

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

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| Agenda of: | November 7, 2007 |
| Item No.: | 4.c. |
| Staff: | Thomas A. Lloyd |

SPECIAL USE PERMIT REVISION

FILE NUMBER: S01-0030R3

APPLICANT: MetroPCS.

AGENT: Karen Lienert

REQUEST: A revision to a special use permit to allow the collocation of six antennas at a height of 128 feet on a 165-foot monopine owned by American Tower Corporation. Additionally, Metro PCS will install up to three radio cabinets within the existing fenced compound.

LOCATION: On the north side of Pony Express Trail, approximately 640 feet west of the intersection with Crystal Springs Road, in the Camino area (Exhibit A), Supervisorial District III.

APN: 043-290-59

ACREAGE: 20.2 acres

GENERAL PLAN: Agricultural Lands (AL) (Exhibit B)

ZONING: Select Agricultural Ten-Acre (SA-10) (Exhibit C)

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

SUMMARY RECOMMENDATION: Conditional Approval

Background: The original special use permit, S01-0030, was approved by the County Planning Commission on May 9, 2002. It allowed construction by American Tower Corporation of a new 165-foot-tall wireless facility monopole (disguised as a pine tree) with antenna arrays to support four wireless carriers. The antennas were all to be located within the artificial tree branches of the tree pole. The project also included three equipment shelters located on the ground at the base of the pole, situated within an 80-foot by 40-foot chain-link fence enclosure. This facility was constructed and is now operational.

On March 16, 2005, the Zoning Administrator approved a revision to the original special use permit, S01-0030-R1, which allowed the collocation of three (3) arrays holding up to twelve (12) antennas to the 138-foot level, and a 12-foot x 20-foot equipment shelter to be located within the existing fenced facilities yard.

On April 6, 2005, the Zoning Administrator approved a second revision, S01-0030-R2, which allowed AT&T Wireless to co-locate six (6) panel antennas at the 148-foot level, as well as three (3) additional equipment cabinets within the existing fenced facilities yard.

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 128 feet on an existing 165-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 10-foot (160 square feet) lease area for the location of up to three new radio equipment cabinets, adjacent to the base of the tower and north of an existing equipment shelter. All MetroPCS equipment within the leased area will be mounted atop a 16-foot by 10-foot (160 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 seven foot tall slatted chain link fence, will not be enlarged to accommodate the proposed additional equipment. The facility will continue to be served via an existing 20-foot wide access from Pony Express Trail. 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 collocations for which the tower was originally designed and approved.

Site Description: The subject parcel is located approximately 3,300 feet above mean sea level and is developed with a single-family dwelling approximately 130 feet from the monopine, two trailers, and outbuilding, two accessory structures, and the Summerfield Berry Farm building. The majority of the property supports the operation of the Summerfield Berry Farm. An access road from the edge of the Berry Farm to the project site was constructed as part of the original tower construction, and has

been conditioned to be maintained. A slatted, 7-foot chain-link fence topped with barbed wire surrounds the 40-foot x 80-foot lease area.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|---------------|---------------------|--|
| North | AE | RR | Agriculture and single family residences |
| South | --- | --- | Hwy. 50 and Pony Express Trail |
| East | R1A | MDR | Single family residences |
| West | SA-10 | RR | Agriculture and single family residences |

General Plan: The General Plan designates the subject site as Agricultural Lands (AL). Agricultural Lands are to be of sufficient size to sustain agricultural use and should either be under a Williamson Act or farmland Security Zone Contract, contain the characteristics of choice agricultural soils, or currently be utilized for cultivation of commercial crops, or for grazing land. Additionally, Agricultural Lands should either be located in the county’s Rural Region or had a determination from the County Department of Agriculture that the land is well suited for agricultural production. The parcel contains an operational berry farm, consistent with the land use designation. Furthermore, as the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, the monopine project will continue to blend with the surroundings, and will not be inconsistent with the intent of the Agricultural Lands (AL) land use designation.

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 proposed project, as conditioned, meets all of the required County development standards, as the existing monopole 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 May 9, 2002, 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.

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 E. 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 0.5 milliwatt per square centimeter. The calculated maximum combined emission level of this site is 0.0052 milliwatts per square centimeter, or 0.93 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 S01-0030-R3 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

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S01-0030R3

MetroPCS Cedar Grove / Karen Lienert
Zoning Administrator Hearing – November 7, 2007

Planning Division:

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 November 7, 2007, and conditions of approval set forth below. Further, any deviations from the project(s) descriptions, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation.

