

Agenda of: November 15, 2006
Item No.: 6.a.
Staff: Jonathan Fong

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S06-0014

APPLICANT: Nextel Communications

PROPERTY OWNER: Carl Greenhalgh

REQUEST: Special Use Permit to allow the collocation of a wireless telecommunications facility on an existing PG& E lattice tower and installation of ground mounted equipment and fenced enclosure.

LOCATION: On the north side of Ethel Drive 300 feet east of the Green Springs Road in the El Dorado Hills Area.. (Exhibit A)

APN: 126-231-08

ACREAGE: 5.18 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Special Use Permit S04-0014 was approved on November 17, 2004 to allow the collocation of a Cingular wireless facility on the existing PG&E lattice tower. The wireless facility consists of six antenna panels mounted at 112.9 feet. Included with the wireless facility is ground mounted equipment located within a 300 square foot lease area. Building Permit 173110 was issued on May 23, 2006 for the installation of the wireless facility.

The proposed special use permit was reviewed for consistency with Special Use Permit S04-0014. Special Use Permit S06-0014 has been designed to include ground-mounted equipment located in separate lease areas located within the footprint of the lattice tower. The proposed Nextel wireless facility will not create conflicts with the approved Cingular wireless facility.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for Zoning Administrator consideration are provided in the following analysis.

Project Description: Nextel Communications is requesting a Special Use Permit to co-locate a wireless telecommunications facility on an existing PG&E electrical transmission lattice tower. The wireless facility will include the placement of six panel antennas on the tower. Two panels would be placed on the north, south, and east faces of the lattice tower. The panels would be eight feet tall and would be mounted at a centerline height of 48 feet.

Ground mounted equipment would be installed within an approximately 330 square foot lease area located within the footprint of the lattice tower. The lease area would be enclosed by a redwood fence. The lease area would be accessed through a 12 foot wide double gate located on the south side of the fenced area.

Proposed Access: Access to the proposed wireless facility would be obtained through a 22 foot wide access easement that runs along the northern property boundary to the project site. The access easement has been designed to minimize the impacts to the existing oak trees located at northwest corner of the property. However, one oak tree would be removed in order to construct the access easement.

The proposed access easement for the Nextel wireless facility is consistent with the easement for the Cingular wireless facility (S04-0014).

Site Description: The project site is located on Ethel Drive in the El Dorado Hills Area. The site is at an elevation of 1,242 feet in the Green Springs Ranch Unit 3 Subdivision. There are two 108 foot tall PG&E lattice towers on the parcel. The towers are located within a 300 foot wide easement that crosses the parcel in a northeast to southwest direction. The wireless facility would be located on the north tower.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single-family residence
North	AE	LDR	Undeveloped Agriculture Parcels
South	RE-5	LDR	Single-family residence
East	RE-5	LDR	Single-family residence
West	RE-5	LDR	Single-family residence

The proposed wireless facility would be co-located on an existing PG& E lattice tower. The project is for a collocation of a wireless facility which is encouraged.

The project parcel abuts lands zoned Exclusive Residential. The Agricultural Commission has reviewed the project and has determined that the proposed wireless project will not impact the agriculture potential of the adjacent parcel.

The proposed project will not create additional land use issues in the surrounding area.

General Plan: The General Plan designation of the subject site is Low-Density Residential (LDR). This land use designation establishes areas for single-family residential. The wireless facility will be incidental to the main residential use of the site in the event that the site is developed for residential purposes. The development of the wireless facility does not prevent the use of the site for future residential use.

General Plan Policy 5.6.14 requires a special use permit for the installation of community telecommunications facilities in residential areas. Prior to approval the special use permit should demonstrate that the following issues are addressed:

- Siting
- Aesthetics
- Environmental issues
- Surrounding land uses
- Health and safety

The wireless facility has been designed to minimize the effects on adjacent properties. The wireless antennas will be installed on an existing tower and the ground equipment will be located within the footprint of the tower.

Because the project parcel is adjacent to agriculturally zoned lands, *General Plan Policy 8.1.4.2* requires Agricultural Commission review of the project. The Agricultural Commission reviewed the project at the September 13, 2006 hearing and determined the project would not create conflicts with the adjacent agriculturally zoned lands.

Zoning: Pursuant to *County Code Section 17.14.200(D) (5) (b)* Wireless Facilities are permitted in the Estate Residential Five-acre (RE-5) Zone District upon approval of a special use permit. Furthermore, *Section 17.22.540 (A)* requires findings to be made prior to approval of a special use permit.

Section 17.22.540 (A) requires the Zoning Administrator to make the following findings prior to approval of a special use permit:

1. The issuance of the permit is consistent with the General Plan
2. The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood; and

3. The proposed use is specifically permitted by special use permit pursuant to this Title.

The required Special Use Permit findings have been included as Attachment 1 of this staff report.

Section 17.14.200 (D) (3) of the County Code establishes standards for collocation of wireless facilities on existing non-building structures. Collocation on such structures requires the following standards:

- a. The antennae shall not exceed 15 feet in height above the existing structure.
- b. The antennae mounting brackets shall be painted to blend in with the structure.
- c. All equipment shelters shall be located within the structure.
- d. If the structure is located within a public utility easement, the utility and the property owner must authorize the use.

The proposed wireless facility will include antennas which will be mounted at 48 feet on the tower which will not require an increase in height of the tower. The antennas will be painted to match the tower. The equipment shelter is located within the footprint of the tower. The applicant has submitted a letter from PG&E authorizing use of the tower.

