

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: January 12, 2012
Item No.: 4.d
Staff: Gina Paolini

FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT

FILE NUMBER: S06-0009/Verizon Wireless – Smith Flat 2

APPLICANT: Verizon Wireless

AGENT: Complete Wireless Consulting, Inc., Andrew Lesa

REQUEST: Request for a five-year review of an existing cellular telecommunications facility.

LOCATION: On the north side of U.S. Highway 50, approximately 200 feet northeast of the intersection with Still Meadows Road, in the Placerville area, Supervisorial District 3. (Exhibit A)

APN: 048-520-22

ACREAGE: 1.72 acres

GENERAL PLAN: Rural Residential-Agricultural (RR-A)

ZONING: Single-Family Three-Acre Residential (R3A)

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

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find that the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule of CEQA-There is no possibility that the activity will have a significant effect on the environment);
2. Approve the Conditions of Approval for Special Use Permit S06-0009 as revised by staff and listed in Attachment 1; and

3. Find that for this five-year review period, the telecommunication facility is found to be in substantial conformity with the Conditions of Approval for S06-0009.

BACKGROUND

The Planning Commission approved Special Use Permit S06-0009 on November 9, 2006. The project as approved consisted of a 120-foot steel monopine with up to 12 panel antennas mounted at a centerline of 106-feet and two microwave dishes mounted at 98 feet. The pole and ground equipment are located within a 50 by 40-foot lease area enclosed by a 6-foot tall chain link fence.

Building Permit No. 178403 was issued for Verizon Wireless on March 21, 2007, to grade the project site. The permit was finalized on June 15, 2007.

Building Permit No. 178399 was issued for the Verizon Wireless on March 14, 2007. The permit was finalized on January 27, 2009. The permit allowed for the installation of the monopine, with antennas and associated ground equipment.

Condition No. 8 of the approved Conditions of Approval required a five-year review of the facility by the Planning Commission. The Conditions of Approval for Special Use Permit S06-0009 have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been complied with (Exhibit B).

STAFF ANALYSIS

Condition Modification: Condition No. 8 of the Special Use Permit required a five-year review by the Planning Commission as follows:

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 Deputy Director of Planning to cover the cost of processing a five-year review.*

To streamline future reviews, staff is recommending that the Planning Commission revise Condition No. 8 (now Condition No. 9) to permit future five-year reviews to be completed at staff-level. Condition No. 9 would read as follows and as shown in strikeout and underline in Attachment 1:

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

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

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

Staff has also identified other minor corrections and changes to the conditions. These are shown in ~~strikeout~~ and underline in Attachment 1.

Five Year Review: Based on review of building permits and project conditions, it is the opinion of staff that the project site is in compliance with the Conditions of Approval.

ENVIRONMENTAL REVIEW

Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Conditions of Approval
- Attachment 2Findings

- Exhibit A.....Location Map
- Exhibit BApplicant's Statement of Use Permit Compliance
- Exhibit CSite Photographs

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S06-0009/Verizon Wireless-Smith Flat 2 Planning Commission/January 12, 2012

El Dorado County Planning Services

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:

1. A special use permit to construct a 120-foot tall monopine wireless communications facility. The monopine shall ~~will~~ include 12 antennas mounted at 106 feet and two microwave dishes mounted at 98 feet. The antennas shall be painted green and the tower shall ~~will~~ be painted flat brown and faux bark covering ~~it~~ up to 47 feet. The branches start at 42 feet above ground level. The ground mounted equipment and fence slats will be painted a brown to match the tower.

Additional ground mounted equipment including an equipment shelter and backup generator are to be located ~~with the mono-pine~~ within a 2,000 square foot fenced lease area.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

PROJECT CONDITIONS

Development Services Department - Planning Services

- ~~21.~~ All site improvements shall conform to the site plan and elevations attached as Exhibit D.
- ~~32.~~ 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 and approval of the facility.
- ~~43.~~ 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 proposed carriers installs no more than 12

panel antennas per carrier are placed on the ~~monopine-mono-pine~~, and that there shall not be any increase overall height of the tower and branches.

