

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** February 9, 2006  
**Item No.:** 7.c.  
**Staff:** Michael Baron

**SPECIAL USE PERMIT**

**FILE NUMBER:** S05-0025

**APPLICANT:** Verizon Wireless Communications (Jennifer Walker)

**PROPERTY OWNER:** William and Mary Jean Bosen

**REQUEST:** Special use permit to construct and operate a new wireless tower disguised as a 110-foot monopine. The facility will consist of three antenna sectors two proposed and one future, two future collocation antennas per sector (12 total antennas), two future microwave dishes, and ground equipment within a 50 by 50 foot lease area.

**LOCATION:** North side of Bushwacker Lane 1,150 feet east of the intersection with Starkes Grade Road, in the Pollock Pines area.(Exhibit A).

**APN:** 042-680-02

**ACREAGE:** 20 acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit B)

**ZONING:** Single-family Three-Acre Residential (R3A) (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.

Verizon Wireless Communications submitted S 05-0025 on August 12, 2005.

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:

<b>Frequency Range (F) (MHz)</b>	<b>Occupational Exposure (mW/cm<sup>2</sup>)</b>	<b>General Public Exposure (mW/cm<sup>2</sup>)</b>
0.3-1.34	100	100
1.34-3.0	100	180/F <sup>2</sup>
3.0—30	900/F <sup>2</sup>	180/F <sup>2</sup>
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 Wireless Communications facility analysis and computation, the maximum power density at this location is 0.4374mW/cm<sup>2</sup>. Therefore, the maximum permissible exposure for the general population at this site is equivalent to 0.08% of the recommended limit. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

**STAFF ANALYSIS**

Staff has reviewed the project for compliance with the County’s regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided below:

## **PROJECT DESCRIPTION**

Verizon Wireless Communications proposes to construct a new wireless tower including a 110 foot monopine style monopole and a 12 by 20 foot equipment shelter located inside a 50 foot by 50 foot leased area. The monopole will be disguised as a pine tree with bark detail and branches beginning at 0 to 42 feet. The facility will consist of three antenna sectors two proposed and one future, two (2) future collocation antennas per sector (12 total antennas), and two future microwave dishes.

### **Project Access:**

Access to the project site is provided on the north side of Bushwacker Lane 1,150 east of the intersection with Starkes Grade Road in the Pollock Pines area.

### **Site Description:**

The site consists of 20 acres and is located at an elevation of approximately 4,059 feet. The site soils are Cohasset Cobbly Loam Series, which consist of 3 to 15 percent slopes with medium surface runoff. The site is heavily wooded with mostly pine species with a variety of shrubs.

### **Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R3A	MDR	Single-family residence
<b>North</b>	R2A & OS	MDR	Unimproved Residential
<b>South</b>	R3A	MDR	Single-family residence
<b>East</b>	R3A	MDR	Single-family residence
<b>West</b>	R3A	MDR	Single-family residence

### **General Plan:**

The General Plan designation of the subject site is Medium-Density Residential (MDR). This land use designation establishes areas suitable for detached single-family residences with larger lot sizes, between 1 to 5 acres, which will enable limited agricultural land management activities. This designation is considered appropriate only within Community Regions and Rural Centers. The following General Plan policy applies to this project:

Policy 5.6.1.4 Special use permits shall be required for the installation of community telecommunication facilities (e.g., cellular antennas and microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety are considered.

The cellular facility would be incidental to the main residential use of the property when developed. The project parcel is twenty acres in size, and the design of the monopine and location on the site has been carefully considered for compliance with General Plan policies. The proposed tower and equipment shelter have been designed to blend with the surroundings as well as possible by being disguised as a pine tree.

Findings can be made by the Planning Commission through the discretionary special use permit process 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. Staff finds that the project, as conditioned, conforms to the General Plan.

### **Zoning:**

The County permits wireless communication facilities in all districts provided 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 E).

### **Special Use Permit Request:**

The proposed use is permitted in the Single-family Three-acre Residential (R3A) Zone District, pursuant to Section 17.14.200 (D) (5) (a-b), which requires new towers to be subject to a special use permit and approval by the Planning Commission.

