

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**

Agenda of:	June 21, 2006
Item No.:	6.a.
Staff:	Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S 02-0029-R (2)

PROPERTY OWNER: David L. Van Meter

APPLICANT: T-Mobile Wireless

REQUEST: Special use permit revision to allow the collocation of a three (3) panel antennas array at the 65-foot centerline elevation on an approved existing 95-foot tall monopine wireless telecommunication facility. An equipment cabinet with two (2) small GPS sensors near the base of the monopine is also proposed.

LOCATION: The property is located on the south side of Pioneer Trail approximately 200 feet northeast of the intersection with Hepka Drive in the Meyers area. (Exhibit A)

APN: 033-652-01

ACREAGE: 1.55 acres

GENERAL PLAN: Adopted Plan (AP) (Exhibit B)

ZONING: Tahoe One-family Residential (TR1) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines.

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The original Special Use Permit S 02-0029, submitted by Cingular Wireless, allowed the construction of the 95-foot monopine with six (s) panel antennas and two (2) equipment cabinets and was approved by the Planning Commission on January 9, 2003.

Special Use Permit S 02-0029 R(1) was submitted by Nextel Communications and allowed the collocation of twelve (12) antennas at the 82-foot level and one (1) equipment cabinet and was approved by the Zoning Administrator on March 2, 2005. As of the time of this staff report, the antennas or cabinets have not been installed.

The Telecommunications Act of 1996 preserves the authority of a state or local government over decisions regarding the placement, construction, and modification of personal wireless services, with the following pertinent limitations:

SEC. 704.(7)B(iii)

Any decision by a state or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

SEC.704.(7)B(iv)

No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emissions that exceed the guidelines. PCS facilities, such as the proposed project, are categorically excluded from the FCC evaluation process if they are located ten meters or more off the ground (other than on a rooftop), or if the total power of all channels is 2000 watts (Effective Radio Power [ERP]) or less. The proposed co-location is expected to transmit no more than 300 watts ERP; therefore, it is excluded from the FCC evaluation (Radio Frequency Study, T-Mobile Site # CA-14146, Diamond Services, May 1, 2006). Accessible areas around the existing site were surveyed at ground level, and the maximum measured RF level was 0.48% of the limit for general population uncontrolled exposure, or 0.0029 mW/cm². In areas normally accessible to the general public, the effect of the proposed T-Mobile antennas at ground level is calculated to be a maximum of 0.22% of the existing standard for general population uncontrolled exposure. The combined effect of the measured RF level and the maximum calculated additional contribution at ground level is 0.70% of the existing standard for general population uncontrolled exposure. Based on the information provided for the proposed co-location on the existing wireless facility, it can be determined that the risk of release of hazardous emissions to the public is remote.

STAFF ANALYSIS

Project Description: The project applicant requests a special use permit revision to allow the collocation of a three panel antennas at the 65-foot centerline elevation of the existing 93-foot tall monopine that has the overall height including branches of 95 feet. Four (4) equipment cabinets, one 300 watt light, and one GPS sensor is to be constructed near the base of the facility atop a concrete pad within the 15-foot by 20-foot lease area. The lease area will be surrounded with a six (6) foot tall wood fence that will have a six (6) foot wide gate for entrance on the southeast side. Entrance during construction and on going maintenance will be from a 15-foot wide access easement that connects to the north onto Pioneer Trail. This easement has no established roadway, will only be used temporarily then returned to its original state after construction and used by foot traffic for ongoing maintenance.

Project plans are included as Exhibits D-1 thru D-4.

Proposed Access: Due to Tahoe Regional Planning Agency regulations, a permanent access road for the subject site was not constructed. Maintenance vehicles are to park on side streets, such as Pioneer Trail and Hepka Drive and walk to the project site. A temporary construction access road was utilized during construction of the existing monopine and has since been removed and restored following the completion of construction activities. This same procedure will be used by T-Mobile for the installation of their ground equipment and antennas.

