

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** January 5, 2011  
**Item No.:** 4.a.  
**Staff:** Aaron Mount

**SPECIAL USE PERMIT REVISION**

**FILE NUMBER:** S96-0033-R(2)/Tamarack Pines

**APPLICANT:** AT&T Wireless

**AGENT:** Black Dot Wireless/Tiffany Scalia

**PROPERTY OWNER:** Pacific Telephone and Telegraph

**REQUEST:** Revise a Special Use Permit to allow the collocation of 2 panel antennas on an existing 94-foot tall metal monopole and add communications equipment within an existing shelter.

**LOCATION:** On the west side of Tamarack Pines Road, approximately 150 feet east of the intersection with Highway 50 in the Twin Bridges area, Supervisorial District 2. (Exhibit A)

**APN:** 038-050-16 (Exhibit B)

**ACREAGE:** 0.89 acres

**GENERAL PLAN:** Commercial (C) (Exhibit C)

**ZONING:** Commercial (C) (Exhibit D)

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

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines; and

2. Approve Special Use Permit Revision S96-0033-R(2) based on the Findings in Attachment 2 and subject to the Conditions in Attachment 1.

**BACKGROUND:** S66-0039 was the original approval for a communications facility. S90-0037, was approved on the subject site for the installation of a 500 gallon above ground convault diesel storage tank to fuel the onsite generator. S96-0033 was approved by the Planning Commission on April 10, 1997 for a 108 foot wood monopole that replaced an existing monopole that was approved under S66-0039. S02-0017 was approved by the Planning Commission on August 8, 2002 to replace the wooden monopole with the existing 94 foot metal monopole. Approval of Permit S96-0033-R on February 23, 2006 voided permit S02-0017 and all applicable conditions were be carried over from permit S02-0017 and amended to permit S96-0033-R. This was an effort clarify the permit history and consolidate the entitlements.

The project is being presented to the Zoning Administrator for review because Condition of Approval 7 for S96-0033-R states *no additional antennas of any type shall be mounted on the tower without filing for and receiving approval of an amendment to this special use permit.*

**STAFF ANALYSIS**

**Project Description:** AT&T Wireless is requesting a minor revision to the Special Use Permit to add the collocation of 2 panel antennas on an existing 94-foot tall metal monopole. The proposal also includes adding telecommunications equipment within the existing AT&T communications equipment building. The facility would remain unmanned, and the site would only be visited up to two times per month for maintenance purposes.

**Site Description:** The 0.89 acre subject site is located approximately 6,600 feet above mean sea level. Vegetation consists of mature and immature pine trees and associated undergrowth. Existing infrastructure includes a 1,488 square foot equipment building, a 12 foot by 20 foot equipment shelter, a 104 square foot generator shelter, and a 95 foot monopole with a 10 foot 7 inch whip antenna on top. The old Bennett Sculpture building is located due west of the site.

**Proposed Access:** The site is served by a paved encroachment from Tamarack Pines Road, a county maintained road. The access is 150 feet east of the intersection with Highway 50. The subject parcel is bordered on the north by Highway 50.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	C	C	Existing wireless communications tower and equipment building
<b>North</b>	RE-10	NR	Undeveloped
<b>South</b>	RE-10 & R1	NR	Undeveloped and Single Family Residences

<b>East</b>	RE-10	NR	Single Family Residence
<b>West</b>	C	C	Undeveloped

Discussion: The closest residence to the communications facility is approximately 4,400 feet to the northeast. All parcels surrounding the site are vacant and the approximately 1-mile long, 15-foot wide access road travels through four vacant parcels to the site. The project is a compatible use with the surrounding land uses.

**General Plan:** The General Plan designation of the subject site is Commercial (C). This designation permits wireless communication facilities in a commercial/residential area with a Special Use Permit. *Policy 5.6.1.4* of the General Plan 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 in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, would conform to the General Plan.

**Zoning:** The proposed use is permitted in the Commercial (C) Zone District, pursuant to Section 17.14.210.D.4 of the County Code.