Section 17.14.200(E) through (J) of the zoning ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- a. Screening: The applicant is proposing to locate six antenna panels on the tower. The ground mounted equipment and surrounding fence will be painted to blend in with the surroundings. Once the wireless facility is installed, it will blend in with the existing tower.
- b. Setbacks: The wireless antenna panels and ground equipment will be located within the footprint of the existing tower. No setbacks would be affected.
- c. Maintenance: Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the antennas and equipment shelter be maintained at all times and consistent with the features depicted in the visual simulations.
- d. Radiofrequency Radiation (RF) Requirement: Based on the proposed Nextel facility Radio Frequency Analysis, (*Christopher Denney, Nextel RF Safety Certification Form, May 2006*), analysis and computation, the maximum public RF exposure from this site, with all channels on antennas from the facility operating at full capacity power density at this location is 0.0003 mW/cm² at 50 feet. The maximum public exposure is .567 mW/cm² at 50 feet. This is less than 0.05 per cent of the public safety standard established by the FCC. Therefore, the risk of release of

hazardous materials or emissions to the public is remote.

- e. Availability: *Section 17.14.200 (H)* requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist.
- f. Unused Facilities: *Section 17.14.200 (I)* requires that all obsolete or unused communication facilities be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned.
- g. Other Permit Requirements: *Section 17.14.200(J)* states certain notification requirements for projects located with 1000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site or subdivisions governed by CC&Rs.

The proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As proposed and conditioned, the proposed wireless facility is consistent with the zoning ordinance.

Agency and Public Comments: The following agencies provided commented on this application. Copies of their written comments are available at the Planning Services office. From these comments, the following issues were raised:

El Dorado County Environmental Management Department
El Dorado County Hazardous Waste Division
El Dorado County Department of Transportation
Rescue Fire Protection District

The following agencies were solicited for comments and either did not respond with concerns or responded they had no recommended conditions of approval:

Pacific Gas and Electric Company

Copies of the responding agency's written comments are available at the office of Planning Services. At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to *Section 15301* of the *CEQA Guidelines*. The section establishes that minor alteration of existing structures is categorically exempt.

Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption

RECOMMENDATION

Staff recommends that the Zoning Administrator take the following actions:

1. Certify the project is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
2. Approve Special Use Permit S 06-0014 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity/A.P.N.
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan/Elevations
Exhibit E	Visual Simulations for Nextel Project
Exhibit G	Justification Statement

ATTACHMENT 1

CONDITIONS OF APPROVAL

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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. 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:

Special Use Permit S06-0014 is a request to install and operate a wireless telecommunications facility. The facility will involve the placement of six antenna panels at 48 feet on an existing PG&E lattice tower. A 330 square foot lease area is proposed within the foot print of the tower. An equipment shelter will be installed within the lease area. A six foot tall redwood fence will enclose the lease area which will be accessed by a 12 foot wide dual gate.

A 12 foot wide access road is proposed to extend from East Green Springs Road to the project site.

Maintenance personnel may visit the site approximately once a month to ensure proper operation of facility.

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The Planning Services shall verify the painting of the structures prior to final inspection and approval of the facility.
4. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. 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. 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.

6. All obsolete or unused communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services shall be restored to pre-project condition.
7. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Zoning Administrator every five (5) 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 o 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 Deputy Director or designee to cover the cost of processing a five-year review.
8. 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 an 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 the appropriate measures are taken or the site is determined not to be of significance.
9. 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.
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 also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.

El Dorado County Air Quality Management District:

11. The applicant shall submit and pay the appropriate fees for a Fugitive Dust Plan. The District shall review and approve the plan prior to project construction.
12. The applicant shall adhere to all District rules during project construction

El Dorado County Environmental Management Department/Hazardous Materials Division:

13. Under the CUPA programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

El Dorado County Department of Transportation:

14. A Commercial grading plan is required. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to 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*.

Rescue Fire Protection District:

15. The applicant shall submit a design review application and pay the appropriate fees to the Fire District prior to issuance of a building permit.
16. The applicant shall install a 12 foot access road to the project site. The access road shall meet Fire Safe Standards. The Fire District shall review and approve the access road prior to issuance of a grading permit.
17. The applicants shall install a turn-around at the project site. The turn-around shall meet Fire Safe Standards. The Fire District shall review and approve the turn-around prior to final inspection of the facility.
18. The applicants shall install a low priority *Knox* access at the access road and at the lease area. The Fire District shall review and approve the location of the access road prior to final inspection of the facility.
19. The applicants shall provide vegetation clearance along the access road and at the project site. Vegetation clearance shall meet Fire Safe Standards. The Fire District shall review and approve the vegetation clearance prior to final inspection of the facility.
20. The applicant shall install the address of the facility with letters a minimum of four inches in height and visible in both directions. The Fire District shall review and approve and approve the address prior to final inspection of the facility.
21. The applicant shall post a sign with emergency numbers on the fence adjacent to the access gate. The Fire District shall review and approve the signage prior to final inspection of the facility.

ATTACHMENT 2 **FINDINGS**

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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 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to *Section 15301* of the *CEQA Guidelines* which establishes that additions to existing structures are exempt.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department- Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 Special Use Permit Findings

- 2.1 Issuance of the special use permit is consistent with the General Plan because the wireless facility would be a collocation on an existing tower. The antennas and ground mounted equipment have been designed to blend in with the surrounding area.
- 2.2 The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood because the wireless facility has been designed to minimize visual impacts and would not create emissions that exceed established thresholds for maximum exposure.
- 2.3 Section 17.14.200 of the Zoning Ordinance permits collocation of wireless facilities on existing towers subject to approval of a special use permit.

3.0 Administrative Findings

- 3.1 The proposed use and design conforms to the Zoning Ordinance because the project meets all development standards for a collocation of a wireless facility on an existing structure in the Estate Residential Five Acre (RE-5) Zone District.