- ~~54.~~ 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.
- ~~65.~~ 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.
- ~~76.~~ Construction activities shall occur between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays.
- ~~87.~~ 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.
- ~~98.~~ ~~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 Director of Development Services or designee to cover the cost of processing a five-year review.~~

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

- a. Allow the facility to continue to operate under all applicable conditions; or

b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

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

109. 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.
1140. 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.
- ~~11. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Determination. Processing fee is payable upon approval of Special Use Permit.~~
12. The applicant shall replace the three (3) removed oak trees with a 1:1 oak woodland (Replacement Land Area/Replacement Tree/Replacement Acorn-Density Ratio) replacement ratio as defined in the November 9, 2006, Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4. Replacement trees shall be planted on site to the satisfaction of the Development Services Director or designee. An agreement to the satisfaction of County Counsel and the Development Services Director or designee shall be required to ensure the long term maintenance and preservation of the replacement trees. Replacement shall be subject to intensive to moderate management and 10 to 15 years of monitoring, respectively. Any trees that do not survive during this period shall be replaced. The replacement trees shall be planted prior to final inspection and the maintenance agreement shall be provided to Planning Services prior to issuance of a building permit.
13. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

El Dorado County Building Services

14. The applicant shall obtain a building permit from the El Dorado County Building Services for the project facilities prior to the commencement of construction.

Air Quality Management District

153. The applicant is required to comply with District Rules during project construction. The applicant shall submit a fugitive dust plan application with appropriate fees paid to the District. The District shall review and approve the plan prior to commencement of construction.

El Dorado County Environmental Management Department/Hazardous Materials Division

164. Under the Certified Unified Program Agency (CUPA) programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site shall ~~must~~ be submitted to the Department and applicable fees paid prior to issuance of a building permit.

El Dorado County Department of Transportation:

175. A commercial grading plan is required. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval prior to issuance of a building permit. The commercial grading 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.

El Dorado County Fire Protection District

186. The applicant shall comply with the following requirements of the El Dorado County Fire Protection District:
- a. The applicant shall pay the site plan review fee of \$150.00 to the fire district prior to commencement of any work performed.

- b. The applicant shall install an access road which shall provide a minimum 12 foot road width. Access roads shall maintain a 13 foot 6 inch vertical clearance and be capable of supporting a 40,000 pound load. Road grades shall not exceed 16 percent. The access road shall be located within 50 feet of the project site. The Fire District shall review and approve the location and design of the access road prior to issuance of a grading permit.
- c. The applicant shall install a Fire District approved turn-a-round. The applicant may install a Fire District approved fire suppression system in place of a turn-around. The turn-a-round or fire suppression system will be reviewed by the Fire District prior to final inspection of the facility.
- d. The applicant shall install the address of the facility at the intersection of County Road 1022 and US Hwy 50. The Fire District shall verify the installation of the signage prior to final inspection of the facility.
- e. The applicant shall install a 'knox' box padlock at the equipment shelter and at the access gate. The Fire District shall verify installation of the security system prior to final inspection of the facility.
- f. The applicant shall provide vegetation clearance to meet 'Fire Safe' standards, which shall be 16 feet from the centerline of the access road and within the fenced equipment area. The Fire District shall verify vegetation clearance prior to final inspection of the facility.
- g. The applicant shall install an exterior mounted fire extinguisher within 75 feet of the generator. The fire extinguisher shall be mounted in a weatherproof cabinet. The fire extinguisher shall have a minimum 20BC rating. The Fire District shall verify installation of the fire extinguisher prior to final inspection of the facility.

ATTACHMENT 2

FINDINGS

Special Use Permit S06-0009/Verizon Wireless-Smith Flat 2 Planning Commission/January 12, 2012

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the Special Use Permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.