

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



Agenda of: November 14, 2013
Item No.: 8.a
Staff: Gina Paolini

**FIVE-YEAR CELL TOWER REVIEW AND
SPECIAL USE PERMIT REVISION**

FILE NUMBER: S01-0030-R-4/Cedar Grove

APPLICANT: AT&T Mobility

AGENT: Gordon Bell

PROPERTY OWNER: Roswell and Betty Larson

REQUEST: Request for a five-year review of an existing cellular telecommunications facility and a revision to allow for the installation of:

- a. Three new antennas; and
- b. Two equipment cabinets and ancillary equipment.

LOCATION: Property located on the north side of Pony Express Trail, approximately 400 feet west of the intersection with Crystal Springs Road, in the Cedar Grove area, Supervisorial District 3. (Exhibit A)

APN: 043-290-59

ACREAGE: 20.2 acres

GENERAL PLAN: Agricultural Lands (AL)

ZONING: Select Agricultural Ten-Acre (SA-10)

ENVIRONMENTAL DOCUMENT: Previously Adopted Negative Declaration

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

1. Find that the previous Negative Declaration prepared for the project sufficiently analyzed the project and the modifications made to the Conditions of Approval do not raise new environmental impacts;
2. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S01-0030-R-3; and
3. Approve the Special Use Permit revision S01-0030-R-4 subject to the Conditions of Approval in Attachment 1, based on the Findings listed in Attachment 2.

BACKGROUND

The Planning Commission approved Special Use Permit S01-0030 on May 9, 2002, allowing American Tower Corporation to construct a 165-foot monopine cellular facility at the project site.

The Zoning Administrator approved a revision to Special Use Permit S01-0030-R-1 on March 16, 2005, allowing collocation of twelve antennas on the monopine at 138 feet, including ancillary ground equipment.

The Zoning Administrator approved a second revision to Special Use Permit S01-0030-R-2 on April 6, 2005, allowing collocation of six antennas on the monopine at 148 feet, including ancillary ground equipment.

The Zoning Administrator approved a third revision to the Special Use Permit S01-0030-R-3 on November 7, 2007, allowing collocation of six antennas on the monopine at 128 feet, including ancillary ground equipment.

Condition No. 11 required a five-year review of the facility by the Planning Commission. The Conditions of Approval for Special Use Permit S01-0030-R-4 have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been met (Exhibit C).

STAFF ANALYSIS

Condition Modification: Condition No. 11 of the Special Use Permit required a five-year review by the Planning Commission. To streamline future reviews, staff is recommending that the Planning Commission revise Condition No. 11 to permit future five-year reviews to be completed at staff-level. Staff believes many of the five year reviews, even complex ones, can be administered at staff level with minimal administrative time. 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. The project description has been clarified. The changes to the Conditions of Approval are shown in ~~strikeout~~ and underline in Attachment 1.

Five Year Review: The five-year review was initially required in October 2012. Staff informed the applicant that the five-year review was past due in April 2013, and subsequently the review package was submitted. Staff advised the applicant upon submittal that the monopine had deficiencies that would need correction through the five-year review process. The branches had lost most of their needles. The applicant has worked diligently to replace the branching system. Photographs are provided of the pre- and post- rebranching (Exhibit D). The panel antennas require further screening, which was not addressed during the rebranching. Panel antennas fitted with antenna socks, with simulated needles in a color that closely matches the antenna branches would remedy the inadequate screening. It is recommended that the Planning Commission require that all panel antennas be fitted with antenna socks that have simulated needles and be a color that closely matches the antenna branches (Condition No. 8). Based on review of building permits and project conditions, it is the opinion of staff that the project site would be in compliance with the Conditions of Approval with the additional screening.

Revision: The revision request includes adding three antennas on the monopine at 60 feet, one GPS antenna on an existing cabinet, a Purcell cabinet, a new battery cabinet and surge suppressor. An updated Radiofrequency (RF) Emissions Compliance Report has been prepared for the site. The site would continue to be in compliance with the FCC rules and regulations. The project would not generate any new noise, as the new radio cabinet would be passively cooled. All new equipment would be screened in accordance with the Conditions of Approval.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Applicant's Project Description; September 13, 2013
Exhibit C	Applicant's Statement of Use Permit Compliance
Exhibit D	Site Photographs
Exhibit E	Antenna Plan and Details
Exhibit F	Elevations
Exhibit G	Overall Site Plan

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S01-0030-R-4/Cedar Grove Planning Commission/November 14, 2013

El Dorado County Planning Services

1. This special use permit revision is based upon and limited to compliance with the approved project description, ~~the Zoning Administrator hearing exhibits marked Exhibits A through I dated November 7, 2007,~~ and conditions of approval set forth below.

