

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

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

SPECIAL USE PERMIT REVISION

FILE NUMBER: S01-0032R3

APPLICANT: MetroPCS

AGENT: Karen Lienert

REQUEST: Revision to a special use permit to allow collocation of six antennas at a height of 75 feet on an existing 125 foot monopine owned by American Tower Corporation. Additionally, MetroPCS will install up to three radio cabinets within the existing fenced compound.

LOCATION: At the end of Cooks Spur Road, 0.23 mile north of the intersection with Short Hill Road, in the Strawberry area (Exhibit A), Supervisorial District II.

APN: 038-400-19

ACREAGE: 14.71 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, S01-0032, was approved by the County Planning Commission on March 14, 2002. It allowed construction of a new 125-foot-tall wireless facility monopole (disguised as a pine tree), with the approval of up to four separate wireless carriers. The

project was conditioned to be consistent with original Exhibit D contained in the staff report for S01-0032. 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 100-foot by 100-foot (10,000 square feet) chain-link fence enclosure. This facility was constructed and is now operational.

On May 18, 2005, the Zoning Administrator approved S01-0032-R1 as a revision to the original Special Use Permit. This revision allowed the addition of three arrays, up to twelve (12) antennas, and ground mounted support equipment at the 104-foot level.

On August 17, 2005, the Zoning Administrator approved S01-0032-R2 as a further revision. This revision allowed the addition of three arrays, up to twelve (12) antennas, and ground mounted support equipment at the 85-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 125-foot monopine. Additionally, up to three (3) radio cabinets within the existing fenced compound will be installed.

The proposed project includes a 15-foot by 9-foot 6-inch (142.5 square feet) lease area, within the existing equipment building, for the location of up to three new radio equipment cabinets. Proposed construction would also include a new Global Positioning System (GPS) unit and a generator receptacle.

The existing tower lease area will not be enlarged to accommodate the proposed additional equipment. The facility will continue to be served via an existing access road from Cooks Spur Road, maintenance of which has been conditioned in previous collocations. 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 parcel is located in the South Fork American River Canyon at an average elevation of approximately 6,000 feet on a side slope of moderate steepness with granite bedrock underlying shallow soils. Local vegetation consists predominantly of ponderosa pine, white fir forest, and manzanita. A single-family dwelling and garage are located adjacent to the fenced compound on the subject parcel. The garage is approximately 30 feet from the fenced area. At its nearest point, the house is located approximately 40 feet from the enclosure.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	NR	Single-Family Residence, Existing Cell Site
North	RA-160	NR	Forest Lands
South	R1	HDR	Single-Family Residence
East	R1	HDR	Single-Family Residence
West	RA-160	NR	Forest Lands

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 75-foot level. As such, branches should already be in place to accommodate this collocation. While performing a site visit, staff noticed that a large number of branches had fallen from the mono-pole, presumably due to heavy snows in the area. 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 March 14, 2002, and last reviewed for collocation by the Zoning Administrator on August 17, 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.

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 0.5 milliwatt per square centimeter. The calculated maximum combined emission level of this site is 0.0085 milliwatts per square centimeter, or 1.5 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 Categorical 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 S01-0032-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 S01-0032R3
Strawberry Collocation/MetroPCS

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 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 (S01-0032), as approved, consists of the construction and operation of a wireless telecommunications facility at 1000 Cooks Spur Rd., Kyburz, CA 95720. The facility will consist of a 125-foot mono-pole 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 every month 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 (S01-0032-R1) shall consist of the collocation of a cell antenna facility consisting of three arrays holding up to 12 antennas at the 104-foot level on an existing 125-foot mono-pine tower. The equipment used to support the facility will be housed within a leased portion of the adjacent and existing 810 square foot equipment shelter.

Revision No.2 (S01-0032R2) shall consist of the collocation of a cell antenna facility consisting of three arrays holding up to 12 antennas at the 85-foot level on an existing 125-foot mono-pine tower. The equipment used to support the facility will be housed within a leased portion of the adjacent and existing 810 square foot equipment shelter.

Revision No. 3 (S01-0032-R3) shall allow collocation of six (6) antennas at a height of 75 feet on an existing 125-foot monopine; and the installation of up to three (3) radio cabinets within the existing fenced compound, and a new Global Positioning System (GPS) unit.

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 (S01-0032) shall conform to the submitted site plan(s) attached on Exhibits D as found in the staff report for S01-0032. 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 S01-0032R1.

All site improvements in relation to the original tower and cell site (S01-0032) shall conform to the submitted site plan(s) attached as Exhibit D as found in the staff report for S01-0032R(2).

- ~~3.~~ 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.
- ~~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 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.
- ~~5.~~ 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 March 14, 2002, and last reviewed for collocation by the Zoning Administrator on August 17, 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 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 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.

6. ~~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 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 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.~~

7. ~~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.
8. ~~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 Services

9. ~~10.~~ Project facilities shall be subject to a building permit from El Dorado County Building Services.

El Dorado County Department of Environmental Management

10. ~~11.~~ 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.
11. ~~12.~~ The proposed project is required to meet state federal ambient air quality standards for criteria air pollutants. The air quality analysis conducted in the Initial Study has determined that the proposed project is not expected to violate state federal ambient air quality standards.

~~El Dorado County Department of Transportation Requirements~~

12. ~~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.~~

13. ~~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.~~
14. 13. The applicant shall place a minimum of 3 inches of aggregate base along the 12-foot wide access roadway from the existing asphalt driveway to the leased area. Any damage to said access road and/or driveway shall be repaired prior to the finaling of the building permits required for the construction of revision NO. 1 prior collocations. Further, the access road and driveway are to be maintained as required at all times.
15. 14. Provide adequate area at the leased area for a vehicle to exit the site in a forward direction.
16. ~~The applicant shall be responsible to correct any damage or excessive wear and tear caused to the County maintained roadways used as access to the site through the construction process. The applicant shall cause the existing roadway and roadside characteristics to be documented through photographic or video methods and shall repeat the verification process at the end of the facility construction. The applicant shall then submit a report to the Department of Transportation evaluating the before and after circumstances and identifying any necessary remedial work and shall obtain an encroachment permit from the Department of transportation to perform said remedial work.~~

El Dorado County Resource Conservation District

17. ~~If substantial grading is involved, the developer shall contact the Placerville office for approval of an erosion control plan prior to grading operations. The plan shall address erosion control, re-vegetation, and stabilization of all disturbed areas.~~

El Dorado County Fire Protection District

15. 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). This access road shall have a minimum vertical clearance of 13 feet 6-inches feet and be capable of supporting a load of at least 40,000 pounds. The grade of this road shall not exceed 16 percent. The access road must contain an approved emergency vehicle turn-around.
16. Prior to final inspection, the applicant shall provide the site with high-priority "Knox" access with keys for emergency access.
17. 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. Additionally, a "Knox" padlock shall be installed on the gate.

18. Prior to final inspection, the applicant shall provide or verify the existence of a fire extinguisher, rated 2A:10BC, mounted inside the equipment shelter.
19. As part of routine site maintenance, the applicant shall provide vegetation control 100 feet in all directions from the building and tower.
20. Prior to final inspection, the applicant shall post, or verify the existence of, the address for the property at the bottom of Cooks Spur Road. These numbers are to be a minimum of 12-inches high.

ATTACHMENT 2
FINDINGS

FILE NUMBER S01-0032-R3
Strawberry 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 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 1.5 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.