

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



Agenda of: August 9, 2012
Item No.: 4.b
Staff: Gina Paolini

FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT

FILE NUMBER: S04-0028/AT&T Latrobe-Old Station

APPLICANT: AT&T Wireless

AGENT: Catherine Funtanilla

PROPERTY OWNER: John Richard Bohatch

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

LOCATION: On the west side of Old Station Road, approximately 1,800 feet west of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District 2. (Exhibit A)

APN: 087-091-01

ACREAGE: 38.71 acres

GENERAL PLAN: Agricultural Lands -Agricultural (AL-A)

ZONING: Estate Residential (RE-10)

ENVIRONMENTAL DOCUMENT: Previously adopted Negative Declaration

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

1. Find that pursuant to Section 15162 of the CEQA Guidelines no subsequent Negative Declaration shall be prepared for the project;
2. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S04-0028; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0028 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

BACKGROUND

The Planning Commission approved Special Use Permit S04-0028 on September 8, 2005. The project as approved consisted of a 80-foot steel monopole with up to 12 panel antennas mounted at a centerline of 80-feet. The pole and ground equipment are located within a 400 square foot lease area enclosed by a 6-foot tall chain link fence, with barbed wire.

Grading Permit No. 169493 was issued for Cingular Wireless on March 2, 2006, for an access road to a communications facility. The permit was finalized on June 22, 2006.

Building Permit No. 168692 was issued for Cingular Wireless on March 2, 2006 for a new communications facility tower and ground equipment. The permit was finalized on July 11, 2006.

Condition No. 10 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 S04-0028 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. 10 of the Special Use Permit required a five-year review by the Planning Commission as follows:

10. *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 Development Services to cover the cost of processing a five-year review.*

To streamline future reviews, staff is recommending that the Planning Commission revise Condition No. 10 to permit future five-year reviews to be completed at staff-level. Staff believes many of the five year reviews are found to be compliant with the Conditions of Approval and can be administered at staff level with minimal administrative time. Staff has found that even the complex five year reviews can be remedied at the staff level. The new condition would continue

to allow for those towers that remain out of compliance to be forwarded to the Commission for review, if not brought into compliance.

Staff has also identified other minor corrections and changes to the conditions. The project description has been clarified. The changes to the Conditions of Approval 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 15162, no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause 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 the 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.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Applicant's Statement of Use Permit Compliance
Exhibit C	Site Photographs
Exhibit D	Site Plan
Exhibit E	Elevations
Exhibit F.....	Adopted Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S04-0028/AT&T Latrobe-Old Station Planning Commission/August 9, 2012

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:

Exhibit D.....Site Plan

Exhibit EElevation

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:

Approval of the Special Use Permit allowing the construction and operation of a multi-user wireless telecommunication facility within an existing 38.71 –acre parcel identified as APN 087-091-01, and consisting of the following:

- a. One 80-foot steel monopole,
- b. A 20 foot by 20 foot fenced lease area. The fence shall be six feet tall and constructed of chain link with three strands of barbed wire on top.
- c. Three antenna sectors and four antennas per sector (12 total antennas) for AT&T mounted at an 80 foot center line above ground level.
- d. One microwave dish mounted at a 73 foot center line above ground level.
- e. Power and telco cabinets, utility rack and addition expansion area for four future cabinets.
- f. One, 12 foot wide access and utility easement, for a distance of approximately 830 feet. The easement would be utilized to underground the electrical and telecommunications utilities and for providing a 12-foot wide gravel driveway for the required unobstructed fire access to the site.

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.

- ~~1. Issuance of Special Use Permit S04-0028 for an 80 foot steel monopole with up to 12 panel antennas to be located at 1500 Old Station Road. Twelve panel antennas in three groups of fours (sectors) would be mounted on an antenna array mount. The antenna panels would be approximately 10.4 inches wide, 51 inches long and 4.6 inches deep. All antennas would be made of non-reflective materials.~~

- ~~— This special use permit authorizes Cingular Wireless to place the monopole and ground equipment within a 20 by 20 foot lease area to be enclosed by a 6-foot high chain link fence, with three strands of barbed wire. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint utility pole. There would be a 12 foot wide gate on the east side of the enclosure.~~

~~Access to the site is provided from Old Station Road. An 830 foot access road is to be constructed to access the lease area and tower. The access to the tower is to be widened to 12 feet and will have a 4 inch thickness of three quarter inch Class II aggregate base, as required by the Department of Transportation. Modifications have been required to accommodate fire turn around access and to maintain a minimum 15 foot vertical clearance above the access road, as required by the Latrobe Fire Protection District.~~

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

Mitigation Measures

2. During all grading and construction activities in the project area, an archaeologist or historian approved by the Deputy Director of Development Services shall be on-call. 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 the on-call 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 appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

3. 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. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

PROJECT CONDITIONS

4. All site improvements shall conform to the site plan(s) and elevations attached as Exhibits D and ~~the elevations as shown on E.~~
5. 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.
6. For co-location 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 carrier installs no more than three antenna sectors and four antennas per sector (12 total antennas)~~24 panel antennas per carrier are placed on the monopine at any one time, and that there shall not be an increase in overall height of the tower with no increase in height.~~
7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
8. 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.
9. 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.
10. ~~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 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 Development Services 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.

El Dorado County Building Services

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

El Dorado County Environmental Management Department

12. The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department Hazardious Materials Division for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

Latrobe Fire Protection District

13. The project shall comply with the following requirements of the Latrobe Fire Protection District which include but shall not be limited to:
 - a. The Latrobe Fire Protection District shall review and approve the project plans prior to issuance of a building permit.

- b. The applicant shall install an approved all weather surface turnaround at the site of adequate size to turn a fire engine around. The access road and turnaround shall be approved by the Latrobe Fire Protection District and shall be installed prior to final inspection of the facility.
- c. The applicant shall install a minimum 10 foot wide traffic lane with a vertical clearance of 15 feet. The Latrobe Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
- d. The applicant shall provide low priority “knox” access to the structure and “knox” padlock for emergency access to the 12- foot gate. The Latrobe Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
- e. The applicant shall install a sign with the emergency phone numbers on the fence by the gate. The Latrobe Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
- f. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the Latrobe Fire Protection District prior to issuance of a building permit.

El Dorado County Department of Transportation

- 14. The project shall comply with the requirements of the Department of Transportation which shall include the following:
 - a. The applicant shall place a minimum of 4 inch thickness of three-quarter inch Class II aggregate base along a 12-foot wide access easement from the leased area to Latrobe Road. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
 - b. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.

ATTACHMENT 2

FINDINGS

Special Use Permit S04-0028/AT&T Latrobe-Old Station Planning Commission/August 9, 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 15162, no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause 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 the 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.
- 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.