

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



**Agenda of:** June 27, 2013  
**Item No.:** 8  
**Staff:** Lillian MacLeod

**SPECIAL USE PERMIT**

**FILE NUMBER:** S13-0004/Verizon Monopine (Pleasant Valley)

**APPLICANT:** Verizon Wireless/Complete Wireless

**ENGINEER:** MST Architects

**OWNER:** John Blevens

**REQUEST:** Installation of a cell tower facility consisting of one 100-foot monopine with nine antennas and the future installation of two microwave dishes, one 250-square foot equipment compound surrounded by slatted and wire-topped chain link fencing, and one standby diesel generator with a 210 gallon fuel tank.

**LOCATION:** On the south side of Rainbow Ridge Road, approximately 0.25 mile east of the intersection with Pleasant Valley Road, in the Pleasant Valley area, Supervisorial District 2. (Exhibit A)

**APN:** 078-060-16 (Exhibit B)

**ACREAGE:** 19.79 acres

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

**ZONING:** Timber Production Zone (TPZ) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S13-0004 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

**STAFF ANALYSIS**

**Project Description:** The project consists of the installation of a cell tower facility consisting of one 100-foot monopine with three antennas on each of three sectors for a total of nine antennas; the future installation of two microwave dishes on the monopine; one 250-square foot equipment compound surrounded by slatted and wire topped chain link fencing; and one standby diesel generator with a 210 gallon fuel tank.

**Site Description:** The lot lies at an average of 2,750 feet above mean sea level and has a 10 percent southeasterly slope gradient. Development consists of one residential dwelling unit with a separate small barn/storage structure. Approximately two acres surrounding the development has been fenced and gated. Horticultural and vegetable gardens and a small orchard have been planted within the fenced area. The access road and cell tower facility will lie outside the fenced area. There are no mature trees or shrubs in this area due to clearing done around 2005 for a water pipeline installation by the El Dorado Irrigation District (EID). Vegetation on the remaining unfenced portion of the property consists of non-native grasses and forbs, native oaks, and conifers.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	TPZ	RR	Single-unit residential
<b>North</b>	RE-5	LDR	Single-unit residential
<b>South</b>	RE-5	RR	Single-unit residential
<b>East</b>	TPZ/RA-20	RR	Undeveloped/Single-unit residential + hardship mobile home
<b>West</b>	RE-5	LDR	Single-unit residential

**General Plan:** Policy 5.6.1.4 states, “Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.”

### Discussion

The applicant has designed the wireless communication facility in compliance with County regulations addressing siting and surrounding land uses, aesthetics, environmental issues, and health and safety concerns. As such, the project will also meet the requirements under Policy 2.2.5.21 that require “development projects that are potentially incompatible with existing adjoining uses (to) be designed in a manner that avoids any incompatibility”. All project-related aesthetics concerns have been evaluated under the Zoning discussion below.

Policy 7.4.4.4 allows 10 percent of the existing oak canopy to be removed from the site in order to install and access the wireless communication facility.

### Discussion

According to the *Pleasant Valley Road Oak Tree Canopy Survey* (Foothill Associates, October 24, 2012), the proposed development will require removal of 128 square feet or 0.003 acres of oak tree canopy. Under the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A), 200 trees must be planted for every acre of impacted oak tree canopy. Based on the formula of  $0.003 \times 200$ , the applicant will be required to replant 0.6, or one oak tree. The *Survey* recommends the replacement tree be blue oak and the project will be conditioned accordingly.

Policy 8.4.2.1 requires the Agricultural Commission to “evaluate all discretionary development applications involving identified timber production land which are . . . zoned Timberland Production Zone (TPZ) . . . and make recommendations to the approving authority.” In addition, they are asked to make a finding of “compatible use” under Government Code Section 51104(h)(4) of the California Timberland Productivity Act of 1982.

### Discussion

At their hearing on March 13, 2013, the Agricultural Commission reviewed the application and found that “the project will not negatively impact any existing or future agricultural or timber harvesting pursuits, and according to State law, a communication tower is a compatible use on TPZ zoned land.”

Conclusion: Staff finds that the project, as proposed and conditioned, conforms to the General Plan.

**Zoning Ordinance:** Under Section 17.14.210 of the Wireless Communications Facility Ordinance, new facilities must meet the following standards:

- F.1. **Screening.** “Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.”