The project (S01-0030), as approved, consists of a new cellular communication facility, including a 165-foot mono-pine with antenna arrays to support four wireless carriers and a 3,200-square-foot lease area. In addition to the mono-pine, the lease area will contain one 12 foot x 20 foot equipment shelter, two 12 foot x 28 foot equipment shelters, two 12 foot x 14 foot equipment pads, and a utility service pedestal. A seven-foot-high chain-link fence with brown vinyl slats and three strands of barbed wire will surround the lease area for security purposes. The project includes accommodations for the anchor tenant, Cingular Wireless. Future collocation by other carriers is subject to the approval of additional minor use permits or special use permits.

Revision No. 1 (S01-0030-R1) consists of the collocation of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 138 foot level on an existing 165 foot monopine tower, and a 12 foot by 20 foot equipment shelter to be placed within the existing and fenced facilities yard.

Revision No. 2 (S01-0030 R2) consists of six (6) panel antennas on an existing 165 foot mono-pine at the 148 foot level within a 40 foot by 80 foot lease area on the Larsen property. Also proposed are three 4-foot 4-inches wide by 3-foot 1-inch deep by 6-foot tall equipment cabinets to be placed on the ground in the footprint of the existing fenced lease area. The antennas colors will be painted to match the tower color.

Revision No. 3 (S01-0030 R3) consists of six (6) antennas at a height of 128 feet on a 165-foot monopine and 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, or 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 (S01-0030) shall conform to Exhibits D and E as found in the staff report for S01-0030. All site improvements related to revision No. 1 shall be substantially compliant to Exhibits E-1, E-2, E-3, and F as found in the staff report for S01-0030-R1.
- ~~3.~~ 5. All equipment shelters, cabinets or other auxiliary structures added by way of any revisions or collocation additions shall be painted in a matching color and style to the existing facilities.
- ~~4.~~ 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.
- ~~5.~~ 7. Prior to construction of the subject facility, the applicant shall provide plans of sufficient detail to clearly identify the alternative or back-up power source, should the same exist. This plan shall identify all fuel sources together with a detail of fuel storage. Based on the information contained on the plan, the Environmental Management Department will determine whether a Hazardous Materials Business Plan is required. Should a plan be required, the applicant will be responsible for the preparation of such a plan together with the payment of all appropriate fees to the Environmental Management Department.

- ~~6. The applicant shall obtain a commercial grading permit issued by the Department of Transportation.~~
7. 8. The applicant shall comply with all County transportation requirements including, but not limited to the 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.
8. 9. The access road from Pony Express Trail to the project site shall be surfaced with a minimum of 4-inch aggregate base for 12 feet in width. Any damage to said access road shall be repaired prior to finaling of the building permits required for the construction of ~~Revision No. 1~~ any prior collocations. Further, the access road is to be maintained as required at all times.
- ~~9. Prior to construction of the subject facility, the applicant shall provide a soils report addressing, at a minimum, grading practices, tree, brush and root removal and disposal, compaction, slope stability, and erosion potential and control.~~
- ~~10. Applicant shall be subject to an encroachment permit, Standard Plan 103D.~~
- ~~11. The gap size that currently exists between the bottom of the horizontal portions of the fenced enclosure and the dirt/gravel shall be reduced so a small child cannot gain entrance by crawling under.~~
12. 10. 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 condition.
13. 11. 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 May 9, 2002, and last reviewed for collocation by the Zoning Administrator on April 6, 2005, is still operational. Based upon the review conducted for this collocation application, the facility is considered 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 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, or
- 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 on a time and materials basis.

- ~~14. 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 and construction activities, the project proponent shall ensure that all such activities cease within fifty (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 or 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 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 the issuance of a grading or building permit.~~

15. 12. The building permits required by Condition No. 16 for the construction of any collocations shall not be issued until the building permits for ~~the towers and the first cell site's construction~~ any prior collocations have been finalized.

- ~~16. 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.~~
13. 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 Division Services:

- ~~17.~~ 14. Project facilities shall be subject to a building permit from the El Dorado County Building Department.

El Dorado County Fire Protection District:

- ~~18.~~ 15. 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. ~~16~~ 13.
16. 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.
17. Prior to final inspection, the applicant shall provide the new equipment shelter(s) with high-priority "Knox box" access, with keys for emergency access. Further, the applicant shall demonstrate that the existing gate meets "Knox" padlock requirements.
18. Prior to final inspection, the applicant shall provide or verify the existence of a minimum 12-foot with, all weather access road to the tower site. 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 25 feet. The grade of this road shall not exceed 15 percent. The access road must contain an approved emergency vehicle turn-around within 50 feet of the structure.

ATTACHMENT 2
FINDINGS
FILE NUMBER S01-0030R3
Cedar Grove Collocation / MetroPCS

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 Agricultural Lands (AL) 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 0.93 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.