

Agenda of: January 12, 2006
Item No.: 8.a.
Staff: Tom Dougherty

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S05-0018

APPLICANT: Verizon Wireless (Agent: Complete Wireless)

PROPERTY OWNER: Yeol Choi (Property)
Verizon Wireless (Tower)

REQUEST: Special use permit to allow the establishment of a wireless telecommunications facility including ground-mounted equipment and a 120-foot mono-pine tower with 12 antennas.

LOCATION: On the south side of Pony Express Trail, approximately 1,900 feet east of the intersection with Blair Road. in the Pollock Pines area. (Exhibit A)

APN: 101-201-80

ACREAGE: 2.12 acres

GENERAL PLAN: Multifamily Residential (MFR) (Exhibit B)

ZONING: Tourist Residential (RT) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The Telecommunications Act of 1996 became effective on February 8, 1996. This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704.(7)B(iii) requires any denials to be in writing and supported by substantial evidence. Section 704.(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with Federal regulations.

On August 28, 2001, the El Dorado County Board of Supervisors adopted Sections 17.22.500 and 17.14.200 of the Zoning Ordinance to regulate special use permits and wireless communication

facilities. By adopting these ordinances, the Board of Supervisors acted to maintain the County's authority over decisions regarding wireless facilities.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3-1.34	100	100
1.34-3.0	100	180/F ²
3.0—30	900/F ²	180/F ²
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Based on the proposed Verizon facility Radio Frequency Analysis, (Dan Neumann, July 19,2005), analysis and computation, the maximum power density at this location is 0.4365 uW/cm² at 1000 ft. from the base of the tower and 0.0080 uW/cm² at the base of the tower. Therefore, this maximum permissible exposure for the general population at this site is 1,000 times lower than the FCC public exposure standards for these frequencies. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

STAFF ANALYSIS

Project Description: Special use permit to allow the construction and operation of a new wireless communications facility. Twelve panel antennas are proposed to be placed on a 120 foot tower designed to resemble a pine tree, often called a mono-pine, with associated ground support equipment, within a 30 by 50 foot lease area on the Choi property at the 3,874-foot elevation above sea level (5940 Pony Express Trail in Pollock Pines). The antennas will be located 110 feet from ground level. The antennas will be painted green, and the tower will be painted flat brown and faux bark covering it up to 47 feet. The branches are proposed to start 42 feet above ground level. The tower is designed to accommodate four total carriers with the potential that each one can place 12 antennas. The 1,500 square foot lease area is proposed to be surrounded by a six-foot-high chain-link fence with barbed wire atop for security, along with a 12-foot entrance closed by two six-foot gates. Utilities are proposed to be trenched from existing receptacles to the lease area along an existing parking area and existing access drive. A fire district approved hammerhead-type turnaround is proposed to be provided.

Project plans are included as Exhibit D.

Proposed Access: The applicant has supplied a letter from Yeol Choi (property owner) dated July 27, 2005, that grants access to Verizon Wireless and/or its authorized agents to the lease area along a 20-foot wide utility and access easement that runs parallel to the eastern parcel boundary. The project is proposed to be accessed directly from an existing encroachment from Pony Express Trail to follow a new driveway up to the tower.

Site Description: The project area lies at an elevation of approximately 3,874 feet above mean sea level. Existing structures on the 2.12-acre parcel include a 26-unit motel and parking areas in both the front and rear. The proposed monopine tower and support cabinets will be located approximately 290 feet to the south of the motel within a 30 by 50-foot graveled, chain link fence enclosed lease area. Access to the site is from Pony Express Trail in the Pollock Pines area. The existing access road to the proposed project site is blacktopped on the front (northern) 275 feet and continues with a 200 foot long dirt road providing direct access. There are existing leach bed lines on the western portion of the property between the lower parking lot and the lease area. The portion of the property south of the motel site contains mostly immature incense cedar (*Calocedrus decurrens*), ponderosa pines (*Pinus ponderosa*), deer brush (*Ceanothus integerrimus*), intermittently underlying sweatpeas and starthistle, and intermittent mature ponderosas and incense cedars along the western, southern, and eastern parcel boundaries. The proposed location of the cell tower and equipment shelter lease area within the project site, as well as the proposed access road, are cleared of trees, and no trees are scheduled for removal. Access to the site from the edge of the blacktop will be provided by an improved, graveled driveway as required by the El Dorado County Fire Protection District.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RT	MFR	Motel
North	R1	HDR	Single-family residences
South	TC	HDR	U.S. Hwy. 50
East	RT	MFR	Vacant
West	RT	MFR	Duplex

Discussion: The free-standing monopine tower is designed to resemble a generic pine tree in height and structure. It somewhat resembles a ponderosa pine (*Pinus ponderosa*) in shape and silhouette. There are scattered ponderosa pines in the Pollock Pines area. The options presently available to disguise the tower include making it resemble approximately 10 known conifer designs, one broad-leafed-tree design, a palm tree, or just a monopole. Planning staff believes that the monopine provides the best camouflage for this site given the existing technology.

