

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

**Agenda of:** October 17, 2007

**Item No.:** 4.b.

**Staff:** Thomas A. Lloyd

**SPECIAL USE PERMIT REVISION**

**FILE NUMBER:** S03-0001-R1

**APPLICANT/AGENT:** MetroPCS, Karen Lienert

**PROPERTY OWNER:** Hugh Lewis, Jr.

**REQUEST:** Revision to a special use permit to allow collocation of four (4) antennas at a height of 140 feet on existing 153 foot monopine owned by T-Mobile. Additionally, MetroPCS will install up to three (3) radio cabinets within existing fenced compound.

**LOCATION:** On the north side of Hazel Valley Road, approximately 0.13 miles east of the intersection with State Highway 50, in the Pollock Pines area , Supervisorial District II. (Exhibit A)

**APN:** 009-160-03

**ACREAGE:** 7.05 acres

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

**ZONING:** Estate Residential Ten-acre (RE-10) (Exhibit C)

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

**SUMMARY RECOMMENDATION:** Conditional Approval

**Background:** The original Special Use Permit, S03-0001, was approved by the County Planning Commission on July 10, 2003. It allowed construction by Cingular Wireless of a new 153 foot tall wireless monopole facility (disguised as a pine tree) with twelve (12) panel antennas mounted at approximately 148 feet. 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 35 foot x 35 foot (35' x 35', 1,225 square feet) chain-link fence enclosure. This facility was constructed and is now operational.

**STAFF ANALYSIS**

**Project Description:** The project applicant requests a revision to a special use permit to allow collocation of four (4) antennas at a height of 140 feet on an existing 150-foot monopine owned by T-Mobile. Additionally, MetroPCS will install up to three (3) radio cabinets within the existing fenced compound.

The proposed project includes a 16 foot by 12 foot (16' x 12', 192 square feet) lease area, within the existing fenced enclosure, for the location of up to three (3) new radio equipment cabinets, adjacent to the base of the tower and west of an existing equipment shelter. All MetroPCS equipment within the leased area will be mounted atop a 16 foot by 12 foot (16' x 12', 192 square feet) metal grate equipment floor. This floor will be supported 24 inches above ground level. Proposed construction would also include a new Global Positioning System (GPS) unit. 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 six (6) 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 310 foot long driveway with a fire turnaround. The facility will remain unmanned, and visited approximately once per month for maintenance purposes. This Special Use Permit revision would allow the first of four (4) co-locations for which the tower was originally designed and approved.

**Site Description:** The site is located on Hazel Valley Road, slightly to the east of the community of Pacific House and immediately south of U.S. Highway 50. The site is situated on a knoll overlooking the highway, and is accessible via the gravel drive constructed per conditioning of the original special use permit.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>North</b>	TPZ	NR	Undeveloped
<b>South</b>	TR1	NR	Undeveloped
<b>East</b>	RE-10	NR	Single-family residence
<b>West</b>	TC	NR	Undeveloped

**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. The original tower construction was designed to accommodate four (4) co-locations. At the time of construction, branches were included to below the 87 foot level, the lowest co-location point. 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 July 10, 2003, 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 July of 2008.

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 0.0016 milliwatts per square centimeter, or 0.16 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.<sup>00</sup> 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 S03-0001-R1 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

**SUPPORT INFORMATION**

**Attachments**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Site Plan
Exhibit E.....	Elevations
Exhibit F.....	Plot Plan
Exhibit G .....	Radio Frequency (RF) Report
Exhibit H-1 and H-2.....	Visual Simulations
Exhibit I.....	Assessor's Map
Exhibit J.....	From the Minutes of July 10, 2003, Planning Commission Meeting for S03-0001

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number S03-0001-R1 - Pacific House Collocation / MetroPCS  
October 17, 2007 Zoning Administrator Hearing

### Mitigation Measures:

1. ~~The project shall adhere to the provisions of **El Dorado County Air Pollution Control District Rule 223: Fugitive Dust** to prevent impacts associated with fugitive dust. To ensure compliance with the rule, the project proponent shall submit a Fugitive Dust Prevention and Control Plan to the El Dorado County Air Pollution Control District for review and approval prior to any grading activities on the site.~~
2. ~~During construction water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. As a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph.~~
3. ~~The tree protection recommendation provided in the Robert L. Bjorgum *Arborist Report*, dated April 2, 2003, shall be incorporated into the project. The arborist shall submit a letter to the Planning Department indicating that all protective fencing has been installed, as recommended, prior to issuance of a grading permit.~~
4. ~~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.~~
5. ~~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.~~
6. ~~The recommendation provided in the Brown & Mills, Inc., soils report, dated January 21, 2003, shall be incorporated into the design of the project and shall be reviewed by the~~

Department of Transportation prior to issuance of a grading permit.

