

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



Agenda of: August 9, 2012
Item No.: 4.c
Staff: Gina Paolini

FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT

FILE NUMBER: S04-0008/T-Mobile
APPLICANT: T-Mobile West
AGENT: David Miller
REQUEST: Request for a five-year review of an existing cellular telecommunications facility.
LOCATION: On the north side of Cold Springs Road, approximately 700 feet west of the intersection with Caswell Road, in the Placerville area, Supervisorial District 3. (Exhibit A)
APN: 323-230-12
ACREAGE: 20.06 acres
GENERAL PLAN: Agricultural Lands -Agricultural (AL-A)
ZONING: Estate Residential (RE-10)
ENVIRONMENTAL DOCUMENT: Previously adopted Negative Declaration
RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find that pursuant to Section 15162 of the CEQA Guidelines no subsequent Negative Declaration shall be prepared for the project;
2. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S04-0008; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0008 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

BACKGROUND

The Planning Commission approved Special Use Permit S04-0008 on September 9, 2004. The project as approved consisted of a 107.5-foot steel monopine with up to 6 panel antennas mounted at a centerline of 98.1-feet. The pole and ground equipment are located within a 900 square foot lease area enclosed by a 6-foot tall chain link fence.

Building Permit No. 166605 was issued for T-Mobile on November 10, 2005, for a communication tower and pre-fabricated unmanned communication shelter. The permit was finalized on March 8, 2006.

Building Permit No. 199219 was issued for AT&T to collocate on the existing monopine on November 10, 2010. The permit was finalized on February 25, 2011. The permit allowed for the installation of 6 antennas on the monopine and for locating seven equipment cabinets within the lease area.

Condition No. 8 of the approved Conditions of Approval required a five-year review of the facility by the Planning Commission. The Conditions of Approval for Special Use Permit S04-0008 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. 8 of the Special Use Permit required a five-year review by the Planning Commission as follows:

8. *Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the Special Use Permit, requiring the facility's removal, if it is no longer an integral part 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. 8 to permit future five-year reviews to be completed at staff-level. Staff believes

many of the five year reviews are found to be complaint with the Conditions of Approval and can be administered at staff level with minimal administrative time. Staff has found that even the complex five year reviews can be remedied at the staff level. The new condition would continue to allow for those towers that remain out of compliance to be forwarded to the Commission for review, if not brought into compliance.

Staff has also identified other minor corrections and changes to the conditions. These changes are updates reflecting the change in the department from a Planning Department to Planning Services. In addition, the project description was clarified. The changes to the Conditions of Approval 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 15162, no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause 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 the 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.

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
Exhibit D	Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S04-0008/T-Mobile
Planning Commission/August 9, 2012

El Dorado County Planning Services

This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

1. A Special Use Permit to construct the following within a 900 square foot lease area within property known as APN 323-230-12:
 - a. A 107.5-foot steel monopine;
 - b. Six panel antennas mounted at a centerline of 98.1 feet;
 - c. Six panel antennas mounted at a centerline of 88 feet.
 - d. A prefabricated ground equipment shelter with air conditioning units;
 - e. A sublease area with seven equipment cabinets enclosed by 6 foot high chain link fence with 1 foot barbed wire top; and,
 - f. A backup generator.

The entire lease area shall be enclosed by a 6-foot-high chain link fence with a 10-foot-wide gate on the north side of the enclosure.

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.

PROJECT CONDITIONS

2. All site improvements shall conform to the site plan(s) and elevations attached as Exhibit D.
3. For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carrier installs no more than 12 ~~six~~ (6) panel antennas per carrier are placed on the monopine at any one time, and that there

shall not be an increase in overall height of the tower and branches with no increase in height.

4. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The pole shall have simulated bark, and the branches shall be extended down the pole below the existing canopy. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by ~~the Planning Services Department~~ of any written television interference complaint.
7. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify ~~the Planning Services Department~~ at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
8. ~~Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Planning Commission every five (5) 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 Planning Director 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.

El Dorado County Building Services Department

9. ~~Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department.~~
The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.

El Dorado County Department of Transportation

10. If more than 1 acre of land shall be disturbed while installing the wireless facility, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.
11. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
12. The applicant shall place a minimum of 4-inch thickness of three quarter-inch class 2 aggregate base along a 12-foot wide access easement from the leased area to Cold Springs Road. If existing access way is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.
13. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction. If existing access is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.
14. The El Dorado County Fire Protection District shall review the site and access road for accessibility and turnaround area requirements.

El Dorado County Fire Protection District

15. The project shall comply with the following requirements of the El Dorado County Fire Protection District:

- a. The applicant shall pay a site plan review fee of \$50.00.
- b. The applicant shall provide an approved Fire District turn-around within 150 foot of the project site.
- c. The access roads shall have a 13-foot 6-inch vertical clearance and capable of supporting a 40,000 pound load.
- d. The minimum turning radius shall be 25 feet.
- e. The road grades shall not exceed 15 percent.
- f. The applicant shall provide high-priority “knox” access for the gate and prefab shelter.
- g. The gates to the facility shall comply with the Fire Prevention Officers standard.
- h. The applicant shall provide a fire extinguisher in the shelter, minimum 2A10BC.
- i. The District may impose addition requirements depending on building construction and use.

El Dorado County Resource Conservation District

16. The applicant shall be required to comply with the District’s Erosion Control Requirements and Specifications, which include but shall not be limited to the following:
 - a. The applicant shall implement erosion and sediment control measures during construction. Suitable measures include permanent seeding of disturbed areas (excluding areas that will be covered by the 2-inch crushed gravel) and straw rolls around the perimeter of the work site.
 - b. The applicant shall control non-storm water discharges (e.g. wash water), potentially hazardous materials such as hydraulic fluid from construction vehicles and paint materials, and all potential pollutants on the construction site.

ATTACHMENT 2

FINDINGS

Special Use Permit S04-0008/T-Mobile Planning Commission/August 9, 2012

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 15162, no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause 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 the 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.
- 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.