

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**

Agenda of: October 17, 2007

Item No.: 4.a.

Staff: Thomas A. Lloyd

SPECIAL USE PERMIT REVISION

FILE NUMBER: S02-0002-R3

APPLICANT/AGENT: MetroPCS, Karen Lienert

PROPERTY OWNER: Sierra Pacific Industries

REQUEST: Revision to a special use permit to allow collocation of six (6) antennas at a height of 84 feet on an existing 120 foot monopine owned by American Tower Corporation. Additionally, MetroPCS will install up to three (3) radio cabinets within the existing fenced compound.

LOCATION: On the north side of Weber Mill Road, approximately 0.3 miles southeast of the intersection with Ice House Road, in the American River Canyon area, Supervisorial District II. (Exhibit A)

APN: 011-090-50

ACREAGE: 431.35 acres

GENERAL PLAN: Natural Resource (NR) (Exhibit B)

ZONING: Residential Agricultural One Hundred Sixty-acre (RA-160) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

Background: The original Special Use Permit (S02-0002) was approved by the County Planning Commission on September 12, 2002. It allowed construction of a new 125 foot tall wireless facility tree pole (disguised as a pine tree). The project was conditioned to be consistent with original Exhibit D contained in the staff report for S01-0002. The original file also contains additional

exhibits detailing the final form of the monopine. The antennas were all to be located within the artificial tree branches of the tree pole. The project included an equipment shelter located on the ground at the base of the pole, situated within a 70 foot by 70 foot (70' x 70', 4,900 square foot) chain-link fence enclosure. This facility was constructed and is now operational.

On April 6, 2005, the Zoning Administrator approved S02-0002R1 as a revision to the original Special Use Permit which allowed Cingular Wireless to add twelve (12) antennas at the 110 foot level, as well as one flush mounted microwave dish, and the requisite equipment shelter within the existing fenced area.

On June 15, 2005, the Zoning Administrator approved S02-0002R2 as a further revision. This revision allowed the addition of four (4) panel antennas and ground mounted support equipment at the 96 foot level.

STAFF ANALYSIS

Project Description: The project applicant requests a revision to a special use permit to allow collocation of six (6) antennas at a height of 84 feet on an existing 120 foot monopine owned by American Tower Corporation. Additionally, MetroPCS will install up to three (3) radio cabinets within the existing fenced compound.

The proposed project includes a 16 foot by 10 foot (16' x 10', 160 square feet) lease area, within the existing fenced enclosure, for the location of up to three new radio equipment cabinets, immediately west of the tower and south of an existing Nextel equipment shelter. All MetroPCS equipment within the leased area will be mounted atop a 16 foot by 10 foot (16' x 10', 160 square feet) metal grate equipment floor. This floor will be supported 48 inches above ground level. Proposed construction would also include a new Global Positioning System (GPS) unit, a new 300-watt site light, a coaxial cable bridge, and a new steel equipment access ladder. Additionally, a generator receptacle will be utilized to attach the new equipment to the existing on-site generator.

The existing tower lease area, enclosed by an existing eight (8) foot tall chain link fence, will not be enlarged to accommodate the proposed additional equipment. The facility will continue to be served via an existing access road from Weber Mill road, maintenance of which has been conditioned in previous co-locations. The facility will remain unmanned, and visited approximately once per month for maintenance purposes. This Special Use Permit revision would allow the third of four (4) collocations for which the tower was originally designed and approved.

Site Description: The property on which the project is located is approximately 4,280 feet above mean sea level. The vegetation was burned by the Cleveland fire of 1992. The area as a whole now contains small pine trees, and additional coverage of shrubs and other assorted vegetation. The host tower currently has antenna facilities at both the 120 foot and 96 foot levels, both supported by associated shelters located within a 100 foot by 100 foot fenced facilities yard. There is also a Sierra Pacific Industries maintenance facility located to the west-northwest of the project area.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
North	TPZ	NR	Timberland
South	RA-160	NR-NJ	Non-jurisdictional-USFS; Rock Quarry
East	RA-160, TPZ	NR	RA-160 zoning is non-jurisdictional USFS; TPZ is Timberland
West	RA-160, TPZ	NR	RA-160 zoning is non-jurisdictional USFS; TPZ is Timberland

General Plan: The General Plan designates the subject site as Natural Resource (NR). The purpose of this designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources. Additionally, it is the County's intent to limit development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. As such, staff finds that the project, as conditioned, conforms to the General Plan.

