

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** September 20, 2006  
**Item No.:** 6.a.  
**Staff:** Roman Anissi

**SPECIAL USE PERMIT**

**FILE NUMBER:** S 99-0011 R

**APPLICANT/AGENT:** Sprint-Nextel, Brad Kortick

**PROPERTY OWNER:** John and Marion Harris

**REQUEST:** Special Use Permit revision to co-locate three (3) new Radio Frequency (RF) antenna, one (1) Global Positioning System (GPS) antenna, and accessory Base Transceiver Station (BTS) equipment on an existing wireless telecommunication facility.

**LOCATION:** On the north side of Lariat Drive, approximately 500 feet northwest of the intersection with Rodeo Drive, in the Cameron Park area. (Exhibit A)

**APN:** 109-250-45

**ACREAGE:** 4.67 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit B)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt, pursuant to CEQA Guidelines Section 15301

**SUMMARY RECOMMENDATION:** Conditional Approval

## **BACKGROUND:**

The Telecommunications Act of 1996 preserves the authority of a state or local government over decisions regarding the placement, construction, and modification of personal wireless services, with the following pertinent limitations:

SEC. 704.(7)B(iii)

*Any decision by a state or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.*

SEC.704.(7)B(iv)

*No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.*

Special Use Permit S99-0011 approved the original on-site wireless communication facility, including available space for Metro PCS, as well as the equipment necessary to support the Sheriff communication network. That approval anticipated future opportunities for co-location at this site. In 2002, Cingular Wireless applied for and received approval to co-locate as part of S99-0011 which included antenna and equipment installation as the third on-site service provider.

Sprint, Metro PCS, and Cingular each installed three (3) RF antennas on the pole for a total of nine (9) existing RF antenna. Including the RF antenna, other minor antenna and equipment including two whip and one GPS system antennas are all currently located on an existing 80-foot tall self-standing monopole. All support equipment is located on-site with most at-grade ground equipment situated within a fenced 1,200 square foot ground lease area. The facility is currently served by a gravel access drive connecting to Flying C Road.

## **STAFF ANALYSIS**

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for consideration by the Zoning Administrator are provided in the following analysis:

### **Project Description:**

The request for co-location results from the recent merger between Nextel Communication, Inc. and Sprint PCS. The original Special Use Permit S99-0011 included certification and adoption of a Negative Declaration for the installation of the facility at its current location. The project scope under consideration is a minor revision to the existing permitted use in order to install necessary equipment to upgrade the Sprint-Nextel network. As a co-location site candidate, this project provides the minimum necessary in order to effectively address the network bridging and service

carrier requirements, at this time. Future applications for co-location and/or installation of additional antenna will require additional review under a similar review process.

The addition of three (3) Nextel RF antennas to the nine (9) existing shall occur on the highest array of the monopole and next to the Sprint equipment. Following approval of this request, the total number of RF antenna located on the monopole will be twelve (12). All installation of antenna will occur at or below the maximum height of the 80-foot tall monopole. No additional height is being requested under the current scope.

BTS equipment shall be located at-grade and within the existing 1,200 square foot lease area approved for the existing facility. Minor shifts and reconfiguration of at-grade equipment will allow the Rubix BTS support cabinet to be located entirely on the existing concrete equipment pad. A GPS antenna, as well as facility support equipment will be installed on or near the BTS.

**Proposed Access:**

In order to maintain access to the facility, a condition of approval will require that the project applicant provide appropriate impervious surface improvements along the length of the existing gravel access drive located off of Flying C Road cul-de-sac. The improvements are part of Environmental Management’s mitigation measures that address naturally occurring asbestos.

**Site Description:**

The entire parcel is 4.67-acres in size, with the existing wireless facility and single-family residence located approximately 250-feet apart. The home sits adjacent Lariat Drive situated along the south property line. The 1,200 square foot lease area and access are located near an 80-foot wide on-site public utility easement sited along the northern portion of the property. The existing on-and off-site uses are separated and buffered by a significant amount of trees and canopy cover, which provide for effective screening of the monopole where only 15 to 20-feet is largely visible from the public vantage point. The location of the monopole next to the public utility easement is smaller in scale than the overhead wires and poles, and combines similar utility characteristics to promote a visual balance.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR	Single-family Residential/Wireless Communication Facility
<b>North</b>	RE-5	LDR	Public Utilities/Open Space/U.S. Highway 50
<b>South</b>	RE-5	LDR	Single-family Residential
<b>East</b>	RE-5	LDR	Single-family Residential
<b>West</b>	RE-5	LDR	Vacant/Open Space

## DISCUSSION

**General Plan:** The General Plan designation of the subject site is Low Density Residential (LDR). This designation permits wireless communication facility in a residential land use with a Special Use Permit. *Policy 5.6.1.4* of the General Plan states, “*Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.*” The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

### Zoning:

The proposed use is permitted in the Estate Residential Five-acre (RE-5) Zone District, pursuant to Section 17.14.200D, which states the following:

“Use Permitted. Wireless communication facilities, as defined in Section 17.06.050, shall be permitted in **all** Zone Districts, subject to the following standards and permitting requirements.”