Site Description: The project is located on a 67,556 square-foot parcel with an existing communications facility located within a 300 square-foot lease area near the northwest property line. The existing wireless communications facility was constructed within a relatively flat area of the parcel. Vegetation on-site includes Jeffrey pines (*Pinus jeffreyii*), white firs (*Abies concolor*), green-leaf manzanita (*Arctostaphylos patula*) and mountain whitethorn (*Ceanothus cordulatus*). There is an existing single-family residence located on the southern end of the parcel.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TR1	AP	Communications Facility/Single-family Residence
North	TC	AP	Single-family Residences
South	TR1	AP	Undeveloped
East	TA	AP	Eldorado National Forest – U.S. Forest Service
West	TR1	AP	Single-family Residences

General Plan: The proposed collocation will be on an existing 95-foot tall wireless communications facility located on a parcel with an Adopted Plan (AP) General Plan land use designation. This land use category recognizes areas for which specific land use plans have been prepared and adopted. The following General Plan policies also apply:

Policy 2.2.1.2: *“To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.”*

Adopted Plan (AP): “The adopted plan for the Tahoe Basin is the Regional Plan for the Tahoe Basin and the Plan Area Statements, both adopted by the Tahoe Regional Planning Agency (TRPA), and the Meyers Community Plan adopted by El Dorado County and TRPA.”

Discussion: The existing tower was previously reviewed and approved by TRPA, and this collocation request will be as well.

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.”*

The applicant has designed the wireless facility collocation in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. Staff finds that the project, as conditioned, conforms to the General Plan.

Discussion: The project site is designated with the Adopted Plan (AP) General Plan land use designation. The subject parcel is located in the Tahoe Paradise Washoan Plan Area which allows transmission and receiving facilities. The proposed collocation project will not preclude future residential development on the property.

Zoning: The proposed use is permitted by special use permit (minor) in the TR1 Zone District, pursuant to Section 17.14.200(D)(4)(a-e), which permits collocation on existing approved monopoles or towers subject to the following criteria, and subject to approval by the Zoning Administrator:

- a. New antennae shall be located at or below the topmost existing antennae array, either on the same pole or a replacement pole at the same height and within the approved lease area;
 - b. New antennae shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to existing antennae array are encouraged;
 - c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;
 - d. The antennae and pole or tower shall be designed to match the existing facility, natural features or vegetation of the site; and
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- e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of subsection (D)(5), below.

The proposed project is located within a residential zone district and therefore must be processed as a special use permit to meet the requirements of County Code, as outlined above.

Development Standards: Section 17.14.200(E) and (F) of the County Code require that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

1. **Screening** As indicated on the submitted visual simulations, the proposed panel antennae will be designed, positioned and painted to appear integrated with the existing monopine facility. The antennae are constructed of non-reflective material and shall be painted to match the monopine. Upon review of S02-29, S 02-0029 R and the previous building permit for the tower, TRPA determined that because of substantial existing vegetation between the subject site and Pioneer Trail and the lower grade of the site than Pioneer Trail, no additional screening was necessary. Visual simulations of the wireless facility have been attached for review (See Exhibit E). Zoning Code sections 17.14.200 A and B encourage the protection of the scenic quality of County roads and the reduction of visual intrusion on neighborhoods. Sections 17.14.200 F1 directs screening to be done using vegetation or landscaping where feasible. T-Mobile has proposed using a six-foot tall wood fence to surround their equipment cabinets. There is no equipment building onsite or proposed. It appears that the existing mountain whitethorn and greenleaf manzanita shrubs are screening the equipment from the roadway. It is possible though that it could be determined by the Zoning Administrator that building a wood fence to enclose all the equipment cabinets and support equipment that blends in with the surrounding environment would be in the best interest of public safety.
2. **Setbacks** As proposed, the co-location project will maintain existing setbacks and not encroach into any required setbacks.
3. **Maintenance** The applicant agrees to properly maintain the communication antennae and associated equipment cabinet. If the facility is unused or becomes obsolete, it shall be removed within six months after its operation has ceased. Visitation to the site by service personnel to perform routine maintenance is expected to occur once a month. No impact to existing local traffic patterns is anticipated.

After review of the submitted site plans, visual simulations and an on-site reconnaissance, it has been determined that the proposed project meets the standards contained in Section 17.14.200 E and F of the County Code.

Agency and Public Comments: The following agencies provided comments on this application:

Environmental Management Department – Hazardous Materials Division: The Hazardous Materials Division reviewed the proposed project concerning potential hazardous materials to be used for backup power generation at the project site.

Discussion: The applicant stated three hour backup batteries are to be utilized at the subject site. All Hazardous Materials Division issues are addressed in the project's Conditions of Approval.

Air Quality Management District: Pursuant to District comments, potential issues that should be addressed for the project include: fugitive dust emission prevention during construction; land development clearing; and District review of any new point source emission units or non-permitted emission units prior to construction.

Discussion: No project grading is proposed. As the project consists of a co-location proposal only, potential air quality impacts from operation of the proposed facility have been determined to be less than significant.

El Dorado County Department of Transportation: The Department of Transportation (DOT) reviewed the project and related traffic issues.

