-4;
Exhibit E-5North Elevation, Sheet Number A-4.1
Exhibit E-6Equipment Details, (Lighting Fixture)
Exhibits F-1 to F-3Visual Simulations

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:

Approval of the Special Use Permit allows construction and operation of a new multi-user wireless communications facility to support cellular transmission consisting of the following:

- a) 12 panel antennas mounted on a 65-foot tall, three-sided faux, church “bell tower;” supported by three 20-inch wide minimum square metal pole supports;
- b) The faux, three sided, triangle-shaped, “bell tower” band top portion shielding the antennas shall be 10-feet tall and shall not display any sign, symbol, or emblem;
- c) The lower tower pole support band shall be 3-feet tall-both shall be mounted as shown in Exhibits E-4 and E-5;
- d) An 11.5-foot by 20-foot ground equipment shelter shall house up to 11 equipment cabinets, and associated equipment shown in the approved exhibits;
- e) The 10-foot, 6-inch tall concrete equipment shelter shall be enclosed by a 9-foot tall concrete block (CMU) enclosure, painted and stuccoed with a textured, aggregate sealer and painted to match the existing church buildings;
- f) Two air conditioning units shall be mounted on the outside of the rear of the equipment enclosure, and no generator is approved with this permit;

- g) The lease area enclosure shall be accessed through one 4-foot wide gate, and one sconce-type light shall be mounted above the equipment shelter door as shown in on Sheet Number A-6;
- h) A GPS antenna is approved to be mounted on the roof top of the concrete shelter building at a maximum height of 11 feet, 6 inches measured from ground level;
- i) One, 3-foot wide by approximately 60-foot long utility easement for undergrounding the electrical and Telco utilities, to be located as shown on the approved site plan; and
- j) The total lease area for the project structures shall measure 20 feet by 57 feet.

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.

Planning Services

- 2. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this 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. **Project Conformance:** Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits E-1 to F-3. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas or other changes to the approved project may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.
- 4. **Responsibility for Interference:** 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.
- 5. **Changes or Expansions of the Approved Project:** Expansions to the lease area, increases in pole height, or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas may create a significant visual impact, the

Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.

6. **Lighting:** One exterior emergency light is approved and shall conform to the approved exterior light shown in Sheet A-6, and located as shown in Sheet A-3. The light shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit application and shall be reviewed for conformance with Sheets A-3 and A-6 to issuance of a building permit. The light shall be activated with motion-sensor or timer.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. **Collocations:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by the planning Services, for review and approval by the Development Services Director if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Director find that additional noise may create a significant impact; the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
8. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color and those colors shall match the colors of the existing church facility buildings. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the tower facade. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The faux bell tower shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.
9. **Conditions Compliance:** Prior to issuance of a building permit or 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 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.

10. **Obsolete Equipment:** 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 conditions.
11. **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 present that report to the approving authority with a recommendation 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.

12. **Compliance Responsibility:** 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.
13. **Payment of Processing Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the Special Use Permit prior to issuance of a grading and/or building permit for any project improvements.
14. **Cultural Resources:** If human remains are discovered at any time during the project improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines

concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicants shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the applicants, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicants and shall be subject to review and approval by Planning Services.

15. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
16. **Hold Harmless Agreement:** 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.

Environmental Management- Solid Waste and Hazardous Materials Division

17. If this facility will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - a) Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - b) Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - c) Train all employees to properly handle hazardous materials and wastes.
 - d) Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan with our Department prior to obtaining a business license. Hazardous Materials Business Plan forms are available at http://www.edcgov.us/emd/solidwaste/bus_plan_index.html.

ATTACHMENT 2

FINDINGS

Special Use Permit S11-0002/AT&T Telecommunications Tower–Rolling Hills Church 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 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As conditioned, the proposal is consistent with the intent of 2.2.5.9 (support in a residential area), 2.2.5.21 (compatibility with surroundings), 5.6.1.4 (Special Use Permit required, 6.2.3.2 (adequate access), and 6.5.1.2 (noise exposure) because the project would provide residential support uses, as conditioned would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels.
- 2.2 The Carson Creek Specific Plan, Chapter 4, Section 4.4, allows *public utilities buildings and structures other than distribution and transmission lines* with an approved Special Use Permit from the Planning Commission.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned Carson Creek 6K, which allows wireless communication facilities, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance, have been provided.

4.0 SPECIAL USE PERMIT FINDINGS

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as well as the Carson Creek Specific Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report, and known potential project-related environmental issues, and the benefits to the community have been evaluated. The proposed use is consistent with all applicable policies including Policy 5.6.1.4 (Special Use Permit required) because the aesthetics of the proposed collocation and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed antennas will be painted to match the tower and facades. The proposed ground equipment will be screened from adjacent land uses by concrete block fencing which will blend with the existing church facilities. Therefore, staff finds that the project, as conditioned, conforms to the General Plan, as well as the Carson Creek Specific Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the Staff Report. The use will not conflict with the adjacent uses as the ground-support equipment will be buffered from view by a new nine-foot tall Concrete Masonry Unit (CMU) block walled lease area. That equipment will be buffered as well by the existing six-foot tall CMU block wall around the south and east project parcel perimeter. The tower is designed to mimic a church bell tower within a church facility and all antennas will be located behind the top faux bell tower bands/walls. The minimal grading and foundation work required is not anticipated to cause significant environmental impacts. The project is anticipated to result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. Further, the new wireless communications facility would provide cellular communication services to the El Dorado Hills community. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the, are not anticipated to have a detrimental affect nor be injurious to the neighborhood. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than 1.4 percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

4.3 **The proposed use is specifically permitted by Special Use Permit.**

The proposed use complies with the requirements of County Code Sections 17.14.210 (E) through (J) and 17.36.210 thru 17.36.260. As proposed, the project is consistent with these requirements.