Zoning: In all Zone Districts, the placement of antennas on an existing approved monopole or tower may be permitted subject to approval of a use permit pursuant to Section 17.22.400 et seq. and subject to criteria outlined in the Zoning Ordinance. The proposed project is a collocation on an existing monopole that meets all applicable County policies. Staff finds that the project, as conditioned, is in compliance with the Zoning Ordinance.

Development Standards: Section 17.14.200 (F) of the County Code establishes screening, setback, and maintenance standards for wireless facilities in all zone districts. All facilities must be screened with vegetation or landscaping, and the facility must be painted to blend with the prevalent architecture and/or natural features of the site. Setbacks are those set forth in each applicable zoning district. Furthermore, all improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping must be properly maintained at all times, and the colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color. At the time of construction, branches were included to below the 84 foot level. As such, branches are already in place to accommodate this co-location. As conditioned, proper maintenance will be required including, but not limited to, replacing and/or repairing any and all branches necessary to maintain camouflage consistency.

The proposed project, as conditioned, meets all of the required County development standards, as the existing tree-pole facility is designed and constructed to blend in with the natural features and vegetation onsite; the proposed collocation and equipment shelter would meet the required setbacks; and the project is conditioned to require the site be properly maintained.

Due to the ever-changing technology of wireless communication systems, special use permits related to wireless conditions are required to be reviewed by the Planning Commission every five years. The original facility, approved by the Planning Commission on September 12, 2002, and last

reviewed for co-location by the Zoning Administrator on June 15, 2005, is still operational. Based upon the review conducted for this collocation application, staff recommends that this entire facility be considered to be approved for use through a date five years after Zoning Administrator approval of the revised special use permit, rather than be partially reviewed in June of 2010.

See the attached site plan (Exhibit D). Photo simulations, as required under Section 17.14.200 (E), are also available to view (Exhibits H-1 and H-2). Additional documentation is located in the project file at Planning Services.

Radio Frequency (RF) Report: There have been concerns expressed by some federal and state public health agencies about possible negative effects from exposure to electromagnetic fields (EMF). EMF is emitted from all electrical sources, including utility power lines (i.e., PG&E electrical transmission lines) and from sources such as wireless facilities. In order to ensure that all proposed wireless facilities comply with the allowable limits established by the Federal Communication Commission (FCC), a Radio Frequency (RF) Report is required to be prepared for all wireless facilities. The RF Report for the proposed project is attached to this staff report as Exhibit G. The report lists the American National Standard Institute (ANSI) non-occupational exposure limitation for sites of this type at a combined total level of 1 milliwatt per square centimeter. The calculated maximum combined emission level of this site is 0.0078 milliwatts per square centimeter, or 1.38 percent of the ANSI maximum exposure limit. Thus, the report concludes that RF emissions from the existing and proposed antennas would not exceed the FCC exposure limits for the general population.

Federal Communication Commission (FCC): The Federal Communication Commission (FCC) prohibits local governments from denying a wireless facility project based on concerns about the dangers of exposure to radio frequency/EMF. This is due to inconclusive evidence about the health risk of exposure to radio frequency EMF.

Conclusion: In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood. Staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines which states that Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. Approve Special Use Permit S02-0002-R3 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DSite Plan
Exhibit EElevations
Exhibit FPlot Plan
Exhibit GRadio Frequency (RF) Report
Exhibit H-1 and H-2Visual Simulations
Exhibit IAssessor's Map

ATTACHMENT 1
CONDITIONS OF APPROVAL

File Number S02-0002R3 - Whitehall Collocation / MetroPCS
October 17, 2007 Zoning Administrator Hearing

Conditions of Approval

El Dorado County Planning Services

1. ~~The authorization for the cellular communication facilities allowed by this permit~~ 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 October 17, 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, as approved, consists of the following:

The construction and operation of a wireless telecommunications facility off Weber Mill Road, approximately one mile east of the intersection with Ice House Road in the South Fork American River Canyon. 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 (S02-0002R1) shall consist of the co-location of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 110 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 (S02-0002R2) shall consist of the co-location of a cell antenna facility consisting of four panel antennas at the 96 foot level on the existing 125 foot monopine tower and one 10 foot x 16 foot pre-fabricated equipment shelter placed within the existing fenced facilities yard.