Discussion: DOT has no additional conditions for this project since the temporary access road will be restored and will not need an encroachment permit.

Lake Valley Fire District: The District communicated via email that as long as a building is not installed with this project, a permanent road is not needed.

At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

The application has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines. "Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure." (*CEQA Guidelines as amended September 7, 2004, Section 15303*)

The applicant shall pay the \$35 processing fee as required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Find the project is exempt from CEQA pursuant to 15303 of the CEQA Guidelines; and
2. Approve Special Use Permit S 02-0029-R(2) subject to the conditions of approval in Attachment 1, and based on the analysis in the staff report and findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval

Attachment 2Findings

Exhibit AVicinity Map/Assessor’s Parcel Map

Exhibit BGeneral Plan Land Use Map

Exhibit CZoning Map

Exhibits D-1 to D-4.....D-1 General Notes
D-2 Overall Site Plan, Sheet C-1 dated 02-22-04
D-3 Site Plan labeled A-1, second submittal dated
2/9/06
D-4 Elevations, labeled A-2 second submittal dated
2/9/06

Exhibit E1 and E2Visual Simulations

Exhibits F1 thru F3Site Visit Photos April 21, 2006

Exhibit G“From the Minutes of January 9, 2003” Planning
Commission meeting for S02-29

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S 02-0029-R(2)
T-Mobile/Van Meter
Zoning Administrator Hearing - June 21, 2006

El Dorado County Planning Division

1. This Special Use Permit approval is based upon and limited to compliance with the project description 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. (Modified by S 02-0029 R(2)).

The project description is as follows:

S 02-0029 R(2) is a Special Use Permit revision to allow the collocation of a three panel antennas at the 65-foot centerline elevation of the existing 93-foot tall monopine that has the overall height including branches, of 95 feet. Four equipment cabinets, one 300 watt light, and one GPS sensor is to be constructed near the base of the facility atop a concrete pad within the 15-foot by 20-foot lease area. The lease area will be surrounded with a six-foot tall wood fence that will have a six-foot wide gate for entrance on the southeast side. Entrance during construction and on going maintenance will be from a 15-foot wide access easement that connects to the north onto Pioneer Trail. That easement has no established roadway and shall be only used only temporarily-to be returned to its original state after construction and used by foot traffic for ongoing maintenance.

S 02-0029 R(1) is a Special Use Permit revision, approved by the Zoning Administrator on March 2, 2005 for the co-location of a three-sector antenna array at the 82-foot centerline elevation of the existing monopine. Each antenna sector is to have up to four eight-foot panel antennas for a total of 12 antennas. The precise number of antennas for the facility is contingent upon the number of antennas the applicant may install without protruding past the existing tree limbs on the monopine. An equipment cabinet with two small GPS sensors is to be constructed near the base of the facility. (Modified by S 02-0095 R(2)).

The project, S 02-0029, as approved by the Planning Commission on January 9, 2002, consists of the following: a new 95-foot tall wireless tower treepole (disguised as a pine tree). The tower will have six antennas (three proposed, three future). All antennas will be hidden among the artificial branches. Equipment will be located on the ground at the base of the treepole. Vegetative screening shall surround the lease site area, which is 30 x 10 feet in size, subject to review and approval by the Planning Department and TRPA prior to issuance of a building permit. (Modified by S 02-0095 R(2)).

2. All site improvements shall conform to the site plans and elevations attached as Exhibits D1, D2, D3 and D4. (Modified by S 02-0095 R(2)).

3. Pursuant to County Code (17.22.250) implementation of the project (i.e., obtaining building permit) must occur within twenty-four months (24) 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 the conditions of approval. (From S 02-0029).

 4. 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 shall be maintained to ensure the appearance remains consistent with the approved conditions, site plans, and photo simulations, and that they blend in with the environment and support the camouflage concept required by the Section 17.14.200 of the County Zoning Ordinance. All broken "branches" used for camouflage shall be replaced prior to the issuance of a final occupancy certificate. (From S 02-0029), modified by S 02-0029 R(2).

 - 7.5. 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 condition. (From S 02-0029, number modified by S 02-0095 R(2)).

 - 8.6. 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 communication 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. (From S 02-0029, number modified by S 02-0095 R(2)).

