

# COUNTY OF EL DORADO DEVELOPMENT SERVICES STAFF REPORT



**Agenda of:** December 2, 2009  
**Item No.:** 4.b.  
**Staff:** Michael C. Baron

## SPECIAL USE PERMIT REVISION

**FILE NUMBER:** S01-0007-R/PG&E High Transmission Line Co-location

**APPLICANT:** ATT Mobility

**AGENT:** Patricia Kelly

**ENGINEER:** PDC Corporation

**REQUEST:** A Special Use Permit Revision to add 6 panel antennas and 1 GPS antenna mounted to a replacement top hat extension on an existing PG&E high transmission line and a 300 square foot fenced lease area for equipment cabinets. No additional tower height would be required.

**LOCATION:** On the west side of El Dorado Hills Boulevard, approximately .25 miles north of the intersection with Governor Drive in the El Dorado Hills area, Supervisorial District 1(Exhibit A).

**APN:** 125-110-04

**ACREAGE:** 4.92 acres

**GENERAL PLAN:** Open Space (OS) (Exhibit B)

**ZONING:** Recreational Facilities (RF)(Exhibit C)

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

**RECOMMENDATION**

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines; and
2. Approve the special use permit revision S01-0007-R subject to the conditions in Attachment 1, based on the findings in Attachment 2.

**BACKGROUND:** The original Special Use Permit request for the tower (S01-0007) was approved by the Planning commission on June 14, 2001. The approved Special use Permit allowed for a 12 foot top hat extension to a PG&E High Transmission line tower and the installation of 6 cellular antennas and a 300 square foot lease area for the required equipment. Due to the additional lease area and request for additional cellular panels the applicant is required to process a Special Use Permit Revision to allow for the current request, submitted August 10, 2009.

**STAFF ANALYSIS**

**Project Description:** The applicant has requested a Special Use Permit Revision to allow the installation of 6 additional panel antennae to a 12 foot high existing top hat extension at a maximum elevation of 120 feet and installation of one GPS antenna (below the current carrier). The top hat extension is affixed to an existing PG&E high transmission line tower. The co-location would not increase the height of the tower. The proposed 300 square foot lease area would require a concrete pad and would house all the required equipment cabinets and would be screened by a 6 foot high redwood fence with a locked gate.

**Site Description:** The site is a gently sloping 4.92 acre lot containing annual grassland and sporadic oak trees. The site is on the west side of El Dorado Hills Boulevard adjacent to existing residences within an existing corridor for PG&E high transmission lines and can be accessed via a gravel road with a locked gate off of the west side of El Dorado Hills Boulevard.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RF	OS	PG&E High Transmission Line Tower/Corridor
<b>North</b>	R1	HDR	Existing Residential
<b>South</b>	R1	HDR	Existing Residential
<b>East</b>	RF	OS	PG&E High Transmission Line Corridor and Existing Recreational Ball Fields/Tennis Courts
<b>West</b>	R1	HDR	PG&E High Transmission Line Corridor

**Discussion:** The project area is within an existing PG&E Corridor for high transmission lines and surrounded on both the north and south sides by existing residences. Across El Dorado Hills Boulevard there are existing recreational ball field and tennis courts underneath the PG&E high transmission lines.

**General Plan:** The General Plan designates the subject site as Open Space. This land use includes State parks, ecological preserves, and public lands acquired specifically for open space uses. **General Plan Policy 5.6.1.4** requires approval of a Special Use Permit for wireless telecommunication facilities adjacent to residential areas. The aesthetic and compatibility issues of the wireless facility were addressed during review of the initial Special Use Permit application. The proposed revision would add one 300 square foot equipment shelter, 6 additional panel antennae and one GPS antenna. The revision would not substantially expand the facility nor result in additional impacts to the surrounding land uses. Therefore, staff finds that the project as conditioned would conform to the General Plan.

**Zoning:** In all zone districts, the placement of antennas on an existing approved monopole or tower may be permitted subject to approval of a use permit pursuant to Section 17.22.400 et seq. and subject to criteria outlined in the Zoning Ordinance. The proposed project is a collocation on an existing monopole that meets all applicable County policies. Staff finds that the project, as conditioned, is in compliance with the Zoning Ordinance.