The requirement explains that co-location of wireless telecommunication providers on existing facilities is permitted if reviewed and approved under the discretionary review process. In this case, a Special Use Permit is requested in order to consider the co-location candidate site on a residentially zoned parcel and prior to installation and/or operation of added equipment.

### Development Standards:

Section 17.14.200(E) thru (J) of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. Visual: The project provides photo-simulation to adequately reflect the changes that are being requested under this action. The photo-simulation will be used during the plan check permit process to ensure that the project adequately reflects approval of the Zoning Administrator and as part of the exhibits approved with the application. Photo-simulations of the wireless facility are included as Exhibit G.
- F. Development Standards:
  - 1. Screening: The location of the facility is sited where trees and tree canopy screens a large portion of the existing 80-foot tall monopole. The proximity to the existing utility easement and adjacency to public utility equipment allows for effective blending of like equipment and uses. The addition of only three visible (3) antenna will not create undue visual impact to the surrounding area.

2. Setbacks: The facility was previously approved at its current location, and the request for co-location will not create any further encroachments beyond the existing and disturbed project footprint of the at-grade lease and access areas. Refer to Site Plan in Exhibit F.
  3. Maintenance: The maintenance of the facility is a condition of approval of this and the existing project facility, as referenced by the original Sprint project number S99-0011. The attached conditions of approval also require that the site be maintained, at all times. The color scheme of antenna and equipment has been conditioned to match the approved and existing colors of the existing facility.
- G. Radio Frequency (RF) Requirements: Section 17.14.200(G) requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC). Sprint-Nextel has submitted a report indicating that the maximum power density at ground level for only Sprint-Nextel operations will be 0.000086 milliwatts per square centimeter (mW/cm<sup>2</sup>), or .015-percent of the applicable public limit. The maximum calculated cumulative effect of the entire on-site system, however, accounts for a higher effect of .44-percent of the maximum allowable public exposure limits, and well below the limit. A third measurement referenced by the report identifies the second floor of a distant building, which was found to be at .38-percent of the public exposure limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions.
- H. Availability: Section 17.14.200(H) requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been conditioned to allow for continued opportunities for co-location on this facility, with approval of a Special Use Permit reviewed by either the Zoning Administrator or the Planning Commission, depending on future requests and project conformance with the applicable regulations.
- I. Unused Facilities: Section 17.14.200(I) requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement (condition 10).
- J. Other Permit Requirements: Section 17.14.200(J) states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site and this site is not governed by CC&Rs.

After review of the submitted site plan(s), visual simulations and an on-site reconnaissance, it has been determined that the proposed project meets the standards contained in Section 17.14.200 E thru J of the Zoning Ordinance.

**Agency and Public Comments:** At the time of the preparation of this report, staff had not received any comments from the public. The minor nature of the co-location project does not warrant a review by the Cameron Park Design Review Committee. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines for 'Existing Facilities' which allows projects to be exempt from CEQA review should minor alterations be proposed to existing facilities. This project proposes no additional impacts to the environment and will not extend further beyond that are of existing disturbance, and therefore, no further environmental analysis is necessary.

Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## **RECOMMENDATION**

1. Categorical Exemption pursuant to CEQA Section 15301; and
2. Approve the Special Use Permit amending existing use permit subject to the conditions in Attachment 1 and based on the findings made in Attachment 2.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Findings
Attachment 2 .....	Conditions of Approval
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Assessor's Parcel Map
Exhibit E .....	Aerial Map
Exhibit F .....	Site Plan
Exhibit G .....	Photo-Simulations

## **ATTACHMENT 2 FINDINGS**

### **File Number S 99-0011 R Sprint/Nextel – John and Marion Harris**

1. The proposed project, as conditioned, will not have a significant effect on the environment. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game; therefore, the project is categorically exempt from further review under CEQA Section 15301.
2. The issuance of the permit is consistent with the General Plan. The use is authorized by Policy 5.6.1.4 of the El Dorado County General Plan. Furthermore, this project addresses the General Plan framework referencing the zoning and permitting procedures for community telecommunication facilities as an appropriate use. The project addresses siting, aesthetics, environmental issues, surrounding land use issues, and health and safety.
3. The proposed community telecommunication facility is found to comply with the requirements of Zoning Ordinance Chapter 17.22, Special Use Permits, and would not be detrimental to the public health, safety, and welfare, and will not be injurious to the neighborhood. The project will serve the needs of the public by co-locating equipment on an existing facility to provide necessary public wireless communication services.
4. The use is permitted by Special Use Permit pursuant to General Plan Policy 5.6.1.4 and Zoning Ordinance section 17.22.450.