Exhibit EAntenna Plan and Details
Exhibit F.....Elevations
Exhibit G.....Overall Site Plan

~~Further,~~ Any deviations from the project(s) descriptions, 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 described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation.

The project description is as follows:

Approval of a Special Use Permit allowing the construction and operation of multi-user wireless telecommunication facility within an existing 20.2 acre parcel identified APN 043-290-59 and consisting of the following:

- a. One 165- steel monopine;
- b. A 3,200 square foot lease area enclosed by a seven foot tall chain link fence with brown vinyl slats and three strands of barbed wire;
- c. Two, 12 foot by 20 foot equipment shelters;
- d. Twelve panel antennas located at a height of 138 feet above ground level;
- e. Six panel antennas located at a height of 148 feet above ground level;
- f. Six panel antennas located at a height of 128 feet above ground level;
- g. Three panel antennas located at a height of 60 feet above ground level and, Power and telco, utility rack and ten equipment cabinets.

~~The project (S01-0030), as approved, consists of a new cellular communication facility, including a 165 foot mono pine with antenna arrays to support four wireless carriers and a 3,200-square foot lease area. In addition to the mono pine, the lease area will contain one 12 foot x 20 foot equipment shelter, two 12 foot x 28 foot equipment shelters, two 12 foot x 14 foot equipment pads, and a utility service pedestal. A seven foot high chain-link fence with brown vinyl slats and three strands of barbed wire will surround the lease area for security purposes. The project includes accommodations for the anchor tenant, Cingular Wireless. Future collocation by other carriers is subject to the approval of additional minor use permits or special use permits.~~

~~Revision No. 1 (S01-0030-R1) consists of the collocation of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 138 foot level on an existing 165 foot monopine tower, and a 12 foot by 20 foot equipment shelter to be placed within the existing and fenced facilities yard.~~

~~Revision No. 2 (S01-0030-R2) consists of six (6) panel antennas on an existing 165 foot mono-pine at the 148 foot level within a 40 foot by 80 foot lease area on the Larsen property. Also proposed are three 4 foot 4 inches wide by 3 foot 1 inch deep by 6 foot tall equipment cabinets to be placed on the ground in the footprint of the existing fenced lease area. The antennas colors will be painted to match the tower color.~~

~~Revision No. 3 (S01-0030-R3) consists of six (6) antennas at a height of 128 feet on a 165-foot monopine and up to three (3) radio cabinets within the existing fenced compound.~~

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. **Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.

~~3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant agrees 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, as provided in Section 66474.9(b) of the California Government Code.~~

~~The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or 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 subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.~~

~~4. All site improvements related to the original tower and cell site (S01-0030) shall conform to Exhibits D and E as found in the staff report for S01-0030. All site improvements related to revision No. 1 shall be substantially compliant to Exhibits E-1, E-2, E-3, and F as found in the staff report for S01-0030-R1.~~

3. **Colors of Structures:** All equipment shelters, cabinets or other auxiliary structure added by way of any revision or collocation additions shall be painted in a matching color and

style to the existing facility. Development Services shall verify the painting of the structures prior to final inspection of the facility.

4. **Maintenance:** All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. ~~Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent.~~ Development 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.
5. **Obsolete Equipment:** 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 ~~Planning Department~~ Development Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
6. **Co-location:** 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 three antenna sectors and four antennas per sector (12 total antennas-per carrier at any one time, and that there shall not be an increase in overall height of the tower.
7. **Television Interference:**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.
8. **Panel Antenna Screening:** All panel antennas shall be fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be approved by Development Services prior to issuance of a building permit and photographs of sock installation shall be provided to Development Services prior to final building inspection.
- ~~12. The building permits required by Condition No. 16 for the construction of any collocations shall not be issued until the building permits for any prior collocations have been finalized.~~
913. **Conformance Documentation:** Prior to 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 for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis.
10. **Panel Antenna Screening:** All panel antennas shall be fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be approved by Development Services prior to issuance of a building permit

and photographs of sock installation shall be provided to Development Services prior to building final.

11. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. The original facility approved by the Planning Commission on May 9, 2002, and last reviewed for collocation by the Zoning Administrator on April 6, 2005, is still operational. Based upon the review conducted for this collocation application, the facility is considered approved for use through a date five years after Zoning Administrator approval of the revised special use permit. At each five year review, the permit holder shall provide the Planning Commission with a status report on the 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:~~
- ~~a. Modify the conditions of approval in order to reduce identified adverse impacts; and~~
 - ~~b. 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, or~~
 - ~~c. Allow the facility to operate under all applicable conditions.~~

~~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 on a time and materials basis.~~

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 every five years. At each five-year review, the permit holder shall provide the Development Services 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 Division Director to cover the cost of processing a five-year review on a time and materials basis.

El Dorado County Building Services

12. **Building Permit Required:** The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.

~~14. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department.~~

El Dorado County Fire Protection District

1315. **Fire Department Compliance:** The project shall comply with all applicable requirements of the El Dorado County Fire Protection District. ~~Documentation of this compliance shall be presented to the Planning Division prior to or concurrent with the requirements of Condition No. 16 13.~~

~~16. Prior to final inspection, the applicant shall post, or verify the existence of, the address for the property, clearly visible from both directions of the access road.~~

1417. **Knox Box Requirements:** Prior to final inspection, the applicant shall provide the new equipment shelter(s) with high-priority “Knox box” access, with keys for emergency access. Further, the applicant shall demonstrate that the existing gate meets “Knox” padlock requirements.

~~18. Prior to final inspection, the applicant shall provide or verify the existence of a minimum 12-foot wide, all-weather access road to the tower site. This access road shall have a minimum vertical clearance of 13 feet 6 inches and be capable of supporting a load of at least 40,000 pounds. The minimum inside turning radius of this road shall be 25 feet. The grade of this road shall not exceed 15 percent. The access road must contain an approved emergency vehicle turn-around within 50 feet of the structure.~~

El Dorado County Environmental Management Department

15. **Hazardous Materials Plan:** The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Division, Hazardous Materials, for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

~~7. Prior to construction of the subject facility, the applicant shall provide plans of sufficient detail to clearly identify the alternative or back-up power source, should the same exist. This plan shall identify all fuel sources together with a detail of fuel storage. Based on the information contained on the plan, the Environmental Management Department will determine whether a Hazardous Materials Business Plan is required. Should a plan be required, the applicant will be responsible for the preparation of such a plan together with the payment of all appropriate fees to the Environmental Management Department.~~

El Dorado County Department of Transportation

~~8. The applicant shall comply with all County transportation requirements including, but not limited to the Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Off Street Parking and Loading Ordinance, the State of California Handicapped Accessibility Standards, the County Traffic Impact Mitigation Fee program and the State System Infrastructure Traffic Mitigation Fee program.~~

169. **Road Construction and Maintenance:** The access road from Pony Express Trail to the project site shall be surfaced with a minimum of 4-inch aggregate base for 12 feet in width. Any damage to said access road shall be repaired prior to finaling of the building permits required for the construction of any prior collocations. Further, the access road is to be maintained as required at all times.

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S01-0030-R-4/Cedar Grove Planning Commission/November 14, 2013

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 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.

2.0 ZONING FINDINGS

2.1 The proposed use is specifically permitted by Special Use Permit.

The cellular telecommunication facility use is permitted by Special Use Permit in the Select Agricultural Ten-Acre (SA-10) district pursuant to Section 17.14.210 of the County Code.

2.2 The Cellular Telecommunication Facility is in Compliance with the Conditions of Approval based on the 5-year Review Status Report.

The Planning Commission reviewed the status report of the facility on November 14, 2013 and determined that the screening efforts to improve the monopine's appearance, including the addition of new branches and the requirement to replace the existing antenna socks will bring the site into conformance with the development standards contained within Section 17.14.210.F of the County Code, which include screening and maintenance requirements. The facility will be reviewed every five years to ensure continued compliance with County Code requirements.

2.3 **The collocation is consistent with the original approval.**

The wireless collocation facility and associated equipment will not create a hazard and will not be detrimental to the public health, safety and welfare based on the information supplied within the RF emissions report prepared for the site. The project site will not exceed the FCC standards. The antennas will be screened in accordance with the project Conditions of Approval, and verified by staff. As proposed, the project is consistent with the County requirements for collocation of wireless facilities.