

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of:	July 27, 2006
Item No.:	11.a.
Staff:	Michael C. Baron

SPECIAL USE PERMIT

FILE NUMBER: S05-0007

APPLICANT: Nextel Wireless Communications (Agent: Timothy Miller)

PROPERTY OWNER: Sierra Pacific Industries (Agent: Gary Blanc)

REQUEST: Special use permit to construct and operate a new wireless tower disguised as a 95-foot monopine. The facility will consist of three antenna sectors with four antennas per sector, three proposed and one future collocation antenna per sector, (12 total antennas), and ground equipment within a 35-foot by 45-foot lease area.

LOCATION: South side of Carson Road, 1,000 feet east of the intersection with Carson Road and U.S. Highway 50, in the Camino area.(Exhibit A)

APN: 043-011-02

ACREAGE: 30.26 acres

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

ZONING: Select Agricultural District (SA-10) (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.

Nextel Wireless Communications submitted S05-0007 on February 16, 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:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm²)	General Public Exposure (mW/cm²)
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

Conclusion: Based on the proposed Nextel Wireless Communications radio frequency report, facility analysis and computation, the maximum power density at this location is 17.83mW/cm². Therefore, the maximum permissible exposure for the general population at this site is equivalent to 4 percent 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

Nextel Wireless Communications proposes to construct a new wireless tower consisting of a 95-foot monopine style monopole and a 12-foot by 20-foot equipment shelter located inside a 35-

foot by 45-foot leased area. The monopole will be disguised as a pine tree with bark detail and branches beginning at ground level to 45-feet. The facility will consist of three antenna sectors with four antennas per sector three proposed and one future collocation antenna per sector (12 total antennas).

Project Access:

Access to the project site is provided on the south side of Carson Road, 1,000-feet east of the intersection with U.S. Highway 50, in the Camino area. Access on-site is proposed to traverse along an existing railroad right-of-way on Assessor’s Parcel Number 043-011-01, also owned by Sierra Pacific Industries. The proposed on-site access road will be designed in conformance with California Fire Safe standards.

Site Description:

The site consists of 30.26 acres and is located at an elevation of approximately 4,000 feet. The site soils are Aiken Series and Cohasset Cobbly Loam Series, which consist of 3 to 15 percent slopes with medium surface runoff. The site is moderately wooded with mostly pine species and a variety of shrubs. There are no structures or existing cellular facilities on the property.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	SA-10	MDR	Vacant/Tree Farm
North	R1A	MDR	Single-Family Residential
South	SA-10	LDR	Vacant
East	I and R1	I and HDR	Vacant Industrial and Single-family Residence
West	SA-10	AL-A	Multi-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 one to five 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 policies apply to this project:

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: The proposed cellular facility will be located on a portion of the 30.26 acre site that ensures that the facility will not create incompatibility with the surrounding land uses. 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.

Policy 2.6.1.2: Discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established.

Discussion: 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 with either choice 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.

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.

Discussion: The cellular facility would not be incidental to any residential use of the property when developed. The project parcel is 30.26 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.

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 E).

Special Use Permit Request

The proposed use is permitted in the Select Agricultural, Ten Acre Minimum (SA-10) Zone District, pursuant to Section 17.14.200 (D) (5) (a-b), which requires new towers to be subject to issuance of a special use permit and subsequent 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.

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 six foot tall chain link fence with redwood slats for the equipment shelter and monopole. Visual simulations of the wireless facility have been submitted (Exhibit F). As illustrated in the simulations, the proposed monopole, as proposed, blends into the surrounding area.
- b. Setbacks: The monopole and equipment shelter would comply within the required 30-foot minimum setbacks. The setback to the north is 308-feet, east 1,926 feet, south is 113-feet from the edge of the U.S. Highway 50 right-of-way, and to the west the setback is 846 feet. No minimum setbacks would be encroached upon as a result of 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. Nextel Wireless Communications has submitted a report indicating that the maximum power density at this location will be 17.83 milli-watts per square centimeter (mW/cm^2). Therefore, the maximum permissible exposure for the general population at this site is equivalent to 4 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 applicant has stated that there are no other existing facilities to serve as co-locations in the area except an 80-foot monopine located approximately 0.5 miles to the west, but Nextel would be required to mount the antenna equipment at the 46-foot height on the pole. As a consequence, the signal would be completely blocked to the east by the existing church building. 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
El Dorado County Department of Transportation
El Dorado County Environmental Management Department (Air Quality Management District)