**Development Standards:** Section 17.14.210 (F) of the County Code establishes screening, setback, and maintenance standards for wireless facilities in all zone districts. All facilities must be screened with vegetation or landscaping, and the facility must be painted to blend with the prevalent architecture and/or natural features of the site. Setbacks are those set forth in each applicable zoning district. Furthermore, all improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping must be properly maintained at all times, and the colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color. The original tower construction was designed to accommodate four (4) co-locations.

The proposed project, as conditioned, meets all of the required County development standards and the proposed collocation and equipment shelter would meet the required setbacks. The project would be conditioned to require the site be properly maintained.

Due to the ever-changing technology of wireless communication systems, special use permits related to wireless conditions are required to be reviewed by the Planning Commission every five years. The original facility, approved by the Planning Commission on June 14, 2001, is still operational. Based upon the review conducted for this collocation application, staff recommends that this entire facility be considered to be approved for use through a date five years after Zoning Administrator approval of the revised Special Use Permit. A site plan (Exhibit E) and Photo simulations (Exhibits H1, H2 & H3), as required under Section 17.14.210 (E), have been provided.

**Radio Frequency (RF) Report:** There have been concerns expressed by some federal and state public health agencies about possible negative effects from exposure to electromagnetic fields (EMF). EMF is emitted from all electrical sources, including utility power lines (i.e., PG&E electrical transmission lines) and from sources such as wireless facilities. In order to ensure that all proposed wireless facilities comply with the allowable limits established by the Federal Communication Commission (FCC), a Radio Frequency (RF) Report is required to be prepared for all wireless facilities. The RF Report for the proposed project is attached to this staff report as Exhibit I. The report lists the FCC maximum permissible exposure limitation for sites of this type at a downward tilt of 2 degrees and a maximum ERP of 7, 737 watts. The calculated maximum combined emission level of this site was 0.03 percent of the FCC maximum exposure limit. Thus, the report concludes that RF emissions from the existing and proposed antennas would not exceed the FCC exposure limits for the general population.

**Federal Communication Commission (FCC):** The Federal Communication Commission (FCC) prohibits local governments from denying a wireless facility project based on concerns about the dangers of exposure to radio frequency/EMF. This is due to inconclusive evidence about the health risk of exposure to radio frequency EMF.

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 emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm <sup>2</sup> )	General Public Exposure (mW/cm <sup>2</sup> )
0.3-1.34	---	100
1.34-3.0	---	180/F <sub>2</sub>
3.0-30	900/F <sub>2</sub>	---
30-300	1.0	0.2
300-1,500	f/300	f/1500
1,500-100,000	5	1.0

Based on the submitted RF study, the maximum public RF exposure from the site with all channels on antennas operating at full capacity is 3 percent of the general public safety standard established by the FCC. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

**Conclusion:** In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood. Staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood as articulated in Attachment 2.

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

El Dorado County Department of Transportation  
El Dorado Hills Fire Protection District  
El Dorado County Environmental Management Department

The El Dorado Hills Fire Protection District provided conditions of approval to reduce potential fire dangers.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2 .....Findings  
Exhibit A .....Location Map  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D .....Assessor’s Map  
Exhibit E .....Site Plan  
Exhibit F .....Project Elevations  
Exhibit G .....Equipment Layout and Antenna Plan  
Exhibit H .....Photo Simulations H1, H2, & H3  
Exhibit I .....RF Report  
Exhibit J .....June 14, 2001 Planning Commission Minutes

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number S01-0007-R/ATT Wireless  
December 2, 2009 Zoning Administrator Hearing

### Conditions of Approval

#### Approved Development

1. ~~This approval authorizes the installation and operation of a cellular communications facility including the following improvements:~~

1. ~~This Special Use Permit Revision is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits E through H 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. Special Use Permit S01-0007 allows the following:~~

- a. ~~Increase height of PG&E tower by 12 feet~~
- b. ~~Installation of six antennas~~
- e. ~~Up to nine equipment cabinets located within a 350 square foot lease area~~

This revision to Special Use Permit S01-0007-R allows the following:

- a. Add up to 6 panel antennae and 1 GPS antenna to the existing 12 foot top hat extension on a PG& E high transmission line tower.
- b. Add a 300 square foot lease area containing up to 8 equipment cabinets surrounded by a 6 foot high redwood fence with a locked gate.