 - 9.7. The applicant may be required to file a Notice of Proposed Construction or Alteration Form (Form 7460-1) from the Federal Aviation Administration (FAA) and will be subject to meeting any requirements from the Lake Tahoe Airport. (From S 02-0029, number modified by S 02-0095 R(2)).
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- 3.8. All additional antennae shall be constructed of non-reflective material and shall be painted to the match the existing monopine prior to the issuance of a final occupancy certificate by the Building Department. (From S 02-0029 R(1), number modified by S 02-0095 R(2)).
- 4.9. No additional antennas of any type shall be mounted on the communications tower other than those described in Condition 1 and on the attached exhibits without filing for and receiving approval of an amendment to this special use permit. (From S 02-0029 R(1), number modified by S 02-0095 R(2)).
- 5.10. 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. (From S 02-0029 R(1), number modified by S 02-0029 R(2)).
- 7.11. All temporary construction access easements associated with the co-location project shall be removed and restored to pre-project condition upon the completion of project construction and prior to the issuance of a final occupancy certificate by ~~the Building Department~~ Services. (From S 02-0029 R(1), modified by S 02-0029 R(2)).
- 7.12. 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 Division at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition. (From S 02-0029, number modified by S 02-0029 R(2)).
- 8.13. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Zoning Administrator every five years. At each five-year review, the permit holder shall provide the Zoning Administrator with a status report on the then current use of the subject site and related equipment. The Zoning Administrator 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 to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Zoning Administrator 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. . (From S 02-0029 R(1), number modified by S 02-0029 R(2)).

4.14. The applicant shall comply with all El Dorado County Air Quality Management District Rules and Regulations available at: www.co.el-dorado.ca.us/emd prior to the issuance of a building permit and during project construction. (From S 02-0029 R(1), number modified by S 02-0029 R(2)).

Environmental Management Department

4.15. Prior to the issuance of a building permit, under the COPA programs, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 200 cubic feet or 500 pounds) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Department for review and approval and applicable fees paid. (From S 02-0029 R(1), number modified by S 02-0029 R(2)).

Department of Transportation

5.16. If the gravel access is to be paved, an encroachment permit will need to be obtained from DOT for tie-in to Pioneer Trail. (From S 02-0029, number modified by S 02-0029 R(2)).

Tahoe Regional Planning Agency (TRPA)

6.17. The applicant will be required to obtain all necessary permits from the TRPA. (From S 02-0029, number modified by S 02-0029 R(2)).

ATTACHMENT 2 **FINDINGS**

File Number S 02-0029-R(2)
T-Mobile/Van Meter
Zoning Administrator Hearing - June 21, 2006

1.0 CEQA FINDING

- 1.1 The Zoning Administrator has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15303 of the CEQA Guidelines.
- 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 Planning Division at 1850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

Special Use Permit S 02-0029-R(2) has been requested by the applicant for the purpose of co-locating three panel antennas at the 65-foot centerline elevation of the existing 93-foot tall monopine that has the overall height including branches, of 95 feet. Four equipment cabinets, one 300 watt light, and one GPS sensor is to be constructed near the base of the facility atop a concrete pad within the 15-foot by 20-foot lease area. The lease area will be surrounded with a six-foot tall wood fence that will have a six-foot wide gate for entrance on the southeast side. Entrance during construction and on going maintenance will be from a 15-foot wide access easement that connects to the north onto Pioneer Trail. That easement has no established roadway and will be only used only temporarily-to be returned to its original state after construction and used by foot traffic for ongoing maintenance. The Special Use Permit shall only be approved or conditionally approved if all of the following findings are made:

- 2.1 The proposed use is not considered detrimental to the public health, safety, and welfare or injurious to the neighborhood because it is found to comply with the requirements of Chapter 17.22, Special Use Permits, and Section 17.14.200, Wireless Communication Facilities Ordinance. As such, the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and related project conditions. No agency or community group objections or concerns were expressed during the project review process.

2.2: General Plan Consistency

- 2.2.1 The proposed use is consistent with the policies in the El Dorado County General Plan because the applicant has designed the cellular facility in compliance with County

regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan. The project site is designated with the Adopted Plan (AP) General Plan land use designation. The subject parcel is located in the Tahoe Paradise Washoan Plan Area which allows transmission and receiving facilities. The proposed co-location project will not preclude future residential development on the property. The subject site is zoned Tahoe One-family Residential (TR1) which permits the proposed use with an approved Special Use Permit under Section 17.14.200(D)(4). As proposed, the project meets all applicable development standards contained within Section 17.56.030 of the El Dorado County Zoning Ordinance.

- 2.2.2 It can be found that the project will not conflict with Policy 2.2.1.2 because the existing tower was previously reviewed and approved by TRPA, and this co-location request will be as well.
 - 2.2.3 It can be found that the project will not conflict with Policy 5.6.1.4 because this is a special use permit revision request.
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