General Plan: The General Plan designation of the subject site is Multifamily Residential (MFR). This designation permits high density, multifamily uses and is intended to be located in areas with

the highest degree of public access to public services. The wireless facility will be incidental to the main residential use of the site in the event that the site is developed for residential purposes. The development of the wireless facility does not prevent the use of the site for future residential use.

Policy 5.6.1.3 states that *Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.*

Policy 2.6.1.1 suggests the need for establishing standards and to preserve the scenic resources along U.S. 50. U.S. Highway 50 from the eastern limits of the Forni Road/Placerville Drive interchange to South Lake Tahoe has been designated by Caltrans in April of 1985 as a State Scenic Highway. The project site and the lease area are located on the north side of U.S. 50 but are completely screened from view by vegetation.

Policy 6.5.1.2: *Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.*

Discussion: The property adjoins U.S. Highway 50. Construction of the facility would consist of moderate grading for the driveway and pad, setting the monopine, placing ground equipment in the lease area, and installing a fence. These activities would occur weekdays only over an approximately four- to six-week period during daylight hours and would not involve extensive use of heavy equipment that would be a substantial source of noise or vibration at the residence. Operation of the ground equipment, including the backup generator, would generate noise comparable to a household air conditioner or refrigerator. (Backup generator Cheat Sheet and Verizon Wireless Shelter/AC Units Sound Pressure Graph were provided analyzing noise levels at the site). Staff feels the Cheat Sheet and Sound Pressure Graph provides information that eliminates the need for further acoustical analysis. In addition, routine maintenance visits would occur once a month. Changes in traffic-generated noise levels along Pollock Pines with the addition of the maintenance vehicle(s) would not be measurable.

The proposed monopine and equipment shelter have been designed to blend with the surroundings by painting the pole flat brown and covering it with faux bark up to 47 feet. The branches begin at 42 feet. The antennas and microwave dishes will be required, at least, to be painted with a non-reflective green paint. The enclosure will have brown slats. Worst case scenario of all vegetation burning down still leaves the tower camouflaged as well as any others approved to date. In that worst case scenario, landscaping could be added to better camouflage the enclosure. The Planning Commission certainly has the option of requiring antenna socks which are put over the antennas to resemble branch needle masses. Planning staff currently believes that the monopine provides the best camouflage for cell towers.

The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. All project-related environmental issues have been evaluated during the research leading up to this staff report. Therefore, staff finds that the project, as conditioned and mitigated, conforms to the General Plan.

Zoning: The County permits wireless communication facilities in all districts, provided that they follow standards and permitting requirements defined in Section 17.14.200 of the County Code. These standards include screening, compliance with setbacks and proper maintenance. The applicant has provided a justification statement explaining the project site selection process (Exhibit G).

Special Use Permit Request: To comply with County requirements, the project has been designed as a multi-carrier facility to allow for future collocation. The agent for the applicant has stated that four total carriers can be accommodated with a maximum of 12 antennas per carrier. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once or twice a month to ensure proper performance of the facility.

The proposed use is permitted in the Tourist Residential (RT) Zone District pursuant to Section 17.14.200(D) (5) (b), which requires approval of a special use permit.

After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.200 F and G of the County Code. It can be found that the use will not conflict with the current adjacent uses and will provide a benefit to the area by improving cellular service.

Design and Development Standards: Section 17.14.200(E) through (J) of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- a. **Screening:** The applicant is proposing to place the equipment shelter and steel monopine within a six-foot-tall chain link fence enclosure. Visual simulations of the wireless facility have been submitted (Exhibit E). As illustrated in the simulations, the monopine and ground equipment are designed as best as possible to blend into the surrounding area. The ground equipment will be screened from U.S. Highway 50 and Pony Express Trail by existing trees.
- b. **Setbacks:** The monopine and equipment shelter would be located within a fenced enclosure with setbacks of 21 feet from the closest side yard to the east and 52 feet from the southern rear property line. There would be no setback infringements from the proposed project.

- c. Maintenance: Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the monopine and equipment shelter be maintained at all times and be consistent with the features depicted in the visual simulations.
- d. Radiofrequency Radiation (RF) Requirement: Section 17.14.200(G) requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site. Verizon has submitted a report indicating that the maximum power density at this location will be 0.00080 milliwatts per square centimeter (mW/cm^2) at the base of the tower and 0.4365 milliwatts per square centimeter (mW/cm^2) 1000 feet from the base of the tower. This maximum permissible exposure for the general population at this site is reported to be .07 percent of the allowable limitations established in ANSI standard C95.1-1992, the prevailing standard for RF exposure levels.
- e. Availability: Section 17.14.200(H) requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been conditioned to allow for collocation, with no further review by the Planning Commission required provided that all ground-mounted equipment is located within the proposed leased area and provided that no more than 12 panel antennas are placed on the tree pole at any one time by any one carrier (Condition 4).
- f. Unused Facilities: Section 17.14.200(I) requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement (Condition 7).
- g. Other Permit Requirements: Section 17.14.200(J) states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site or subdivisions governed by CC&Rs.

Discussion: After review of the submitted site plan and a visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there are no unresolved issues with the project.

