

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



**Agenda of:** January 24, 2013  
**Item No.:** 4.b  
**Staff:** Gina Paolini

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

**FILE NUMBER:** S03-0034/AT&T Camino

**APPLICANT:** AT&T Wireless

**AGENT:** Gordon Bell

**PROPERTY OWNER:** Seventh Day Adventist of Northern California

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

**LOCATION:** The Seventh Day Adventist Church property located on the south side of Carson Road, approximately 1,400 feet west of the intersection with Camino Ridge Drive, in the Camino area, Supervisorial District 3. (Exhibit A)

**APN:** 043-020-13

**ACREAGE:** 4.42 acres

**GENERAL PLAN:** Commercial (C)

**ZONING:** Commercial –Sierra Design (C-DS)

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

1. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S03-0034; and
2. Approve the modifications to the Conditions of Approval for Special Use Permit S03-0034 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

## BACKGROUND

The Planning Commission approved Special Use Permit S02-0023 on September 26, 2002, allowing Cingular Wireless to construct an 80-foot monopine cellular facility at the project site.

Building Permit No. 141547 was issued for Cingular Wireless on October 14, 2002, for a new communications facility tower and ground equipment. The permit was finalized on January 31, 2003.

On October 6, 2004, the Planning Commission approved Special Use Permit S03-0034, allowing AT&T to collocate on the monopine with up to 6 panel antennas. The pole and ground equipment are located within a 2,109 square foot lease area enclosed by a 6-foot tall wood fence.

Building Permit No. 160239 was issued for AT&T Wireless on December 1, 2004 to add 6 new antennas to the monopine and associated ground equipment. The permit was finalized on February 16, 2005.

Condition No. 6 of the approved Conditions of Approval required a five-year review of the facility by the Zoning Administrator or Planning Commission. The Conditions of Approval for Special Use Permit S03-0034 have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been met. (Exhibit B).

## STAFF ANALYSIS

**Condition Modification:** Condition No. 6 of the Special Use Permit required a five-year review by the Zoning Administrator or Planning Commission as follows:

6. *Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Zoning Administrator or Planning Commission every five years. At each five-year review, the permit holder shall provide the Zoning Administrator or Planning Commission with a status report on the then current use of the subject site and related equipment. The Zoning Administrator or 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 Zoning Administrator or Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator or 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.*

To streamline future reviews, staff is recommending that the Planning Commission revise Condition No. 6 to permit future five-year reviews to be completed at staff-level. Staff believes many of the five year reviews, even complex ones, can be administered at staff level with minimal administrative time. 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:** The five-year review was initially required in October 2009. Staff informed the applicant that the five-year review was past due, and subsequently the review package was submitted. Staff advised the applicant upon submittal that the monopine had deficiencies that would need correction through the five-year review process. The panel antennas are currently not adequately screened. Panel antennas fitted with antenna socks, with simulated needles in a color that closely matches the antenna branches remedies the inadequate screening. It is recommended that the Planning Commission require that all panel antennas be fitted with antenna socks that have simulated needles and be a color that closely matches the antenna branches within three months of this review (Condition No. 9). Based on review of building permits and project conditions, it is the opinion of staff that the project site would be in compliance with the Conditions of Approval with the additional screening.

## 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

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit S03-0034/AT&T Camino Planning Commission/January 24, 2013

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 E .....Elevation

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 4.42 –acre parcel identified as APN 043-020-13 and consisting of the following:

- a. One 80-foot steel monopine;
- b. A 2,109 square foot lease area enclosed by a 6-foot tall wood fence;
- c. Three antenna sectors and two antennas per sector (6 total antennas) for AT&T mounted at a height of 66 feet 10 inches above ground level; and,
- e. Power and telco, utility rack and three cabinets.

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.

~~A special use permit to allow AT&T to co-locate an existing monopine cell tower, shared with Cingular Wireless. AT&T will add 6 new antennas at a height of 66 feet, 10 inches. The total monopine tree pole height is 80 feet tall. AT&T proposes to add a new equipment shelter within the current leased area. Access to the site will be on an existing access driveway located on the south side of Carson Road.~~

- ~~2. All site improvements shall conform to the site plan(s) attached as Exhibit D.~~

2. **Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
3. **Colors of Structures:** 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.
4. **Maintenance:** 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. 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.
5. **Obsolete Equipment:** 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 Department~~ 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 Zoning Administrator or Planning Commission every five years. At each five year review, the permit holder shall provide the Zoning Administrator or Planning Commission with a status report on the then current use of the subject site and related equipment. The Zoning Administrator or 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 Zoning Administrator or Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator or 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.~~

**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.

7. **Co-location:** 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-per carrier at any one time, and that there shall not be an increase in overall height of the tower.
8. **Television Interference:**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. **Panel Antenna Screening:** All panel antennas shall be fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be approved by Planning Services prior to issuance of a building permit and photographs of sock installation shall be provided to Planning Services within three months of installation or no later than May 14, 2013.

#### El Dorado County Building Services

10. The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.
- ~~7. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department.~~

#### El Dorado County Environmental Management Department

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

#### El Dorado County Department of Transportation

- ~~14. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer 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 shall be required.~~

El Dorado County Fire Protection District

129. The project shall comply with all requirements of the El Dorado County Fire Protection District.

Resource Conservation District

1310. Runoff from the concrete pad and equipment shelter shall be handled on-site through construction of shallow infiltration trench(s) along the perimeter the concrete pad.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S03-0034/AT&T Camino Planning Commission/January 24, 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 FINDINGS**

- 1.1 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.