### Discussion

The applicant is proposing a monopine cell tower in order to reduce its visual profile in all directions from main public roadways. As apparent from the photo simulations (Exhibit F), the monopine blends in quite well with the surrounding pine forest vegetation. In addition, the site

has adequate vegetation surrounding the cell tower facility to screen the equipment compound from view of the adjoining parcel. Pursuant to the requirement under Policy 7.4.4.4 discussed above, a recommended condition will require one blue oak tree to be planted on site to replace those proposed for removal. Staff will further recommend the replacement oak be planted between the cell tower facility and the nearest adjoining parcel to provide additional screening. Another condition requires the slatted fencing surrounding the equipment compound be beige in color to match the non-native grasses.

F.3. **Maintenance.** A proposed condition recommends maintenance of the facility.

G. **Radio Frequency (RF) Requirements:**

Discussion

Verizon has submitted an RF emissions analysis dated July 11, 2012 indicating the total maximum power density produced by the proposed antennas will be 0.92 percent percent of the FCC's general public limit and approximately 1.2 percent of its occupational limit, based on worst-case predictive modeling at the nearest walking/working surface. The report concluded the cumulative RF-EME (radio frequency electro-magnetic emissions) will not exceed the maximum permissible human exposure limits set by the FCC.

H. **Availability:** A condition is recommended to allow co-location at this facility with approval of a revision to the special use permit.

I. **Unused Facilities:** A condition is recommended to require all obsolete or unused communication facilities be removed within six months after the use of the facility has ceased or been abandoned.

J. **Other Permit Requirements:** There are no public schools within 1,000 feet of the site nor is the site governed by CC&Rs.

Conclusion: Staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of the Zoning Ordinance.

**Telecommunications Act of 1996.** This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704.(7)B(iii) requires any denials to be in writing and supported by "substantial evidence." Section 704.(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with federal regulations.

Discussion

Radio frequency emissions are within an approved range of compliancy with federal regulations and staff is not recommending denial of the project. The El Dorado County Board of Supervisors adopted Sections 17.22.500 and 17.14.210 of the Zoning Ordinance to regulate special use permits and wireless communication facilities, respectively. By adopting these ordinances, the

Board of Supervisors acted to maintain the County’s authority over decisions regarding wireless communication facilities.

**ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study to determine if the project revision has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

Pursuant to California Fish and Game Code Section 711.4(c)(2)(A), the project has been found by the California Department of Fish and Wildlife to have no effect on fish and wildlife. A fee waiver for the Fish and Game fee has been provided to the County by the Department.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2.....Findings  
  
Exhibit A.....Location Map  
Exhibit B .....Assessor’s Parcel Map  
Exhibit C .....General Plan Map  
Exhibit D.....Zoning Map  
Exhibits E1 and E2.....Title Sheets  
Exhibit E3 .....Plot Plan and Site Topography  
Exhibits E4, E5, and E6 .....Access Detail Plans  
Exhibit E7 .....Overall Site Plan  
Exhibit E8 .....Preliminary Access Road Grading Plan  
Exhibits E9 and E10.....Project Elevations  
Exhibit F.....Photo Simulations  
Exhibit G.....Proposed Negative Declaration and Initial Study

**ATTACHMENT 1**

**CONDITIONS OF APPROVAL**

**Special Use Permit S13-0004/Verizon Monopine (Pleasant Valley)  
Planning Commission/June 27, 2013**

1. This Special Use Permit is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing exhibits:

Exhibits E1 and E2.....	Title Sheets
Exhibit E3 .....	Plot Plan and Site Topography
Exhibits E4, E5, and E6 .....	Access Detail Plans
Exhibit E7 .....	Overall Site Plan
Exhibit E8 .....	Preliminary Access Road Grading Plan
Exhibits E9 and E10.....	Project Elevations
Exhibit F1 to F4 .....	Visual Simulations
Exhibit G.....	Initial Study and Negative Declaration

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:

Installation of a cell tower facility consisting of:

- a. one 100-foot monopine with three antennas on each of three sectors for a total of nine antennas;
- b. the future installation of two microwave dishes on the monopine;
- c. one 250-square foot equipment compound surrounded by beige or tan, slatted and wire-topped chain link fencing; and
- d. one standby diesel generator with a 210 gallon fuel tank.

