

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



Agenda of: February 2, 2011
Item No.: 4.a.
Staff: Tom Dougherty

SPECIAL USE PERMIT-FIVE-YEAR REVIEW

FILE NUMBER: S91-0018-R/Five-Year Cellular Facility Review

APPLICANT: Verizon Wireless

AGENT: Complete Wireless Consulting, Inc., Lana Shearer

REQUEST: Request for a five-year review of an existing cellular telecommunications facility.

LOCATION: On the north side of Twin Mountain Road, approximately 920 feet east of the intersection with U.S. Highway 50 in the Pollock Pines area, Supervisorial District 2. (Exhibit A)

APN: 009-051-34

ACREAGE: 38.74 acres

GENERAL PLAN: Low Density Residential (LDR)

ZONING: Timberland Preserve Zone (TPZ)

SUMMARY RECOMMENDATION: Approval of Five-Year Review and condition modification

BACKGROUND: The Zoning Administrator approved Special Use Permit S91-0018-R on October 5, 2005. The following is the approved project description:

Special use permit to allow the co-location of six wireless communications panel antennas on an existing 139 foot communications tower and the removal of two existing whip antennas. The antennas are to be mounted at the 120-foot elevation centerline on the tower. All ground mounted equipment will be located within the existing equipment shelter located within the fenced lease area.

The antenna installation was finalized on April 19, 2007 with Building Permit 170693.

Condition 10 of the Special Use Permit required a five-year review by the Zoning Administrator as follows:

10. *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.*

Planning staff is recommending that Condition 10 be replaced by the following to allow the next five-year review to be performed at staff level as described below and as shown in ~~strikeout~~ and underline in Attachment 1:

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 determine 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.

DISCUSSION: A staff site visit on December 14, 2010 found the antennas and ground support equipment were constructed in substantial compliance to what was approved. Site visit photographs are included as Exhibit F.

CONCLUSION: It is the opinion of Staff that at the time of the five-year review period site inspection, the project has complied with the Conditions of Approval approved for Special Use Permit S91-0018-R.

RECOMMENDATION: Staff recommends that the Zoning Administrator: 1. Find for this five-year review period that the project is in substantial conformity with the Conditions of Approval for Special Use Permit S91-0018-R; and 2. Modify Condition 10 as shown in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Exhibit A	Location Map
Exhibit B	Conditions of Approval for S91-0018-R
Exhibit C	Approved Site Plan and Elevations (five pages)
Exhibit D	Approved photo simulations (two pages)
Exhibit E	Applicant supplied conformance documentation and site photos (six pages)
Exhibit F	Planning Services site visit photographs
Exhibit G	Aerial photo map

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S91-0018-R/Verizon Wireless Five-Year Review Zoning Administrator/February 2, 2011

El Dorado County Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the project description, dated October 5, 2005, and Conditions of Approval set forth below and as amended February 2, 2011. 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 to allow the co-location of six wireless communications panel antennas on an existing 139 foot communications tower and the removal of two existing whip antennas. The antennas are to be mounted at the 120-foot elevation centerline on the tower. All ground mounted equipment will be located within the existing equipment shelter located within the fenced lease area.

2. All site improvements shall conform to the site plan(s) attached as Exhibit E.
3. The planning Director may approve minor modifications to the site plan.
4. 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.
5. All additional antennae shall be painted in a matching color prior to the issuance of a final occupancy certificate by the Building Department.
6. 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.
7. All improvements associated with the communication facility, including equipment shelters, towers, antenna, and fencing shall be properly maintained at all times. Colors of the antennas and support structures and other improvements shall be maintained to ensure the appearance remains consistent. All improvements must be consistent with the visual simulation provided as Exhibit F.
8. 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.

9. The proposed antenna shall conform with any requirements of the Federal Aviation Administration.
10. ~~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.~~

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 determine 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.

11. Prior to final occupancy being issued and the finaling of the building permits, an on-site inspection by Planning Services staff confirming compliance with conditions of approval shall be required. Notification of the timeliness of this inspection shall be the responsibility of the applicants.

12. The use shall be started and diligently pursued within one year from the date of the approval of this special use permit.

El Dorado County Building Department

13. A building permit must be obtained from El Dorado County Building Services for this proposal.

El Dorado County Fire Protection District

14. The project shall comply with all applicable requirements of the El Dorado County Fire Protection District. Documentation of this compliance shall be presented to Planning Services prior to or concurrent with the requirements of Condition No. 13.