

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



Agenda of: June 1, 2011
Item No.: 4.a.
Staff: Tom Dougherty

FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT

FILE NUMBER: S03-0025/Telecommunications Tower – South El Dorado Hills

APPLICANT: Metro PCS California, LLC-Ken Crouse

OWNER: Lakehills Community Covenant

REQUEST: Five-year review of an existing cellular telecommunications facility.

LOCATION: On the west side of White Rock Road approximately 1,700 feet north of the intersection with Valley View Parkway in the El Dorado Hills area, Supervisorial District 2. (Exhibit A)

APN: 121-280-20

ACREAGE: 20.51 acres

GENERAL PLAN: Adopted Plan (AP)-El Dorado Hills Specific Plan: Commercial (Village T)

ZONING: General Commercial-Planned Development (CG-PD)

ENVIRONMENTAL DOCUMENT: Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find the project is Exempt from CEQA pursuant to Sections 15061(b)(3) of the CEQA Guidelines; and
2. Find that for this five-year review period, the project is in substantial conformity with the Conditions of Approval for Special Use Permit S03-0025 as listed in Attachment 1.
3. Approve modifications to Conditions of Approval as shown in Attachment 1.

BACKGROUND: Special Use Permit S03-0025 was approved by the Zoning Administrator on December 17, 2003 for the following:

The project shall consist of the co-location of three (3) panel antennas on an existing one hundred thirty foot six (136') PG&E transmission monopole with four (4) supporting equipment cabinets in an enclosed fourteen foot (14') by eighteen foot (18') lease area in the vicinity of the monopole. The proposed project will increase the existing tower height to no greater than one hundred forty eight feet (148'). The dimensions of the antennas will be 51" X 6½" X 2 1/3". The dimensions of the cabinets will be 72" X 35 X 32". The supporting facilities are to be enclosed by a concrete block wall.

The applicant proposes to make minor modifications which in the opinion of staff are minor in nature and can be approved as being in substantial conformity with the approved Special Use Permit. Staff required the applicant to request a five-year review as required by Condition 6. The Department is currently processing Building Permit #199610.

STAFF ANALYSIS:

Special Use Permit Antennas: The applicant proposes to replace three of the six existing 51" x 6.5" x 2.33" antennas with three new panel antennas. The three new panel antennas would be larger than those they replace and measure 72" tall x 6.2" wide (they are round antennas). The antennas would be mounted at the same centerline height of 145 feet as those that exist. A third equipment cabinet would be added to the site; however, this cabinet was previously entitled for the site as up to four were approved.

Condition 1 of the Special Use Permit S03-0025, quoted above in the Background section, required that the three antennas measure 51" X 6½" X 2 1/3." Staff is recommending revising the approved antenna dimensions to reflect the new sizes of 72" tall x 6.2" wide (they are round antennas). Staff has found that the antenna replacement is in substantial compliance with the original approved antennas as they represent only a 21-inch increase in antenna height. These changes are reflected by ~~strikeout~~ and underline as shown in Attachment 1.

Five-Year Review-Site Inspection: A staff site visit on March 22, 2011 found the antennas and ground support equipment had been constructed pursuant to the approved plans. Site visit photographs are included as Exhibit H.

Condition 6 of the Special Use Permit S03-0025 required a five-year review by the Zoning Administrator. Planning staff is recommending that the next five-year review be performed at staff level as described below and as shown in ~~strikeout~~ and underline in Attachment 1:

Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and determine whether to:

- (A) *Allow the facility to continue to operate under all applicable conditions; or*
- (B) *Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.*

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

New Administrative Conditions: Staff recommends adding Conditions 8-10 which refer to the following administrative procedures. They are included in Attachment 1 as follows:

8. 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. All future development plans shall include this condition on the submitted plans.
9. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner 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.

The applicant and land owner 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 Special Use Permit.

The County shall notify the applicant/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

CONCLUSION: It is the opinion of Staff that at the time of the five-year review period site inspection, the cell tower facility is currently in substantial conformance with the Conditions of Approval.

ENVIRONMENTAL REVIEW: Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to

projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Exhibit A	Location Map
Exhibit B	Site Plan (A-1)
Exhibit C	Elevations (A-2)
Exhibits D-1, D-2.....	Photo Simulations
Exhibit E	Applicant supplied Conformance Documentation and Site Photos (five pages)
Exhibit F.....	Planning Services site visit photographs

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S03-0025/Metro PCS Five-Year Review
Zoning Administrator/June 1, 2011

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description and the following hearing exhibits:

Exhibit B.....Site Plan (A-1)
Exhibit C.....Elevations (A-2)
Exhibits D-1, D-2.....Photo Simulations

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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 description is as follows:

- ~~1.~~ The project shall consist of the co-location of three (3) panel antennas on an existing one hundred thirty foot six (136') PG&E transmission monopole with four (4) supporting equipment cabinets in an enclosed fourteen foot (14') by eighteen foot (18') lease area in the vicinity of the monopole. The proposed project will increase the existing tower height to no greater than one hundred forty eight feet (148'). The dimensions of the antennas will be ~~51" X 6½" X 21/3"~~ 72" tall x 6.2" wide (round antennas). The dimensions of the cabinets ~~will~~ shall be approximately 72" tall x 35 wide x 32" deep. The supporting facilities are to be enclosed by a concrete block wall.
2. All site improvements shall conform to Exhibits ~~E, E-1, E-2, E-3, F, and F-1~~ B to F-2, including but not limited to:
 - a. All antennas and connecting infrastructure shall be constructed and painted in a color and style consistent with that of the existing adjacent tower.
 - b. The concrete block wall surrounding the support facilities area shall be sufficiently high so that at no time shall any of the equipment within the yard extend above the top of the wall.
 - c. The equipment yard wall shall be painted a sand-tan color such that a blending of the wall with the surrounding area is achieved.
3. ~~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 proposed 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 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 the issuance of a grading or building permit. If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.~~

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

4. 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 shall be maintained to ensure the appearance remains consistent with approved conditions relating to color. Should the colors change as the result of time or conditions currently unforeseen, appropriate modifications to the facility colors must be changed as well.
5. All obsolete or unused communication facilities shall be removed within six (6) months after the use of the facility has ceased or after 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.
6. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Zoning Administrator every five years. At each five year~~

~~review, the permit holder shall provide the Zoning Administrator with a status report on the then current use of the subject site and related equipment. The Zoning Administrator shall review the status report and, based on an assessment of the information provided, current wireless communication 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.~~

~~By operation of this condition, it is the intent of the Zoning Administrator to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator to conduct or complete a five-year review in a timely fashion shall not invalidate the 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. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and determine whether to:~~

- ~~(A) Allow the facility to continue to operate under all applicable conditions; or~~
- ~~(B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.~~

~~By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.~~

- ~~7. Pursuant to Resolution No. 240-93, a processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Department prior to the issuance of any development permit being issued on the project parcel. Said fee must be presented to the El Dorado County Planning Department within sixty (60) days of this approval. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.~~
- ~~8. 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. All future development plans shall include this condition on the submitted plans.

9. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner 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.

The applicant and land owner 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 Special Use Permit.

The County shall notify the applicant/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

El Dorado County Department of Transportation

- 8.11. 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.

Further, the applicant shall provide a minimum of 4” of aggregate base along a 12’ wide access roadway from White Rock Road to the lease area. The existing access road, with improvements, can satisfy this condition.

El Dorado County Building Department

- 9.12. The project shall be subject to a building permit from the El Dorado County Building Department.