

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



**Agenda of:** November 8, 2012  
**Item No.:** 9.b  
**Staff:** Gina Paolini

**SPECIAL USE PERMIT REVISION-FIVE YEAR REVIEW**

**FILE NUMBER:** S02-0002-R-5/ATC-White Hall

**APPLICANT:** Metro PCS

**AGENT:** Jerry Jazmadarian

**PROPERTY OWNER:** Sierra Pacific Industries

**REQUEST:** Request for a five-year review of an existing 125-foot monopine cellular telecommunications facility and revision to the Special Use Permit to allow for the following:

1. The replacement of three existing antennas with larger antennas; and
2. The installation of an Ericsson radio expansion cabinet on the existing concrete foundation.

**LOCATION:** On the north side of White Meadows Road, approximately 3.62 miles northwest of the intersection with Icehouse Road and U.S. Highway 50 in the Pollock Pines area, Supervisorial District 2. (Exhibit A)

**APN:** 011-090-50

**ACREAGE:** 431.35 acres

**GENERAL PLAN:** Natural Resources (NR)

**ZONING:** Timberland Preserve Zone (TPZ)

**ENVIRONMENTAL DOCUMENT:** Previously adopted Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission take the following action:

1. Find that the project has not satisfied the Conditions of Approval, as set forth in Attachment 1;

2. Defer approval of additional permits supported by this Special Use Permit until the Conditions of Approval have been met; and
3. Direct that the permit be brought back in six months for consideration of revocation if the monopine has not been brought into compliance with the applicable conditions and antennas have been screened, as required.

## **BACKGROUND:**

Special Use Permit S02-0002 was approved by the Planning Commission on September 12, 2002. The facility was approved for American Tower Corporation to construct and operate a wireless telecommunication facility to accommodate up to four wireless service providers, including Cingular Wireless, the anchor tenant. The monopine was approved with a height of 125 feet. Building Permit No. 141038 was issued for the site on September 30, 2002, which allowed for the construction of the monopine and associated ground equipment. The permit expired without being completed. Building Permit No. 163069 reactivated the prior building permit and was issued on February 15, 2005 and was finalized on August 10, 2005. Building Permit No. 173608 was issued on October 16, 2006 allowing the installation of an additional antenna and equipment shelter for Cingular Wireless. The permit was finalized on June 26, 2008.

A revision to Special Use Permit S02-0002-R was approved by the Zoning Administrator on April 6, 2005, allowing Nextel Communication to add twelve (12) antennas at the 110 foot level of the pole and associated ground equipment. During this review the Zoning Administrator added Condition No. 13 which stated:

*“The building permits required by Condition No. 3 for the construction of any co-locations shall not be issued until the building permits for the tower’s and the first cell site’s construction have been finalized.”*

This condition was added because staff had identified permits that had not been yet finalized on the tower and further revisions were being requested.

Building Permit No. 159336 was issued September 22, 2005 and was not finalized. Multiple corrections were noted during the site inspections; however, corrective measures were not taken. The permit expired and a Notice of Non-Compliance was filed in January 2008. Building Permit No. 208493 was issued August 18, 2012 to reactivate the permit and final inspections by Fire, Planning and Building were obtained on September 12, 2012. Building Services is processing the necessary documentation to remove the Notice of Non-Compliance.

On June 15, 2005, the Zoning Administrator approved S02-0002-R-2 as a further revision. This revision allowed the addition of four (4) panel antennas for Cingular Wireless at the 96-foot level and ground mounted support equipment. Building Permit No. 198306 was issued on October 19, 2010 to add two additional antennas in compliance with the approval. The permit was finalized on September 12, 2012.

On October 17, 2007, the Zoning Administrator approved a revision to Special Use Permit S02-0002-R-3. This revision allowed the collocation of six antennas at a height of 84 feet for Metro PCS. Building Permit No. 182995 was issued on November 8, 2007 to add six antennas to

existing pole and installation of a radio cabinet within the existing enclosure. The permit was finalized on April 18, 2008.

On May 14, 2010, the applicant submitted S02-0002-R-4, requesting a revision to allow the collocation of two antennas and installation of an equipment cabinet. A site visit was conducted by staff which determined that the tower was not compliant with the original Conditions of Approval and the applicant was notified on August 12, 2010 that the project could not proceed until American Tower agreed to bring the tower into compliance. The tower owner provided a letter dated June 20, 2010 agreeing to repair the monopine consistent with the Conditions of Approval prior to issuance of any building permits (Exhibit B). The project was administratively withdrawn, and the applicant was advised that if the monopine was brought into compliance, the additional equipment could be added with a building permit. Although the monopine had not been brought into compliance (Building Permits 198306 and 159336 remained outstanding), Building Permit No. 200917 was issued on April 18, 2011 to replace three antennas. This permit was finalized on September 7, 2011.

The applicant submitted this revision request for the facility on February 8, 2011 with a supporting statement (Exhibit C). The revision request includes the replacement of three existing antennas and the installation of a new Ericsson radio expansion cabinet on the existing concrete foundation. The new antennas would be 81 inches by 11.3 inches by 5.5 inches. The Ericsson radio cabinet would be 71.8 inches in height and 35.8 inches in depth and 36 inches in width. The radio expansion cabinet would be the second cabinet at the site. The tower height would not be increased. Project plans have been submitted (Exhibits D to G).