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 attached hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

**Community Development Agency –**

**Development Services Division-Planning**

2. The project shall be subject to a building permit from the El Dorado County Building Division.
3. The applicant shall repair all damage to the access roads caused by installation, repair, and maintenance of the cell tower facility (Rainbow Ridge Road and the access to the cell tower facility site).
4. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching beige color to comply with the screening requirements of Section 17.14.210.F of the County Code. The pole shall have simulated bark, and the RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The “branches” shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. No antenna shall project out past the “branch” tips. The Planning Division shall verify the painting of all structures prior to final inspection and approval of the facility.
5. All improvements associated with the cell tower facility, including monopine, antennas, equipment, and fencing, shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. Outdoor lighting may be used for night-time maintenance and shall operate by a motion sensor to be set for a maximum 10 minute “on” time; be directed downward; and be designated “full cutoff” in compliance with IESNA standards.
7. The applicant shall plant one blue oak (*Quercus douglasii*) between the cell tower facility and the nearest adjoining parcel to the west, (APN 078-060-17), to replace those removed and to provide additional screening.
8. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the operator and the property owner.
9. The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.

10. 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 make the actual and full payment of Planning and Building Divisions' processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit. The applicant shall also schedule an inspection by the Planning Division prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
11. Pursuant to County Code Section 17.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
12. 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 carriers installs no more than 12 panel antennas per carrier at any one time, and that there shall not be an increase in overall height of the tower and branches.
13. All obsolete or unused communication facilities shall be removed within six months after the use of the facility has ceased or after the facility has been abandoned. The applicant shall notify the Planning Division at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
14. 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 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 by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

15. The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archaeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of

the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “non-unique archeological resource”.

The Planning Division shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

16. The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

The Planning Division shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

17. The following shall be incorporated as a note on the grading/improvement plans:

If construction takes place between March 1 to August 15, the applicant will be required to conduct surveys for the presence of three special status plant species (*Horkelia parryi*, *Arctostaphylos nissenana*, *Calochortus clavatus*) and nesting of red-tailed and red-shouldered hawks and if found, take necessary measures to protect the species in coordination with the state Department of Fish and Wildlife or the California Native Plant Society. Grading and construction activities may begin after appropriate measures are taken.

The Planning Division shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

18. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Community Development Agency every five years. At each five-year review, the permit holder shall provide the Planning Division with a status report on the then current use of the subject site and related equipment. The Planning Division shall review the status and present that report to the approving authority with a recommendation 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 Community Development Agency Director to cover the cost of processing a five-year review on a time and materials basis.

### **Transportation Division**

19. The applicant shall obtain an approved encroachment permit for access on Starks Grade Road, in accordance with the County of El Dorado *Design and Improvements Standards Manual*, Standard Plan 103C. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.

### **Environmental Management Division**

20. **Hazardous Materials:** Under the CUPA programs, because the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200

cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Division and applicable fees paid prior to issuance of a Building Permit.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S13-0004/Verizon Monopine (Pleasant Valley) Planning Commission/June 27, 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 pursuant to Section 66472.1 of the California Government Code:

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Community Development Agency-Planning Division at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 In compliance with Policies 2.2.5.21 and 5.6.1.4, the wireless facility has been designed and conditioned in compliance with County regulations addressing incompatible siting and surrounding land uses, aesthetics, environmental issues, and health and safety concerns.
- 2.2 In compliance with Policy 7.4.4.4 and the Interim Guidelines regarding Option A, the project has been conditioned to require one oak tree to be planted as replacement for the oak tree canopy removed.
- 2.3 In compliance with Policy 8.4.2.1, the Agricultural Commission reviewed the application and found that “the project will not negatively impact any existing or future agricultural or timber harvesting pursuits, and according to State law, a communication tower is a compatible use on TPZ zoned land.”

### **3.0 ZONING FINDINGS**

- 3.1 The project, as proposed and conditioned, complies with Sections 17.22.500 and 17.14.210 of the Zoning Ordinance that regulate special use permits and design standards for new wireless communication facilities, respectively, as described in the Analysis section of the staff report.

### **4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT**

- 4.1 **The issuance of the permit is consistent with the General Plan, as discussed under Section 2.0.**

- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The proposed use will not create hazards that would be considered detrimental to the public health, safety, and welfare or injurious to the neighborhood, as the projected RF emissions for the facility have been determined to be significantly lower than the thresholds established by the FCC for occupational and general public safety, and visual impacts from the wireless communication facility will be reduced or eliminated by the use of monopine stealthing, screening vegetation, and compatible color requirements.

- 4.3 **The proposed use is specifically permitted by Special Use Permit pursuant to this Title.**

The proposed new wireless communication facility is specifically permitted by special use permit under Paragraph 17.14.210.D.5 subject to the requirements of Subsections 17.14.210.E through J. The project and associated materials have been reviewed in accordance with these regulations.