Discussion: The El Dorado County Department of Transportation, Department of Environmental Management, and the El Dorado County Fire Protection District provided conditions for approval.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study 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 S05-0007, subject to the conditions in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit A.....Vicinity Maps
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit D.....Assessor’s Map
Exhibit EProposal Justification Statement
Exhibit F.....Visual Simulations
Exhibit G.....Site Plan and Elevations
Exhibit H.....Environmental Checklist and Discussion of Impacts

ATTACHMENT 1
CONDITIONS OF APPROVAL

File Number S05-0007

CONDITIONS OF APPROVAL

Planning Services

1. 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:

Nextel Wireless Communications proposes to construct a new wireless tower disguised as a 95-foot monopine style monopole and a 12 foot by 20 foot equipment shelter located inside a 35-foot by 45-foot leased area. The monopole will be disguised as a pine tree with bark detail and branches beginning at ground level to 45-feet. The monopole will have up to three antenna sectors with four antennas per sector, and one future collocation antenna per sector. 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 south side of Carson Road, 1,000-feet east of the intersection with U.S. Highway 50 in the Camino 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.

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 issuance of final occupancy of the facility through Building Services.
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 there is no increase in overall height.
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 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.
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 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.
9. Access road shall be constructed prior to final occupancy.

El Dorado County Department of Transportation

10. 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 from Department of Transportation is required.
11. 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.
12. The applicant shall provide a 12-foot wide all weather surfaced (gravel) access road (Fire Safe Standards) from the maintained road to the project site. As an alternative, the El Dorado County Fire Protection District may provide a letter addressing their requirements to provide fire protection and access to the cell site.

13. The applicant shall be subject to an encroachment permit, Standard Plan 103B-1, minimum driveway width of 20 feet for the access to Carson Road.
14. 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.
15. 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.

El Dorado County Fire Protection District

16. A site plan review fee of \$ 200.00 shall be submitted to the Fire District prior to the issuance of a building permit
17. The applicant shall post address at Carson Road with (12-inch minimum size) prior to final occupancy by Building Services.
18. The applicant shall construct a Fire District approved turn-a-round at project site prior to final occupancy by Building Services.
19. Access roads shall have a 13-foot 6-inch vertical clearance and capable of supporting a 40,000 pound load.
20. Road grades shall not exceed 16 percent.
21. Gates shall have Knox padlocks.
22. The equipment shelter shall be required to have a Knox box with keys.

El Dorado County Environmental Management Department (Air Quality District)

23. 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.

24. 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.
25. The District’s goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

1. Use low-emission on-site mobile construction equipment.
 2. Maintain equipment in tune per manufacturer specifications.
 3. Retard diesel engine injection timing by two to four degrees.
 4. Use electricity from power pole rather than temporary gasoline or diesel generators.
 5. Use reformulated low-emission diesel fuel.
 6. Use catalytic converters on gasoline powered equipment.
 7. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
 8. Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes).
 9. Schedule construction activities and material hauls that affect traffic flows to off-peak hours.
 10. Configure construction parking to minimize traffic interference.
 11. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.
26. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines etc.) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emissions factors.

ATTACHMENT 2
FINDINGS

NEXTEL WIRELESS COMMUNICATIONS

FILE NUMBER S05-0007

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 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 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 05-0007 Findings

Special Use Permit S05-0007 has been requested by Nextel Wireless Communications for the purpose of installing a 95-foot monopine. This special use permit authorizes Nextel Wireless Communications to place the monopine and equipment shelter within a 35-foot by 45-foot lease area. The special use permit shall only be approved or conditionally approved if all of the following findings are made:

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 Camino area.

The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.

The project has been designed in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the 2004 General Plan.