*Use Permitted.* *Wireless communication facilities, as defined in Section 17.06.050 of the County Code, shall be permitted in all Zone Districts, subject to the following standards and permitting requirements.*

Co-location of wireless telecommunication providers on existing facilities is permitted if reviewed and approved under the discretionary review process. Section 17.14.210.D.4 states the placement of antennas on an existing approved monopole or tower may be permitted subject to approval of a Minor Use Permit by the Zoning Administrator. In this case, a revision to the approved Special Use Permit is requested to consider the co-location and prior to installation and/or operation of added equipment and in compliance with Condition 7 of S96-0033-R.

**Development Standards:** Section 17.14.210.E thru J of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. **Visual:** The project provides photo-simulation to adequately reflect the changes that are being requested under this action. The photo-simulation would be used during the plan check permit process to ensure that the project adequately reflects approval of the Zoning Administrator and as part of the exhibits approved with the application. Photo-simulations of the wireless facility are included as Exhibits F-1 to F-3.

**F. Development Standards:**

1. **Screening:** The new antennas would not create a significant negative visual impact. The color scheme of the antennas has been conditioned to match the approved and existing colors of the facility.
2. **Setbacks:** The current tower meets the setbacks for the Commercial Zone District. Refer to Site and Plot Plans in Exhibit E-1 and E2.
3. **Maintenance:** The site is required to be maintained at all times. A Condition of Approval has been included requiring the maintenance of the facility.

**G. Radio Frequency (RF) Requirements:** Section 17.14.210.G of the County Code requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC). Based on the submitted Radio Frequency (RF) study dated April 12, 2010 by Evan Wappel, the total maximum power density at ground level operations produced by the proposed wireless equipment and would be 0.2 percent of the ANSI maximum exposure limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions.

**H. Availability:** Section 17.14.210.H of the County Code requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The project has been conditioned to allow continued co-location at this facility, with approval of a Special Use Permit reviewed by either the Zoning Administrator or the Planning Commission, depending on future requests and project conformance with the applicable regulations.

**I. Unused Facilities:** Section 17.14.210.I of the County Code requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement (Condition 6).

**J. Other Permit Requirements:** Section 17.14.210.J of the County Code states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site and this site is not governed by CC&Rs.

After review of the submitted project plans, including site plan, elevations, and visual simulations, it has been determined that the proposed project meets the standards contained in Section 17.14.210.E through J of the County Code.

**Conclusion:** As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17.

**ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines which states 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 which 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.

A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption.

**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 Telecommunications Act of 1996 became effective on February 8, 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.

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	100
1.34-3.0	100	180/F <sup>2</sup>
3.0—30	900/F <sup>2</sup>	180/F <sup>2</sup>
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Based on the submitted Radio Frequency (RF) study dated April 12, 2010 by Evan Wappel, the total maximum power density at ground level operations produced by the proposed AT&T Wireless equipment and would be 0.20 percent of the ANSI maximum exposure limit. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions. Therefore, the risk of release of hazardous materials or emissions to the public is remote.

### **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 Land Use Map
Exhibit D .....	Zoning Map
Exhibit E-1 .....	Site Plan (S96-0033-R)
Exhibit E-2 .....	Site Plan
Exhibit E-3 .....	Elevation
Exhibit E-4 .....	Enlarged Site Plan, Shelter Layout
Exhibits F-1 to F-2 .....	Visual Simulations
Exhibit G .....	Applicant Narrative and Justification Statement

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit Revision  
File Number S96-0033-R(2)/Tamarack Pines Co-location  
Zoning Administrator/January 5, 2011

### PROJECT DESCRIPTION

~~1. Approval of Special Use Permit S96-0033R will void permit S02-0017, and all applicable conditions will be carried over from permit S02-0017 and amended to permit S96-0033R.~~

12. The S96-0033 project as originally approved, consisted of the following: The project as approved consists of the following: A metal 94-foot pole and will be designed to support co-location for wireless providers. The existing building will also be expanded to accommodate the equipment needed to support the cellular tower. The facility will be unmanned, will not emit noise, glare or be lit, and will not interfere with television or radio reception.