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**File Number S 99-0011 R**  
**Sprint/Nextel – John and Marion Harris**

**CONDITIONS OF APPROVAL**

**El Dorado County Planning Services**

1. This special use permit authorizes the following uses on Assessor's Parcel Number 109-250-45: Establishment of a 1,200 (30' x 40') square foot lease area surrounded by a 6-foot-tall chain-link fence, an 80-foot-tall monopole structure with three initial (3 future: 6 total) non-projecting sectorized antenna panels, each five feet high by eight inches thick (5' by 8"), placement of a Global Positioning System (GPS) antenna one foot in height placed on a 2 foot projecting steel arm, placement of two Yagi's antennas 36 inches in length and 12 inches apart, placement of a 20' tall Sheriff's Department Omni whip antenna, and a base transceiver station consisting of five equipment cabinets, each approximately 5 feet in height. The revision amends the original permit by allowing the co-location of the following antenna and equipment on the existing wireless telecommunication facility: three (3) RF antenna, one (1) Rubix BTS equipment cabinet, one (1) GPS antenna, one (1) electric Telco cabinet, one (1) waveguard bridge, and related appurtenances and equipment. All equipment and site improvements shall be made on the existing monopole, within the existing 1,200 square foot ground lease area, and/or as referenced by attached Exhibit F.
2. 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 "Off-Street Parking and Loading Ordinance," and the State of California Handicapped Accessibility Standards.
3. 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.
4. The applicant shall be subject to any and all requirements of the El Dorado County Fire District prior to and during the building permit process. The fire department may review the building plans and forward recommendations and requirements to the builder/operator.
5. The access road shall be constructed to State Fire Safe Standards regarding width, structural section, and turnaround area
6. The applicant shall apply for and secure a building permit from the El Dorado Building Department.

7. The applicant (~~Sprint PCS~~ Sprint-Nextel) shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
8. Additional antennas may be mounted on the monopole in addition to those described in permit S99-0011 or as referenced in Condition 1 of this permit ~~and as illustrated~~ on the attached exhibits, and subject to review and approval by the Planning Director. Should the Director find that an antenna may create a visual impact, the Director shall decide if the changes will be reviewed ~~be subject to approval by the Zoning Administrator or the Planning Commission.~~
9. The applicant shall consent to the co-location of other wireless telecommunication communication ~~PCS~~ users either on their monopole or immediately adjacent to their site when the increase in pole height would be undesirable. Any increase in pole height or addition of additional cellular antennas will require an amendment to this special use permit under the permit process referenced by Condition 8.
10. All obsolete or unused communication facilities shall be removed 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 conditions.
1140. Due to the ever-changing technology of wireless communication technology and systems, this special use permit shall be reviewed by the El Dorado County 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 property and related equipment. The Planning Commission shall review the status report and, based upon an assessment of the information provided, current wireless technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and/or (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 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 the five-year review.
1211. ~~The color of the monopole shall be subject to approval by the Planning Director.~~ All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair, at all times. The monopole shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep of the earth-tone color, as referenced by

photo-simulation Exhibit G. All facility RF antennas shall be painted and maintained to match the color of the monopole. Colors of the monopole, antenna, and other appurtenances shall be maintained to ensure the appearance remains consistent.

13. The facility serving access easement shall be improved and maintained in good repair with asphaltic concrete (AC) and/or materials approved by the Air Pollution Control District (APCD) and the Department of Transportation (DOT), at all times.

### **El Dorado County Environmental Management**

14. The project is within the Asbestos Review area. The Air Pollution Control District (APCD) will require the access road be paved and maintained, at all times.
15. Prior to the approval of grading, site improvement plans, and/or building permits, the applicant shall submit for and obtain approval of an Asbestos Dust Mitigation Plan (ADMP) by El Dorado County Environmental Management.
16. Burning of wastes that result from “Land Development Clearing” must be permitted through the APCD. Only vegetative waste material may be disposed of using a permitted open outdoor fire (Rule 300).
17. Project construction may involve road development and shall adhere to APCD Rule 224 addressing Cutback and Emulsified Asphalt Paving Material.
18. The following measures shall be implemented during construction activities to maintain the air quality standards established by the APCD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture’s specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours.
19. Prior to the installation or approval of any new point source emission units or non-permitted emissions units such as emergency generators, an authority to construct (and install) application shall be submitted for approval by the APCD. The applicant shall include facility diagrams, equipment specifications, and emission factors.