

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** October 12, 2006  
**Item No.:** 7.b.  
**Staff:** Shawna Purvines

**SPECIAL USE PERMIT**

**FILE NUMBER:** S06-0005

**APPLICANT:** Nextel of California/Howard Yee

**Property Owner:** Mary D. Shaw and Joyce Thille

**REQUEST:** Special use permit to allow the collocation of a wireless telecommunications facility on an existing Pacific Gas & Electric transmission tower, including an equipment shelter located near the base of the tower.

**LOCATION:** On the north side of County Club Drive, approximately one-third mile from the intersection of Tierra De Dios, in the Bass Lake Hills area. (Exhibit A)

**APN:** 119-010-22

**ACREAGE:** 5.996

**GENERAL PLAN:** Adopted Plan (AP) (Exhibit B)

**ZONING:** Estate Residential Ten-acre (RE-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301 of CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional approval

**BACKGROUND:** The Telecommunications Act of 1996 preserves the authority of a state or local government over decisions regarding the placement, construction, and modification of personal wireless services, with the following pertinent limitations:

**SEC. 704.(7)B(iii)**

Any decision by a state or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

**SEC.704.(7)B(iv)**

No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.

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 emissions that exceed the guidelines. PCS facilities, such as the proposed project, are categorically excluded from the FCC evaluation process if they are located ten meters or more off the ground (other than on a rooftop), or if the total power of all channels is 2000 watts (Effective Radio Power [ERP]) or less. The proposed facility is expected to transmit no more than **100** watts ERP; therefore, it is excluded from the FCC evaluation. Based on the information provided for the proposed wireless facility, it can be determined that the risk of release of hazardous 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 in the following analysis:

**Project Description:** Nextel of California proposes to co-locate a wireless communication facility on Pacific Gas & Electric's utility pole, consisting of three panel antennas and a 230 square foot equipment shelter on site.

Project plans are included as Exhibit D.

**Proposed Access:** Access is provided along a dirt road that is accessible on Country Club Drive.

**Site Description:** The proposed site (lease area) is located on an approximately six acre parcel that is currently developed with two single family homes. The balance of the property is vacant with two

PG&E tall utility poles and power lines running east-west. The parcel is gently sloping and contains scattered blue oaks with annual grasses. The property has street frontage along Tierra De Dios Drive and Country Club Drive. The lease area is located on the west end of the property and accessed from Country Club Drive.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	AP	BLH-SP Residential
<b>North</b>	RE-10	AP	Church
<b>South</b>	MV-TM	LDR	Undeveloped
<b>East</b>	RE-10	AP	Church Access Road
<b>West</b>	RE-10	AP	BLH-SP Undeveloped

**Discussion:** The subject parcel is approximately six acres with existing PG&E power lines. The proposed project, as conditioned will continue to be visually compatible with the existing tower and surrounding development.

**General Plan:** The General Plan designation of the subject site is Adopted Plan which recognizes the approved Bass Lake Specific Plan. This designation allows the development of distinct residential villages that provide a range of housing types and densities.

Policy 5.6.1.4 states, “*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.*”

The applicant has designed the wireless facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. Therefore, staff finds that the project, as conditioned conforms to the General Plan.

**Zoning:** The proposed use is permitted in the Estate Residential Ten-acre (RE-10) Zone District with the approval of a special use permit. Section 17.14.299(D)(4) states that a collocation on an existing approved monopole or tower may be permitted subject to approval by the Zoning Administrator. However, this collocation is located within a RE-10 Zone District, therefore, Section 17.70.100(C) requires a special use permit subject to the approval of the Planning Commission.

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

1. **Screening.** The applicant is proposing to place their support equipment within a 230 square foot equipment shelter. The design and placement of this structure within the

lease area relative to the topography and adjacent residential uses will continue the visual blending of the site with the surrounding area. Visual simulations of the telecommunications facility have been submitted (see Exhibit E).

2. **Setbacks.** All support facilities will be located within the 230 square foot equipment shelter. No setbacks are encroached upon.
3. **Maintenance.** The project has been conditioned to require all improvements to be properly maintained at all times, including the colors of antennas and support facilities.