No increase in height of the tower shall be authorized by this permit revision.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, 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.

**Planning Services**

**Site Development**

2. All site development shall be consistent with the approved site plan and elevations in Attachment D and E.
3. The maximum height of the panel antennas mounted on poles shall not exceed 129 feet above finished grade. ~~The communications equipment cabinet shall not exceed 6 feet in height.~~

**Miscellaneous**

4. The applicant shall obtain a building permit from the El Dorado County Building Department.
5. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
5. ~~The project shall comply with the applicable requirements of the El Dorado County Department of Transportation.~~
6. The applicant shall assume full responsibility for resolving television reception interference cause by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
6. ~~Prior to final inspection, the applicant shall construct a 12 foot minimum width access road from the paved encroachment to the leased site with a 4 inch thick aggregate base surfacing.~~
7. At such time the applicant abandons the cellular communications site, disturbance related to the installation of this project shall be restored to pre-project condition. Restoration does not include removal of vegetation.
8. The communication facility covered by this permit shall at all times be operated in conformance with all applicable Federal standards and guidelines.
9. The applicant agrees to allow other cellular carriers to co-locate at this site, if technologically feasible, subject to land use permit.
10. 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 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 Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

- ~~10. The developer shall be required to pay the El Dorado Hills Community Services District a one-time fee of \$3,000 to cover the costs associated with future landscaping of the project site.~~
11. 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. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.
- ~~12.11. Prior to final inspection, the applicant shall complete the fire safety requirements as noted in the attachment letter from the El Dorado Hills Fire department, dated May 3, 2001. A 30-foot wide gravel base shall be provided around the wood fencing and maintained free of combustible vegetation annually.~~
13. 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 owner and the operator.
14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner agrees 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 and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant/owner of any claim, action, or proceeding and County will cooperate fully in the defense.

**El Dorado Hills Fire Protection District:**

15. The applicant shall submit site plan review fee of \$ 150.00. The District shall review and approve the improvement plans prior to issuance of a building permit.
16. Provide a high-priority “Knox Box” to access the cabinets (if not already provided). The District shall verify the installation of the ‘Knox Box’ prior to issuance of a building permit.
17. Provide keys for all cabinets to be placed in Knox box. Provide a low priority “Knox” padlock on access gate if not already provided. Applications for both high and low security Knox systems are provided at the district office. The District shall verify this compliance with this requirement prior to issuance of a building permit.
18. Mount one 2A10BC Fire Extinguisher inside a weather resistant fire extinguisher box. The District shall verify compliance with this requirement prior to issuance of a building permit.

## **ATTACHMENT 2 FINDINGS**

File Number S01-0007-R/ATT Wireless  
December 2, 2009 Zoning Administrator Hearing

### **1.0 CEQA FINDINGS**

- 1.1 The items listed in Section 15303 of the CEQA Guidelines are similar to collocation of wireless communication equipment at an existing facility, the Zoning administrator has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structure include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 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.

### **2.0 SPECIAL USE PERMIT FINDINGS**

#### **2.1 The issuance of the permit is consistent with the General Plan;**

The project is consistent with the El Dorado County General Plan (adopted July 19, 2004) because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. As conditioned, the project would comply with the Open Space General Plan Land Use Designation.

#### **2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;**

The wireless facility collocation and associated equipment area would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At 0.03 percent of the FCC maximum exposure limit, the RF emissions that would result from project operation would meet the FCC standards (as discussed in the staff report).

#### **2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The County Ordinance Code, Title 17 - Zoning, includes Chapter 17.22, Special Use Permits, and Section 17.14.200 - Wireless Communication Facilities which establish development requirements for wireless telecommunication facilities, therefore the proposed collocation is specifically permitted by the Zoning Ordinance. As proposed, the project is consistent with these requirements.