

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



**Agenda of:** December 12, 2013  
**Item No.:** 4.d  
**Staff:** Aaron Mount

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

**FILE NUMBER:** S01-0033-R-5/White Meadow

**APPLICANT:** Sprint-Nextel

**AGENT:** Richard Tang

**PROPERTY OWNER:** Sierra Pacific Industries

**REQUEST:** Request for a five-year review of an existing cellular telecommunications facility.

**LOCATION:** North side of White Meadows Road, approximately 2 miles west of the intersection with Ice House Road, in the American River Canyon area, Supervisorial District 5. (Exhibit A)

**APN:** 009-040-07

**ACREAGE:** 200 acres

**GENERAL PLAN:** Natural Resources (NR)

**ZONING:** Timberland Preserve Zone (TPZ)

**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 needs to 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 S01-0033-R-3; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S01-0033-R-5 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

## **BACKGROUND**

Special Use Permit S01-0033 was approved April 25, 2002 to allow the installation of a 125-foot steel monopine with up to 12 panel antennas mounted at a centerline of 120 feet and a prefabricated ground equipment shelter within a 70-foot by 70-foot lease area to be enclosed by an 8-foot-high chain link fence. Three subsequent revisions added additional antennas and equipment shelters. These revisions are reflected within the conditions of approval.

## **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 has found that most of the cellular telecommunications facilities are compliant with the Conditions of Approval and can be administered at staff level with minimal administrative time. Even 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 Zoning Administrator for review, if not brought into compliance.

Staff has also added a standard hold harmless condition. The changes to the Conditions of Approval are shown in ~~strikeout~~ and underline in Attachment 1.

**Five Year Review:** Multiple building permits for the site were found to have not been finalized at the time of submittal of this five year review. All building permits, other than those currently submitted for additional antennas, have been completed and inspected to the satisfaction of Development Services. Other than a few antennas missing socks, the site has been adequately maintained and no major issues exist at the site. Planning will confirm that the antennas are covered with antennas socks prior to building permit final. Based on review of building permits, project conditions, and as stated above, staff has verified that the project is in compliance with the Conditions of Approval.

## **ENVIRONMENTAL REVIEW**

Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project 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. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Enlarged Site Plan, Sheet A-1; 01/16/13
Exhibit C .....	Enlarged Equipment Plans, Sheet A-2; 01/16/13
Exhibit D .....	Elevations, Sheet A-3; 01/16/13
Exhibit E .....	Applicant's Compliance Statement (nine pages)
Exhibit F .....	Site photograph
Exhibit G .....	Environmental Checklist Form and Discussion of Impacts

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit Revision S01-0033-R-5/White Meadows Planning Commission/December 12, 2013

#### Conditions of Approval

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

The project, S 01-0033, as approved, consists of the following:

The construction and operation of a wireless telecommunications facility at White Meadows Road, approximately 2.4 miles north of Highway 50, El Dorado County, California. The facility will consist of a 125-foot mono-pine cellular tower and will be designed to accommodate up to four wireless service providers, including the anchor tenant, Cingular Wireless. The facility will be unmanned (visited on an average of once per month by representatives from the individual service providers and the tower owner for routine maintenance purposes), will not be lit, nor emit noise or glare, and will not interfere with television or radio reception.

Revision No. 1 (S01-0033-R1) shall consist of the collocation of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 105-foot level and one flush mounted microwave dish on the existing 125-foot mono-pine tower, and a 12' x 20' equipment shelter to be placed within the existing fenced facilities yard.

Revision No. 2 (S01-0033-R2) shall consist of the collocation of a cell antenna facility consisting of 12 antennas at the 94-foot level and two flush mounted microwave dishes on an existing 125-foot monopine tower, a 240 square foot equipment shelter and a backup generator to be placed within the existing fenced utilities yard.

Revision No. 3 (S01-0033-R3) shall allow collocation of six (6) antennas at a height of 99 feet on an existing 125-foot monopine; and the installation of up to three (3) radio cabinets within the existing fenced compound, a 16-foot by 10-foot (160 square feet) metal grate equipment floor, a new Global Positioning System (GPS) unit, a new 300-watt site light, a coaxial cable bridge, and a new steel equipment access ladder.

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. 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, 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 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 (S01-0033) shall conform to the revised site plans.

#### El Dorado County Building Services

5. Project facilities shall be subject to a building permit from the El Dorado County Building Department.

#### El Dorado County Department of Environmental Management

6. Should the cell tower incorporate auxiliary power, it may be subject to the filing of a Hazardous Materials Business Plan, with the Solid Waste and Hazardous Materials division of the Environmental Management Department.
7. The applicant shall maintain the existing paved roadway and the related gravel driveway along the 12-foot-wide access easement from White Meadows Road to the leased area at all times. Any damage to said access road and driveway shall be repaired prior to the finaling of the building permits required for the construction of any prior revisions.
8. The applicant shall provide and maintain adequate space at the leased area site for a vehicle to exit the site in a forward direction.

#### El Dorado County Planning Services:

9. 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 Services at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition.

10. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements, including any improvements resulting from revisions, shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.
11. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Division 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.

~~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 April 25, 2002, and last reviewed for collocation by the Zoning Administrator on December 21, 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 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:~~

- ~~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.~~

12. The building permits required by Condition 5 for the construction of any collocations shall not be finalized until the building permits for any prior collocations have been finalized.
13. 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.
14. 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.

#### El Dorado County Fire Protection District

154. 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. 14.
165. Prior to final inspection, the applicant shall provide or verify the existence of a minimum 12-foot wide all weather access road to within 150 feet of all exterior portions of the structure(s) and tower. This access road shall have a minimum vertical clearance of 15 feet and be capable of supporting a load of at least 40,000 pounds. The minimum inside turning radius of this road shall be 40 feet. The grade of this road shall not exceed 15 percent. The access road must contain approved emergency vehicle turnouts approximately every 400 feet (30 feet by 10 feet with 25-foot tapers on each end) and a turn-around (minimum 40-foot inside radius or 60-foot hammerhead tee) within 50 feet of the structure(s).
176. Prior to final inspection, the applicant shall provide the site with high-priority "Knox box" access with keys for emergency access.

187. Prior to final inspection, any and all gates located on site shall comply with Fire Prevention Officers' standard. This gate standard is at least two feet wider than the road.

Prior to final inspection, the applicant shall provide or verify the existence of a fire extinguisher, rated 2A:10BC, mounted at the equipment shelter, not higher than 5 feet to the top and within 75 feet travel distance of all areas.

19. Prior to final inspection, the applicant shall provide or verify that all exit doors have "panic-proof" hardware, allowing the door to be opened from the inside.

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.



## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit Revision S01-0033-R-5/White Meadows Planning Commission/December 12, 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 need be prepared for the project as there has been no substantial change in the project 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. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.
- 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 ADMINISTRATIVE FINDINGS**

- 2.1 All conditions of approval have been met and the use of the telecommunications facility is in compliance.