

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



**Agenda of:** December 12, 2013  
**Item No.:** 4.b  
**Staff:** Gina Paolini

**FIVE-YEAR CELL TOWER REVIEW–SPECIAL USE PERMIT**

**FILE NUMBER:** S04-0018-R/Nextel-Thompson Hill

**APPLICANT:** Nextel

**AGENT:** John Zaimes

**PROPERTY OWNER:** Ronald Duncan

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

**LOCATION:** Southwest side of Duncan Hill Road, approximately 0.4 mile southwest of the intersection with Deer Valley Road, in the Rescue area, Supervisorial District 4. (Exhibit A)

**APN:** 069-150-17

**ACREAGE:** 10.05 acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit B)

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

**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 needs to 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 S04-0018; and

3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0018-R recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

## **BACKGROUND**

Special Use Permit S04-0018 was approved April 28, 2005 to allow the installation of a 53-foot steel monopine with up to 12 panel antennas mounted at a centerline of 46 feet and a prefabricated ground equipment shelter within a 15-foot by 30-foot lease area to be enclosed by an 6-foot-high chain link fence and a 5-foot high CMU retaining wall on the west and south elevations.

## **STAFF ANALYSIS**

**Condition Modification:** Condition No. 10 of the Special Use Permit required a five-year review by the Planning Commission. 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 has found that most of the cellular telecommunications facilities are compliant with the Conditions of Approval and can be administered at staff level with minimal administrative time. 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 Planning 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:** Inspection of the site has found that the facility was built as approved and that the site has been adequately maintained and no major issues exist. Based on review of building permits, project conditions, and as stated above, staff has verified that the project is in compliance with the Conditions of Approval.

## **ENVIRONMENTAL REVIEW**

Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project 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. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Applicant's Statement of Use Permit Compliance (eight pages)
Exhibit C .....	Site photographs
Exhibit D .....	Site Plan
Exhibit E .....	Elevations

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit S04-0018-R/Nextel-Thompson Hill Planning Commission/December 12, 2013

1. This special use permit approval is based upon and limited to compliance with the project description, dated April 28, 2005, 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:**

Issuance of a special use permit (S04-0018) for a 53-foot steel monopine with up to 12 panel antennas mounted at a centerline of 46 feet at 4400 Duncan Hill Road. Twelve panel antennas in three groups of fours (sectors) would be mounted on an antenna array mount, to avoid horizontal expansion of the overall structure beyond the proposed foliage. The antenna panels would be approximately 7 inches wide, 96 inches long and 8 inches deep. All antennas would be made of non-reflective materials. As an alternative to facilitate future collocation, the plan includes future expansion of the monopine height to a maximum of 83 feet.

This special use permit authorizes Nextel to place the monopine and prefabricated ground equipment shelter within a 15-foot by 20-foot lease area to be enclosed by a 6-foot-high chain link fence and a 5-foot high CMU retaining wall on the west and south elevations. Two global positioning system (GPS) antennas would be attached to the roof of the shelter to provide for communication between the wireless facility and low-orbiting satellites. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole. There would be a 10-foot-wide gate, with low security Knox padlock on the north side of the enclosure.

Access to the site is provided from Duncan Hill Road. 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, to maintain a minimum 15 foot vertical clearance above the access road as required by the Rescue Fire Protection District. A fire turnaround with a 4 inch Class II Base, 20 feet wide, will be provided.

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 FROM PROPOSED MITIGATED NEGATIVE DECLARATION

2. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director 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. The Planning Department shall review the grading plans prior to issuance of a grading permit.

**MONITORING:** The Planning Department 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. The Planning Department shall review the grading plans prior to issuance of a grading permit.

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

### **PROJECT SPECIFIC CONDITIONS**

4. All site improvements shall conform to the site plan(s) attached as Exhibit D. The monopine shall be constructed to conform to the approved elevations for a 53 foot pole as shown on Exhibit E and an 80 foot pole as shown on Exhibit F.
5. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The ~~Planning Department~~ Development Services Division 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 no more than 24 panel antennas are placed on the monopine at any one time, with no increase in height. The new antennas shall be screened by tree foliage, and review and approval by the ~~Planning Division~~ Development Services Division is required prior to issuance of a building permit to ensure that all antennas are screened by tree foliage.
7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. The ~~Planning Department~~ Development Services Division 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.

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 the Planning Department Development Services Division of any written television interference complaint.
9. 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 the Planning Department Development Services Division 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 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.~~

Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Division 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.

11. Hold Harmless Agreement: 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.

12. Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9am and 3pm Monday through Friday.

**El Dorado County Building ~~Department~~ Division**

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

**El Dorado County Environmental Management Department**

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

**Rescue Fire Protection District**

15. The project shall comply with the following requirements of the Rescue Fire Protection District which include but shall not be limited to:
- a. The applicant shall install a fence around the project site made from a non-combustible material. The Rescue 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 Rescue Fire Protection District and shall be installed prior to final inspection of the facility.
  - c. The applicant shall install a 12 foot wide access road with a vertical clearance of 15 feet. All vegetation shall be removed 5 feet on each side, and all trees along the access route and the site must have limbs removed up to the height of 15 feet. The Rescue 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 10- foot gate. The Rescue 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 Rescue 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 Rescue Fire Protection District prior to issuance of a building permit.

**El Dorado County Department of Transportation Division**

- ~~15. The project shall comply with the requirements of the Department of Transportation which shall include the following:~~
- ~~a. If more than one acre of land shall be disturbed while installing the wireless facilities, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval prior to issuance of a grading permit. 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.~~
  - ~~b. 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. The grading permit fees shall be due prior to issuance of a grading permit.~~
  - ~~c. 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 Cold Springs Road. The applicant shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.~~
  - ~~d. 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.~~
  - ~~e. The Rescue Fire Protection District shall review and approve the site and access road for accessibility and turnaround area requirements prior to issuance of a grading permit. A letter of approval from the Fire District shall be provided to the Department of Transportation prior to issuance of a grading permit.~~

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S04-0018-R/Nextel-Thompson Hill Planning Commission/December 12, 2013**

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 Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project 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. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.
- 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 ADMINISTRATIVE FINDINGS**

- 2.1 All conditions of approval have been met and the use of the telecommunications facility is in compliance.