After review of the submitted site plan(s), visual simulations and an on-site reconnaissance, it has been determined that the proposed project meets the standards contained in Section 17.14.200 E and F of the County Code.

Radiofrequency Radiation (RF) Requirement: Section 17.14.200(G) requires that the applicant submit a report detailing the evaluation of potential RF exposure at the edge of the facility site. In areas normally accessible to the general public, the effect of the proposed Nextel Wireless antennas at ground level is calculated to be a maximum of  $41.27 \mu\text{W}/\text{cm}^2$ .

**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.

**Project Access Discussion:** Nextel has requested a reduction in the required improvements to the access road. For similar projects the Department of Transportation has required a minimum of three inches of gravel, however, due to the location of the project within an Asbestos Review Area, Environmental Management, Air Quality Management Division (AQMD) requires the road to be paved. AQMD has agreed to allow the applicant to improve and extend the existing access road by applying a minimum of three (3) inches of gravel instead of paving the extended portion.

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

#### **Environmental Management – Air Quality**

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. Comments include measures that may be used to reduce impacts on air quality from equipment exhaust emissions.

Comments are available at the Planning Services office.

#### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to section 15301. This section states, in part, “that projects that consist of the...minor alteration of existing public or private structures...involving negligible or no expansion beyond that existing are exempt from further environmental review.”

The collocation is a negligible expansion of an existing facility. Based on staff’s review of the project, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment. Accordingly, the project can be found categorically exempt from CEQA pursuant to Section 15301.

## **RECOMMENDATION**

Staff requests that the Planning Commission take the following action:

- 1) Find that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
- 2) Approve Special Use Permit S06-0005 subject to the Conditions of Approval in Attachment 1, subject to the findings in Attachment 2.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2.....	Findings
Exhibit A.....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D.....	Site Plan
Exhibit E .....	Visual Simulations
Exhibit F .....	Notice of Exemption

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**FILE NUMBER S06-0005**

### **CONDITIONS OF APPROVAL**

#### **El Dorado County Planning Services**

1. The project, as approved, consists of the following:

Nextel of California proposes to collocate a wireless communication facility on Pacific Gas & Electric's utility pole, consisting of three panel antennas and a 230 square foot equipment shelter on site.

2. All site improvements shall conform to the site plan(s) attached as Exhibit D.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
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 the tower and other improvements shall be maintained to ensure the appearance remains consistent.
5. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services 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 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.

### **El Dorado County Building Services**

7. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department

### **El Dorado County Department of Environmental Management**

8. 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. Current county records indicate this property is located within the Asbestos Review Area. Therefore, district Rule 223.2, which addresses the regulations and mitigation measures for natural occurring asbestos dust emissions shall be adhered to during the construction process. Mitigation measures for the control of naturally occurring asbestos dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos dust Mitigation Plan (ADMP) Application shall be submitted along with the appropriate fees to and approved by the District prior to start of project construction.
9. 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).
10. Project construction may involve road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving materials.
11. Prior to construction/installation of any 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.

### **Hazardous Materials:**

12. The applicant shall submit a hazardous materials/hazardous waste generator management plan for review by this Department and applicable fees paid for all hazardous wastes generated by and for the hazardous materials stored in excess of the reportable quantities (55 gallons, 500 pounds or 200 cubic feet).

### **El Dorado County Department of Transportation**

13. 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 DOT is required.

14. 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.
15. 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.
16. The applicant shall be subject to an encroachment permit and construct said encroachment to the requirements of Std. Plan 103B-1, minimum driveway width of 12 feet for the access to County Club Drive Road.
17. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction.

## **ATTACHMENT 2 FINDINGS**

### **FILE NUMBER S06-0005**

1. This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to section 15301. This section states, in part, “that projects that consist of the...minor alteration of existing public or private structures...involving negligible or no expansion beyond that existing are exempt from further environmental review.” Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the proposed project will have a significant effect on the environment.
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.
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.