- ~~7. The project shall be modified to incorporate the requirements required by the El Dorado County Fire District and shall be reviewed and approved by the Fire District prior to issuance of a building permit.~~

## **Conditions**

### **El Dorado County Planning Department**

- ~~8.1. This special use permit revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through G dated May 24, 2007 and conditions of approval set forth below. 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, as originally approved, consists of the following:

A 153-foot monopine, with 12 panel antennas mounted at centerline of approximately 148 feet. A pre-fabricated exposed aggregate equipment shelter is proposed within a 1,225 square foot leased area. Access will be provided to the site by a 310-foot long driveway with a fire turnaround. The facility is to be enclosed by a 6-foot-tall chain-link fence, with 3 strands of barbed wire at the top of the fence. The monopine has been designed as a pine tree to blend with the surrounding forested area. The pole has been designed to accommodate four (4) co-location antennas.

Revision S07-0001-R (1) consists of the following:

A revision to a special use permit to allow the collocation of four (4) antennas at a height of 140 feet on an existing 150 foot monopine owned by T-Mobile. Additionally, MetroPCS will install up to three (3) radio cabinets within the existing fenced compound.

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.

- ~~9.~~ ~~All site improvements shall conform to the site plan(s) attached as Exhibit D.~~
- ~~10.~~4. For future co-location purposes, no further review by the Planning Commission shall be required, provided that all ground-mounted equipment is located within the existing leased area. Co-locations shall be considered by the Zoning Administrator in accordance with Section 17.14.200.4 of the County Zoning Ordinance.
- ~~11.~~5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
- ~~12.~~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 the tower and other improvements shall be maintained to ensure the appearance remains consistent.
- ~~13.~~7. 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~~ Services at the time of abandonment and all disturbances related to the communication facility shall be restored to pre-project condition.
- ~~14.~~8. 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 July 10, 2003 is still operational. Based upon the review conducted for this collocation application, the facility is considered to be 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: (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 of the wireless communication system, or (3) Allow the facility to operate according to 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 Development Services Director to cover the cost of processing a five-year review.

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.

#### **El Dorado County Building Department Services**

- ~~15.~~10. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department Services.

#### **El Dorado County Department of Environmental Management**

- ~~16.~~11. The project shall comply with all requirements of the El Dorado County Air Pollution Control District.
- ~~17.~~12. The project shall comply with all requirements of the Solid Waste and Hazardous Materials Division, including the filing of a Hazardous Materials Business Plan, if required by the Division.

#### **El Dorado County Department of Transportation**

- ~~18.~~ The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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. A commercial grading permit shall be required.
- ~~19.~~ The applicant shall be subject to encroachment permits, standard plan 103C.
- ~~20.~~ 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.

- ~~21.~~13. The applicant shall provide a 15-foot wide all weather surfaced (class II aggregate base) access road (Fire Safe Standards) from the end of the roadway encroachment to the project site.
- ~~22.~~14. The applicant shall provide adequate area at the leased site for a vehicle to exit the site in a forward direction.
- ~~23.~~15. The proposed dirt drainage swales shall be rock lined with 8 inch minimum sized rock (24" deep) and shall be graded at a maximum of a 2 percent slop for a minimum length of 20 feet and provide a overflow characteristic to convert channel flow to overland type flow. The drainage swales shall be maintained for the life of the project.

### **Fire Department**

#### **El Dorado County Fire Protection District**

- ~~24.~~16. The project shall comply with all requirements of the El Dorado County Fire Protection District.
- ~~13.~~ 17. 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 and tower. This access road shall have a minimum vertical clearance of 13 feet 6 inches 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. Any road, or portion of the road which exceeds 15 percent, and up to 20 percent, will require paving. Finally, the access road shall end in an approved 50 foot radius cul-de-sac or hammerhead Tee within 50 feet of the tower.
- ~~14.~~ 18. Prior to final inspection, the applicant shall provide the site with high-priority "Knox box" access with keys for emergency access.
- ~~15.~~ 19. 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.~~ 20. Prior to final inspection, any and all propane tanks under 500 gallons shall be located at least 10 feet from the building(s). Tanks over 500 gallons shall be located at least 25 feet from building(s). Combustibles shall be signed for "no smoking".

## **ATTACHMENT 2** **FINDINGS**

File Number S03-0001-R1 - Pacific House Collocation / MetroPCS  
October 17, 2007 Zoning Administrator Hearing

### **1.0 CEQA FINDINGS**

- 1.1 As the original Special Use Permit envisioned up to four carriers on the subject monopole, and the items listed in Section 15303 of the CEQA Guidelines are similar to collocation of wireless communication equipment at an existing facility, 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.
- 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 0.0016 milliwatts per square centimeter, or 0.16 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.