Agency and Public Comments: The following agencies provided comments on this application. From these comments, the following issues were raised.

Air Quality Management District: The District responded with issues need to be addressed during the course of carrying out this project. These issues are listed in Conditions 16 through 19.

El Dorado County Fire Protection District: The Fire District has reviewed the project and has recommended changes be incorporated to comply with District requirements. These requirements have been incorporated in Attachment 1, Conditions 11 through 15.

The following agencies were solicited for comments and either did not respond with concerns or responded they had no recommended conditions of approval:

El Dorado County Department of Transportation.
El Dorado County Environmental Management Department
CALTRANS, District 3
El Dorado County Pioneer Cemeteries

Copies of the responding agency's written comments are available at the Planning Services office. At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit I) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S05-0018, subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity and A.P.N. Maps
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan/Elevations
Exhibit E	Visual Simulations
Exhibit F	Site Visit Photos September 14, 2005
Exhibit G	Justification Statement
Exhibit H	Initial Study

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S 05-0018

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description 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 description is as follows:

Construction and operation of a new wireless communications facility. Construction includes 12 panel antennas to be placed on a 120 foot tower designed to resemble a pine tree, often called a monopine, with associated ground support equipment, within a 30 by 50 foot lease area on the Choi property at the 3,874-foot elevation above sea level at 5940 Pony Express Trail in Pollock Pines. The antennas will be located 110 feet up from ground level. The antennas will be painted green and the tower will be painted flat brown and faux bark covering it up to 47 feet. The branches start at 42 feet above ground level. The tower will accommodate four total carriers with the potential that each one can place 12 antennas. The 1,500 square foot lease area is to be surrounded by a six-foot-high chain-link fence with barbed wire atop for security, along with a 12-foot entrance closed by two six-foot gates. Utilities will be trenched from existing receptacles to the lease area along an existing parking area just south of the existing motel and the existing 20-foot wide access and utility easement along the eastern parcel boundary. A fire district approved hammerhead-type turnaround is to be provided at the lease area.

Access to the site is provided off of Pony Express Trail to an access easement on a 530-foot driveway which dead ends into a hammerhead design at the site.

This special use permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation.

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
3. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.

4. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the four proposed carriers installs no more than 12 panel antennas per carrier are placed on the mono-pine, and there shall not be any increase in the overall height of the tower and branches.
5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
7. All obsolete or unused communication facilities shall be removed by the applicant 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.
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. 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 o the wireless communication system. 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 Deputy Director of Planning to cover the cost of processing a five-year review.
9. 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 50 feet of the discovery until an 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 the appropriate measures are taken or the site is determined not to be of significance.

10. 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.

El Dorado County Fire Protection District

11. The applicant shall be subject to a site plan review fee of \$150.00. The site plan review fee shall be due to the District prior to commencement of any work performed.
12. The applicant shall install a minimum 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
13. The applicant shall provide a Fire District approved turn-a-round within 50 feet of the project site. As an alternative to a turnaround, the applicant may install a clean agent system in the equipment shelter. The system shall be approved by the Fire District prior to issuance of the building permit.
14. The applicant shall provide high priority Knox access padlock for emergency access through the 12-foot gate and into the fenced enclosure site. The gates shall comply with the Fire Prevention Officer's standard. The El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
15. Vegetation control is required at site.

El Dorado County Air Quality Management District:

16. If the project construction will involve grading and excavation operations which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust, District Rules 223, 223.1 and 223.2 which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rule 223, 223.1 and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive dust Plan (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) application shall be submitted to and approved by the District prior to the start of project construction.
17. Burning of wastes that result from Land Development Clearing must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).

18. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County ordinance concerning asbestos dust.
19. Prior to construction/installation of the back up generator or any other new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s) equipment specifications and emission factors.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S 05-0018

Special Use Permit S05-0018 has been requested by Verizon Wireless for the purpose of installing a 120-foot steel mono-pole with 12 panel antennas mounted at a centerline of 110 feet at 5940 Pony Express Trail in Pollock Pines. This special use permit authorizes Verizon Wireless to place the mono-pole and ground equipment within a 30 by 50-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire atop and a 12-foot wide gate on the north side of the enclosure. The special use permit may be approved or conditionally approved based on the following findings:

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the staff report, Environmental Questionnaire, and site visit. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
2. The proposed use is consistent with the policies in the El Dorado County General Plan, because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.

Finding/Discussion: The proposed site currently supports a 26-unit motel. Verizon Wireless proposes a monopole to provide enhanced cellular service within the Pollock Pines/U.S. Highway 50 corridor area. The main use of the site is for tourist residential purposes. The cellular facility would be incidental to the main tourist residential use of the property when developed. The design of the monopole and location on the site has been carefully considered and will blend with the surroundings as best as possible. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.

3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.

Finding/Discussion: This is a new wireless proposal designed as a multi-carrier facility, to allow for future co-location, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once or twice a month to ensure proper performance of the facility.

It is found that the use will not conflict with the adjacent uses and will provide a benefit to the area by improving cellular service. After review of the submitted site plan and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the monopine under existing conditions in the Community Region of Camino/Pollock Pines.