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 E and F of the County Code. It can be found that the use will not conflict with the 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 a 6-foot tall redwood fence for the equipment shelter and monopole as well as landscaping around the lease area. Visual simulations of the wireless facility have been submitted (Exhibit F). As illustrated in the simulations, the monopole, as proposed, blends as well as can be expected into the surrounding area.
- b. **Setbacks:** The monopole and equipment shelter would comply with the required 30 foot minimum setbacks. The setback to the north is 561 feet, east 64 feet, south is 33 feet, and to the west the setback is 1,347 feet. No setbacks would be affected with 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 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 Wireless Communications has submitted a report indicating that the maximum power density at this location will be 0.4374 milli-watts per square centimeter (mW/cm<sup>2</sup>). Therefore, the maximum permissible exposure for the general population at this site is equivalent to 0.08 percent of the recommended limit. This is well within 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.
- 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.

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.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Fire Protection District: The District provided conditions for approval. All other agencies contacted had no specific concerns regarding the proposed special use permit.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Exhibit H) 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 Mitigated 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.<sup>00</sup> 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.
2. Approve Special Use Permit S05-0025, subject to the Conditions of Approval 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 Maps
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Site Plan and Elevations
Exhibit E .....	Proposal Justification Statement
Exhibit F .....	Visual Simulations

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**

**File Number S05-0025**

**MITIGATION MEASURES**

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

1. District Rule #223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.
2. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.
3. In the event a heritage resource or other item of historical or archeological 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 archeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archeologist 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.
4. 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 deposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

**CONDITIONS**

**Planning Services**

5. The authorization for the cellular communication facilities allowed by this permit is based upon and limited to compliance with the project descriptions 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 hearings.

**The project description is as follows:**

Verizon Wireless Communications proposes to construct a new wireless tower disguised as a 110 foot monopine style monopole and a 12 by 20 foot equipment shelter located inside a 50 by 50 foot leased area. The monopole will be disguised as a pine tree with bark detail and branches beginning at 0 to 42 feet. The monopole will have up to three antenna sectors with two proposed and one future, two future collocation antennas per sector and two future microwave dishes. This special use permit authorizes Verizon Wireless Communications to place the monopole and 12 by 20 foot equipment shelter within a 50 by 50 foot lease area. The facility would be connected to land-based electrical and telecommunications utilities located within the equipment shelter. Access to the site is provided from the north side of Bushwacker Lane, 1,150 feet east of the intersection with Starkes Grade Road in the Pollock Pines area. 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 and ongoing maintenance.

6. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
7. 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.
8. 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 there is no increase in overall height.
9. 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.
10. 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.
11. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
12. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Planning Commission every five (5) 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 of 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 Planning Director to cover the cost of processing a five-year review.

13. Access road shall be constructed prior to final occupancy.

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

14. The applicant shall pay a site plan review fee of \$ 150.00 to the fire district.
15. A "Knox" box shall be installed on the shelter, five feet from grade to the right of the door.
16. A "Knox" padlock is required on the enclosure gate.
17. A minimum 12-foot wide all weather access road shall be provided to within 150 feet of the equipment shelter.
18. A turn-a-round approved by the fire district shall be provided at the project site.
19. Access roads shall have a 13 foot 6 inch vertical clearance and be capable of supporting a 40,000 pound load.
20. The minimum inside turning radius shall be 40 feet.
21. Road grades shall not exceed 16 percent, (grades from 17 to 20 percent are approved if paved).
22. Gates shall comply with Fire Prevention Officers standard (must be two feet wider than the road).
23. Vegetation control is required at site and shall be approved by the fire district.
24. Additional requirements may be necessary depending on building construction and use.

**ATTACHMENT 2**  
**FINDINGS**

**CINGULAR WIRELESS COMMUNICATIONS**

**FILE NUMBER S05-0025**

**1.0 CEQA FINDING**

- 1.1 The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public hearing process. The Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.5 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).

**2.0 ADMINISTRATIVE FINDINGS**

**2.1 Special Use Permit 05-0025 Findings**

Special Use Permit S05-0025 has been requested by Verizon Wireless Communications for the purpose of installing a 110-foot monopine. This Special Use Permit authorizes Verizon Wireless Communications to place the monopine and equipment shelter within a 50-foot by 50-foot lease area. The Special Use Permit shall only be approved or conditionally approved if all of the following findings are made:

**2.1.1 The use is found to comply with the requirements of County Code Section 17.14.200, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.**

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 in the Pollock Pines/Sly Park area.