Revision S04-0030-R-1 consists of the following: One new collocation of a cell antenna facility consisting of 2 antennas at the 77 foot 10 inch level on an existing 95 foot monopole, and a 12 foot by 20 foot equipment shelter located within a 20 foot by 25 foot lease area enclosed by a 6 foot tall solid wood fence. Approval of Special Use Permit S96-0033R will void permit S02-0017, and all applicable conditions will be carried over from permit S02-0017 and amended to permit S96-0033R.

Revision S04-0030-R-2 consists of the following:

This Special Use Permit revision is based upon and limited to compliance with the project description, the hearing exhibits marked E through F 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 shall constitute a violation of permit approval.

The revision amends the original permit to allow the collocation of 2 panel antennas on an existing 94-foot tall metal tower, on the parcel identified by Assessor's Parcel Number 038-050-16. The center of the two antennas will be 72 feet above ground level. Additional equipment will be placed within the existing 12 foot by 20 foot equipment shelter.

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.

23. The applicant is subject to any and all requirements of the El Dorado County Fire District prior to obtaining a building permit.
34. The applicant shall assume full responsibility for resolving television reception interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
45. The applicant shall obtain a building permit from El Dorado County Building Services.
56. No trees may be removed as a result of this project. In addition, the monopole and antennas shall be painted either green or brown, to aid in blending in with the surrounding trees. Final color selected is subject to the approval of the Deputy Director of Planning.
67. No additional antennas of any type shall be mounted on the tower without filing for and receiving approval of an amendment to this special use permit.
78. The property owner shall consent to the collocation of other service providers either on their monopole or immediately adjacent when the increase in pole height would be undesirable. Any increase in pole height or adjacent location shall require an amendment to the special use permit.
89. ~~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 Deputy Director of Planning to cover the cost of processing a five-year review.~~

Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and 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 Planning Services Director to cover the cost of processing a five-year review on a time and materials basis.

- ~~910.~~ The project requires on-site monitoring by an archaeologist during grading activity.
- ~~1011.~~ The permit is subject to El Dorado County Zoning Ordinance 17.22 specifically Section 17.22.250 – Permit Time Limits, Extensions, and Section 17.22.260 – Revocation.
- ~~12.~~ ~~The applicant shall adhere to the development standards pursuant to 17.14.200(F).~~
- ~~a.~~ ~~Landscaping and proper clearance around the tower and existing structure shall be maintained.~~
- ~~1113.~~ The project shall comply with the maintenance criteria listed in Ordinance ~~17.14.200 (f)(3)~~ 17.14.210.F.3 which states: “All improvements associated with the communications facility, including equipments 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 approved conditions relating to color.”
- ~~1214.~~ The project shall comply with the unused facilities Ordinance ~~17.14.200(I)~~ 17.14.210.I which states “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.”
- ~~13.~~ 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.
- ~~14.~~ A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

15. 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.
16. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
17. If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

18. 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 Revision.

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

## ATTACHMENT 2 **FINDINGS**

Special Use Permit Revision  
File Number S96-0033-R(2)/Tamarack Pines Co-location  
Zoning Administrator/January 5, 2011

### **1.0 CEQA FINDINGS**

- 1.1 Although collocation of wireless telecommunication facilities is not specifically listed in Section 15303 of the CEQA Guidelines, the items listed in Section 15303 are similar to collocation of wireless communication equipment at an existing facility. Staff 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 structures... 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 proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies including Policy 5.6.1.4 (special use permit required) because the aesthetics of the proposed collocation and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed antennas will be painted to match the existing tower.

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

The proposed use would not create hazards that would be considered 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 less than one percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

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

Section 17.14.210.D.4 of the County Code requires a Special Use Permit for collocation of new antennas on existing non-building structures or public facilities. Section 17.22 outlines the requirements for Special Use Permits and the project and associated materials have been reviewed in accordance with this section. The proposed use complies with the requirements of

County Code Sections 17.14.210.E through J and 17.32.040 for parcel within the Commercial zone district. As proposed, the project is consistent with these requirements.