

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



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

FIVE-YEAR CELL TOWER REVIEW–SPECIAL USE PERMIT

FILE NUMBER: S04-0041-R/Thompson Hill

APPLICANT: SBA

AGENT: John Zaines

PROPERTY OWNER: Calvin S. Ellis and Julia A. Ellis Trust

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

LOCATION: West side of Oro Loma Road, approximately 0.5 mile north of the intersection with Gold Hill Road, in the Gold Hill area, Supervisorial District 4. (Exhibit A)

APN: 089-110-31

ACREAGE: 1.43 acres

GENERAL PLAN: Medium Density Residential (MDR)

ZONING: Single-Family Three-Acre Residential (R3A)

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 S04-0041; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0041-R recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

BACKGROUND

Special Use Permit S04-0041 was approved by the Board of Supervisors on April 25, 2002 to allow the installation of a 55-foot steel monopole, with simulated bark texture, with up to three enclosed panel antennas and a prefabricated ground equipment shelter within a 15.5-foot by 35-foot lease area.

STAFF ANALYSIS

Condition Modification: Condition No. 7 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. 7 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 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 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: Inspection of the site has found that the facility was built as approved, that the site has been adequately maintained and no major issues exist at the site except for a microwave dish that has been installed inconsistent with the conditions of approval. Building permits have been submitted to replace the existing internal antennas with similar size antennas. Planning will confirm that the microwave dish is removed 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	Title Sheet, Sheet T-1; 03/07/2006
Exhibit C	Site Plan, Sheet A-1; 03/07/2006
Exhibit D	Enlarged Site Plan, Sheet A-2; 03/07/2006
Exhibit E	East Elevation, Sheet A-3; 03/07/2006
Exhibit F	South Elevation, Sheet A-4; 03/07/2006
Exhibit G	Applicant's Statement of Use Permit Compliance (five pages)
Exhibit H	Site photographs (six pages)
Exhibit I	Environmental Checklist Form and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S04-0041-R/Thompson Hill
Planning Commission/December 12, 2013**

Conditions of Approval

Planning Services

1. The authorization for the cellular communication facilities allowed by this permit is based upon and limited to compliance with the project descriptions and conditions of approval set forth below. 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 hearings.

The project description is as follows: Construction of a new wireless communication facility consisting of a 55-foot stealth antenna. The facility will consist of a metal cylinder, with simulated bark texture and color, with (3) enclosed panel type antennas and ground equipment stored within a 550 square foot lease area. This special use permit authorizes Nextel Communications to place the monopole and one equipment cabinets within a 15.5-foot by 35-foot lease area. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole. Access to the site is provided from the west side of Oro Loma Drive, 2,700 feet north of the intersection with Gold Hill Drive in the Placerville area. This special use permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation and ongoing maintenance.

2. All site improvements shall conform to the site plan and elevations, i.e., monopole with simulated bark texture and color, attached as Exhibit Sheets T-1, A-1, A-2, A-3, and A-4, dated March 2, 2006.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.
4. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
5. 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.

6. All obsolete or unused communication facilities shall be removed by the applicant 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.
7. 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 (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 o 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.~~

8. 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

98. The applicant shall be subject to a site plan review fee of \$50.00 payable to El Dorado County Fire Protection District. The site plan review fee shall be due to the District prior to commencement of any work performed.
109. The applicant shall construct a minimum 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. Road grades shall not exceed 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
110. The applicant shall provide a fire district approved turn-a-round within 50 feet of the project site.
124. The applicant shall provide a high priority "Knox" box with key to the equipment shelter.

El Dorado County Department of Transportation

132. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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 Storm Water Management Plan, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
143. 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.
154. The applicant shall place a minimum of four-inch thickness of three-quarter inch Class II aggregate base along a 12 foot wide access easement from the leased area to the existing driveway.
165. 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 way is determined to be adequate by the fire district, this condition shall be deemed fulfilled.

ATTACHMENT 2

FINDINGS

Special Use Permit S04-0041-R/Thompson Hill 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.