With the requested revision, the project five-year review of the facility by the Planning Commission is required. The applicant has provided a support statement demonstrating how the Conditions of Approval have been complied with (Exhibit H).

## **STAFF ANALYSIS**

**Five-Year Review:** Staff has been working with the applicant to resolve the monopine deficiencies since the application was submitted on February 8, 2011. The monopine was initially missing all its needles at project submittal (Exhibit I-1 to I-2). Staff worked with the applicant to replace the branches and conducted a site visit on September 30, 2011. In staff's opinion the replacement branches were insufficient to provide adequate camouflage and requested that additional branches be added to the pole (Exhibit J). The applicant submitted additional photographs of the pole dated October 17, 2011 demonstrating that additional branches had been added to the pole (Exhibit K). The poles appearance was improved; however, the antennas continued to be visible.

Staff has worked with the applicant to have all the permits finalized on the pole and get the branches to a near compliance stage. However, there continues to be deficiencies that should be addressed during this five-year review. Staff requested that the tower owner replace the socks of the antennas with a color that would blend with the branches; however, this has not occurred. In addition, the antennas at the top of the pole are visible and there has been no attempt to screen them. It is important to note that the top antennas have been visible from the onset. The monopine is adjacent to a Verizon monopine and there is a visible difference in the branching and antenna visibility (Exhibit J).

**Conclusion:** It is recommended that the Planning Commission require that all panel antennas be fitted with antenna socks that would be in a color that closely matches the antenna branches. Branches should be added near the top of the pole to screen the antennas at the 120 foot level. If additional branches cannot be accommodated at this level, the applicant should provide documentation to Planning Services demonstrating reasons why the tower cannot be retrofitted to screen the antennas. This documentation would be provided to the Planning Commission prior to issuance of any new permit. All new screening should be installed and completed immediately. Because this monopine has been out of compliance since 2005, it is recommended that Planning Commission review the Special Use Permit within six months to verify that the pole has been brought into compliance. If the monopine is not brought into compliance as required, a hearing will be set to consider revocation of the Special Use Permit.

## **ENVIRONMENTAL REVIEW**

An initial study and Negative Declaration was prepared for the original approval of this cell tower and adopted by the Planning Commission on January 9, 2003 (Exhibit L). That analysis found that there were no significant environmental impacts as a result of construction of this tower. The purpose of this review is to ensure that all conditions have been satisfied and to update the conditions as necessary. No new or changed environmental issues have been identified; therefore, the previously prepared Negative Declaration is adequate to support this review and the minor modifications of the conditions of approval.

## **SUPPORT INFORMATION**

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

Attachment 1 .....	Conditions of Approval-October 17, 2007
Attachment 2 .....	Findings
Exhibit A.....	Location Map
Exhibit B .....	Black Dot Wireless Letter; June 20, 2010
Exhibit C .....	Applicant's Revision Request Letter; February 8, 2011
Exhibit D.....	Title Sheet
Exhibit E .....	Site Plan
Exhibit F.....	Elevations/Details
Exhibit G.....	Elec./Grounding Sheet
Exhibit H.....	Applicant's Statement of Use Permit Compliance; February 22, 2011
Exhibit I-1 to I-2 .....	Applicant-submitted Photos; February 2, 2011
Exhibit J .....	County Photo; September 30, 2011
Exhibit K.....	Applicant-submitted Photo; October 17, 2011
Exhibit L .....	Adopted Negative Declaration and Initial Study

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

**Special Use Permit Revision S02-0002-R-5/ATC-White Hall  
Planning Commission/November 8, 2012**

### El Dorado County Planning Services

1. This special use permit revision is based upon and limited to compliance with the project descriptions, the Zoning Administrator hearing exhibits marked Exhibits A through I dated October 17, 2007, and conditions of approval set forth below. Further, any deviations from the project 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, as approved, consists of the following:

The construction and operation of a wireless telecommunications facility off Weber Mill Road, approximately one mile east of the intersection with Ice House Road in the South Fork American River Canyon. The facility will consist of a 125 foot mono-pine cellular tower and will be designed to accommodate up to four wireless service providers, including the anchor tenant, Cingular wireless. The facility will be unmanned (visited on an average of once per month by representatives from the individual service providers and the tower owner for routine maintenance purposes), will not be lit, nor emit noise or glare, and will not interfere with television or radio reception.

Revision No. 1 (S02-0002R1) shall consist of the co-location of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 110 foot level and one flush mounted microwave dish on the existing 125 foot mono-pine tower, and a 12' x 20' equipment shelter to be placed within the existing fenced facilities yard.

Revision No. 2 (S02-0002R2) shall consist of the co-location of a cell antenna facility consisting of four panel antennas at the 96 foot level on the existing 125 foot monopine tower and one 10 foot x 16 foot pre-fabricated equipment shelter placed within the existing fenced facilities yard.

