

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



**Agenda of:** January 10, 2013  
**Item No.:** 4.b  
**Staff:** Tom Dougherty

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

**FILE NUMBER:** S05-0024/Verizon Weber Mill

**APPLICANT:** Verizon Wireless

**AGENT:** John Yu, Lyle Company

**PROPERTY OWNER:** Sierra Pacific Industries

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

**LOCATION:** On the north side of Weber Mill Road, approximately one-half mile southeast of the intersection with Ice House Road, in the Ice House/American River Canyon area, Supervisorial District 2. (Exhibit A)

**APN:** 011-090-50

**ACREAGE:** 500.63 acres

**GENERAL PLAN:** Natural Resource (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 S05-0024; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S05-0024 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

## **BACKGROUND**

The Planning Commission approved Special Use Permit S05-0024 on December 8, 2005. The project as approved consisted of a 120-foot steel monopine communications tower with 12 panel antennas mounted at 110 feet above ground level and 2 future microwave dishes mounted at 80 feet above ground level. A 240 square-foot equipment enclosure with 2 air conditioning units, and one backup generator were also approved to be placed within the 50 by 50 foot fenced lease area. The tower is authorized for collocation purposes of up to 4 carriers.

Building Permit No. 181052 for the new communications facility tower and ground equipment was finalized on October 10, 2007.

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 S05-0024 have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been complied with (Exhibit B).

When the site was built by Verizon they installed only three antennas on one antenna array at the height of 110' feet (they were approved for 12). Verizon is requesting to remove the existing three antennas and replace them with three new antennas. In addition, Verizon will be adding three new antennas for a total of six antennas. All antennas will be mounted at a height of 110'. The existing antenna dimensions are: Length 71.1" x width 8.1" x depth 5.7." The proposed antenna dimensions are: Length 72" x width 14.6" x depth 8.1;" and length 72" x width 12.1" x depth 7.1."

## **STAFF ANALYSIS**

**Condition Modification:** Condition No. 8 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. 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 compliant 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. 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:** 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**

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 .....	Site Plan
Exhibit C .....	Elevations
Exhibit D .....	Applicant's Statement of Use Permit Compliance (five pages)
Exhibit E .....	Site Photographs
Exhibit F.....	Adopted Negative Declaration and Initial Study

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit S05-0024/Verizon Weber Mill  
Planning Commission/January 10, 2013

### El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description, the following hearing exhibits, and Conditions of Approval set forth below.

Exhibit B .....Site Plan

Exhibit C .....Elevation

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:

Construction of a 120-foot steel monopine communications tower with 12 panel antennas mounted at 110 feet above ground level and 2 future microwave dishes mounted at 80 feet above ground level at 4041 Weber Mill Road in the American River Canyon area. All antennas would be made of non-reflective materials. The tower is authorized for collocation purposes of up to 4 carriers.

The monopine and appurtenant ground equipment within a 50 by 50 foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire atop along with a 12-foot entrance closed by two 6-foot gates. The tower pole will be covered by faux bark up to 47 feet and the branches begin at 42 feet above ground level. The tower pole above the bark, the two microwave dishes, and ground support equipment will all be painted a flat non-reflective brown. Also ~~proposed~~ approved is a 240 square-foot equipment enclosure with 2 air conditioning units, and 1 backup generator all to be placed within the 50 by 50 foot fenced lease area.

Access to the site is provided from Weber Mill Road to an access easement on a 15-foot gravel driveway which would dead end at the site. A fire turnaround will be provided to comply with the fire district requirements.

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.

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.

- ~~2.~~ All site improvements shall conform to the site plan and elevations attached as Exhibits ~~D and E.~~
- ~~32.~~ 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. 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 all other improvements visible to the public shall be maintained to ensure the appearance remains consistent and that each is non-reflective. All antennas shall be covered with antenna socks and shall not project past the branch tips.
- ~~43.~~ For collocation 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 4 proposed carriers installs no more than 12 panel antennas per carrier are placed on the monopine, and there shall not be any increase overall height of the tower and branches.
- ~~5.~~ ~~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.~~
- ~~64.~~ 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.
- ~~75.~~ All obsolete or unused communication facilities shall be removed by the applicant 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 condition.
- ~~86.~~ ~~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 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.~~

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.

- ~~97.~~ In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
- ~~108.~~ In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
9. 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**

- ~~11.~~ The applicant shall be subject to a site plan review fee of \$200.00. The site plan review fee shall be due to the District prior to commencement of any work performed.
- ~~12~~10. The applicant shall install a minimum 12-foot wide all weather access road to within 50 feet of the equipment shelter. The road shall be capable of supporting a 40,000 pound load, shall have a vertical clearance, and shall not exceed a road grade of 16 percent. The fire access is to meet Fire Safe standards. 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.
- ~~13~~11. The applicant shall provide high priority Knox padlock on any equipment shelter and one for emergency access through the 12-foot gate and into the fenced enclosure site. The El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
- ~~14~~12. All project gates must comply with Fire Prevention Officer's standards, as determined by the fire protection district.
- ~~15~~13. Address (12-inch minimum) shall be posted at the bottom of Weber Mill Road.
- ~~16~~14. Additional requirements may be necessary depending on building construction and use.

### **El Dorado County Air Quality Management District**

- ~~17~~15. If the project construction will involve grading and excavation operations which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust District Rules 223, 223.1 and 223.2, which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rule 223, 223.1 and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive Dust Plan (FDP) application or Asbestos Dust Mitigation Plan (ADMP) application shall be submitted to and approved by the district prior to the start of project construction.
- ~~18~~16. Burning of wastes that result from 'Land Development Clearing' must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).

- ~~19~~17. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County ordinance concerning asbestos dust.
- ~~20~~18. Prior to construction/installation of the back up generator, or any other new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the district. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors.



## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S05-0024/Verizon Weber Mill Planning Commission/January 10, 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.