Revision No. 3 (S02-0002R3) shall allow co-location of six (6) antennas at a height of 84 feet on an existing 120 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.

~~2.4.~~ All site improvements related to the original tower and cell site (S02-0002) shall conform to the submitted site plans attached on Exhibits D as found in the staff report for S02-0002. All site improvements related to Revision No. 1 shall be substantially compliant to Exhibits E-1, E-2, E-3, F, G-1, and G-2 as found in the staff report for S02-0002R1. All site improvements related to Revision No. 2 shall be substantially compliant to Exhibit F as found in the staff report for S02-0002R2.

~~9.5.~~ 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 the Planning Department at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project conditions.

~~10.6.~~ 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.

- 11.7. 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 September 12, 2002, and last reviewed for collocation by the Zoning Administrator on June 15, 2005, is still operational. Based upon the review conducted for this collocation application, staff recommends that this entire facility be considered to be approved for use through a date five years after Zoning Administrator approval of the revised special use permit, rather than be partially reviewed in June of 2010. 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
 - 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.

- ~~12. During all grading and construction activities in the project area, an archaeologist or historian approved by the Planning Director shall be on call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading or construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on call 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 of item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading and building plans shall include this condition of approval on the plans. The Planning Department shall review the grading and building plans prior to issuance of a grading or building permit.~~

~~Further, 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 twenty four (24) hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading and building plans shall include this condition of approval on the plans. The Planning Department shall review the grading and building plans prior to issuance of a grading or building permit.~~

- ~~13.8.~~ The building permits required by Condition 10 for the construction of any collocations shall not be issued until the building permits for ~~the tower's and first cell site's construction~~ any prior collocations have been finalized.
- ~~14.~~ Prior to final occupancy being issued and the finaling of the building permits, an on-site inspection by planning Division staff confirming compliance with conditions of approval shall be required. Notification of the timeliness of this inspection shall be the responsibility of the applicants. At no time prior to this event shall the Nextel facilities authorized by these revised Conditions of Approval provide service to the Nextel or any other telecommunications system.
9. 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.

El Dorado County Building Department Requirements Services

- ~~3.10.~~ Project facilities shall be subject to a building permit from the El Dorado County Building Department.

El Dorado County Department of Environmental Management Requirements

- ~~4.~~ 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.

El Dorado County Department of Transportation Requirements

- ~~5.~~ The applicant shall comply with all County requirements related to the Department of transportation including, but not limited to, "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.
- ~~6.~~ A commercial grading permit issued by DOT will be required.
- ~~7.11.~~ The applicant shall place a minimum of 3-inch thick x 12 foot wide aggregate base surfacing over the existing dirt road from Ice House Road to the project. Any damage to said access road shall be repaired prior to the finaling of the building permits required for the construction of ~~Revision No. 1~~ any subsequent co-locations. Further, the access road is to be

maintained as required at all times.

~~El Dorado County Resource Conservation District~~

8. ~~The developer shall prepare an erosion control plan prior to grading operations. The plan shall address erosion control, revegetation, and stabilization of all disturbed areas, and shall be included in the grading plan submitted to D.O.T.~~

~~El Dorado County Planning Services Division:~~

~~Fire Department~~

- ~~15.12.~~ 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.~~ Condition 9.

El Dorado County Fire Protection District

13. 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).
14. Prior to final inspection, the applicant shall provide the site with high-priority "Knox" access with keys for emergency access.
15. 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.
16. 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.
17. 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.
18. 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**

File Number S02-0001R3 - Whitehall Collocation / MetroPCS
October 17, 2007 Zoning Administrator Hearing

1.0 CEQA FINDINGS

- 1.1 The Zoning Administrator has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.
- 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.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The project is consistent with the El Dorado County General Plan (adopted July 19, 2004) because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. As conditioned, the monopine project will continue to blend with the surroundings, and will not be inconsistent with the intent of the Natural Resource (NR) land use designation.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The wireless facility collocation and associated equipment would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At 1.38 percent of the ANSI maximum exposure limit, the RFR emissions that would result from project operation would meet the FCC standards (as discussed in the staff report).

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The County Ordinance Code, Title 17 - Zoning, includes Chapter 17.22, Special Use Permits, and Section 17.14.200 - Wireless Communication Facilities which establish development requirements for wireless telecommunication facilities, therefore the proposed collocation is specifically permitted by the Zoning Ordinance. As proposed, the project is consistent with these requirements.