Revision No. 3 (S02-0002R3) shall allow co-location of six (6) antennas at a height of 84 feet on an existing 120 foot monopine; and the installation of up to three (3) radio cabinets within the existing fenced compound, a 16 foot by 10 foot (160 square feet) metal grate equipment floor, a new Global Positioning System (GPS) unit, a new 300-watt site light, a coaxial cable bridge, and a new steel equipment access ladder.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant agrees 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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 subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

4. All site improvements related to the original tower and cell site (S02-0002) shall conform to the submitted site plans attached on Exhibits D as found in the staff report for S02-0002. All site improvements related to Revision No. 1 shall be substantially compliant to Exhibits E-1, E-2, E-3, F, G-1, and G-2 as found in the staff report for S02-0002R1. All site improvements related to Revision No. 2 shall be substantially compliant to Exhibit F as found in the staff report for S02-0002R2.
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 the Planning Department at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project conditions.
6. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements, including any improvements resulting from revisions, shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.
7. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. The original facility, approved by the Planning Commission on September 12, 2002, and last reviewed for co-location by the Zoning Administrator on June 15, 2005, is still operational. Based upon the review conducted for this collocation application, staff recommends that this entire facility be considered to be approved for use through a date five years after Zoning Administrator approval of the revised special use permit, rather than be partially reviewed in June of 2010. 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:

- a. Modify the conditions of approval in order to reduce identified adverse impacts; and
- b. 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 or;
- c. Allow the facility to operate under all applicable conditions.

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.

8. The building permits required by Condition 10 for the construction of any collocations shall not be issued until the building permits for any prior collocations have been finalized.
9. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis.

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

10. Project facilities shall be subject to a building permit from the El Dorado County Building Department.
11. The applicant shall place a minimum of 3-inch thick x 12 foot wide aggregate base surfacing over the existing dirt road from Ice House Road to the project. Any damage to said access road shall be repaired prior to the finaling of the building permits required for the construction of any subsequent collocations. Further, the access road is to be maintained as required at all times.
12. The project shall comply with all applicable requirements of the El Dorado County Fire Protection District. Documentation of this compliance shall be presented to the Planning Division prior to or concurrent with the requirements of-Condition 9.

**El Dorado County Fire Protection District**

13. Prior to final inspection, the applicant shall provide or verify the existence of a minimum 12 foot wide all weather access road to within 150 feet of all exterior portions of the structure(s) and tower. This access road shall have a minimum vertical clearance of 15 feet and be capable of supporting a load of at least 40,000 pounds. The minimum inside turning radius of this road shall be 40 feet. The grade of this road shall not exceed 15 percent. The access road must contain approved emergency vehicle turnouts approximately every 400 feet (30 feet by 10 feet with 25 foot tapers on each end) and a turn-around (minimum 40 foot inside radius or 60 foot hammerhead tee) within 50 feet of the structure(s).
14. Prior to final inspection, the applicant shall provide the site with high-priority "Knox" access with keys for emergency access.
15. Prior to final inspection, any and all gates located on site shall comply with Fire Prevention Officers' standard. This gate standard is at least two feet wider than the road.
16. Prior to final inspection, the applicant shall provide or verify the existence of a fire extinguisher, rated 2A:10BC, mounted at the equipment shelter, not higher than 5 feet to the top and within 75 feet travel distance of all areas.
17. Prior to final inspection, the applicant shall provide or verify that all exit doors have "panic-proof" hardware, allowing the door to be opened from the inside.
18. Prior to final inspection, the applicant shall post, or verify the existence of, the address for the property, clearly visible from both directions of the access road.



## ATTACHMENT 2

### FINDINGS

#### Special Use Permit Revision S02-0002-R-5/ATC-White Hall Planning Commission/November 8, 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.

#### 2.0 SPECIAL USE PERMIT S02-0002-R-3

- 2.1 **The project is not consistent with Condition of Approval No. 6, which states *"All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements, including any improvements resulting from revisions, shall be maintained to ensure the appearance remains consistent with approved conditions relating to color."***

The panel antennas on the tower are not adequately screened. Some of the antennas have socks; however, the socks are a different green than the branches, which make the panel antennas stand out. In addition, the antennas at the top of the pole are visible and there has been no attempt to screen them.

- 2.2 **Condition of Approval No. 7 requires a five-year review of the facility by the Planning Commission in which the Planning Commission may modify the Conditions of Approval, initiate proceeding to revoke the Special Use Permit or allow the facility to continue to operate.**

The Planning Commission reserved the right during the five-year review period to modify the Conditions of Approval in order to reduce identified adverse impacts; initiate proceedings to revoke the Special Use Permit; or allow the facility to operate under all applicable conditions. The Planning Commission has been provided a status report on

the current use of the subject site and related equipment. Based on the assessment provided by staff it has been demonstrated that the facility has not been operating in accordance with the Conditions of Approval. The monopine was initially designed as a pine tree to blend with the surrounding area as required by Section 17.14.210.F.1 of the County Code; however, the facility is not being maintained nor is the appearance of the monopine in keeping with current monopine technology.