

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



**Agenda of:** March 16, 2011  
**Item No.:** 4.a.  
**Staff:** Gina Paolini

**SPECIAL USE PERMIT REVISION & FIVE-YEAR REVIEW**

**FILE NUMBER:** S03-0028-R/Communications Tower – Cameron Park

**APPLICANT:** Metro PCS California, LLC-Ken Crouse

**OWNER:** John W. and Marion A. Harris

**REQUEST:**

1. Revision to a Special Use Permit to allow the replacement of three existing panel antennas for Metro PCS. This revision would merge all previous permits granted for the cellular tower under one permit.
2. Request for a five-year review of an existing cellular telecommunications facility.

**LOCATION:** On the north side of Lariat Drive 750 feet north west of the intersection with Flying C Road in the Cameron Park area, Supervisorial District 2. (Exhibit A)

**APN:** 109-250-45

**ACREAGE:** 4.67 acres

**GENERAL PLAN:** Low Density Residential (LDR)

**ZONING:** Estate Residential Five-acre (RE-5)

**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 (New Construction or Conversion of Small Structures),

2. Approve Special Use Permit S03-0028-R subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2; and,
3. Find that the Project has complied with the Conditions of Approval for S03-0028, in accordance with the five-year review.

## **BACKGROUND:**

In 1996 the Planning Commission approved Special Use Permit S96-0011 to allow a Sprint cellular communication facility. That permit expired without being initiated.

Special Use Permit S99-0011 was approved by the Planning Commission on September 9, 1999. The approval allowed for the installation of an 80-foot tall galvanized steel monopole and associated ground equipment for Sprint PCS. Building Permit No. 121722 for the facility was issued on December 9, 1999 and finalized on November 1, 2000.

Building Permit No. 141886 was issued on September 18, 2002 and was finalized on January 9, 2003 for Cingular Wireless. This permit allowed for the co-location of three antennas at the 51-foot level and for the installation of ground mounted equipment. A revision to the Special Use Permit was not required for the co-location.

As a result of a merger between Nextel and Sprint PCS, a request to revise Special Use Permit S99-0011 was submitted. The Zoning Administrator approved S99-0011-R-1 on September 20, 2006, allowing three additional antennas and associated ground equipment for Sprint. Building Permit No. 177508 was issued on February 1, 2007 and was finalized on February 14, 2008 for the installation of two additional antennas for Sprint. Sprint PCS currently has five antennas installed on the pole and an equipment shelter.

Special Use Permit S03-0028 was approved by the Zoning Administrator on December 17, 2003. The approval allowed for the co-location of six antennas at the 70-foot height limit for Metro PCS, and removal of a 20-foot Sheriff's Department whip antenna from atop the tower. Building Permit No. 155740 was issued on April 21, 2004 and was finalized on January 20, 2005 for the installation of three antennas and associated ground equipment. Metro PCS currently has three antennas installed on the pole and two equipment cabinets. A third equipment cabinet would be installed with this revision.

In January 2005, T-Mobile acquired Cingular Wireless. In July 2009, T-Mobile requested a revision to S99-0011, to replace three antennas with three new antennas and the installation of one additional antenna. The Zoning Administrator approved S99-0011-R-2 on July 1, 2009. Building Permit No. 192630 was issued on September 23, 2009, to allow for the addition of one antenna. This permit has not been finalized. T-Mobile currently has four antennas installed on the pole and two equipment cabinets.

The proposed revision would supersede approvals granted under S99-0011.

**STAFF ANALYSIS:**

**Special Use Permit Revision:** The revision request would replace three existing 56” x 8” x 2.75” antennas with three new panel antennas. The three new panel antennas would measure 81” x 7.7” x 4.8”. The antennas would be mounted at a centerline height of 69 feet, a one-foot reduction of the current antenna height. A third equipment cabinet would be added to the site; however, this cabinet was previously entitled for the site. In accordance with Section 17.14.200 (D) (4) of the County Code, the placement of antennas on an existing approved monopole or tower are subject to approval by the Zoning Administrator.

A power density study was completed for the site revisions. Calculations were performed for a PCS carrier and an AWS carrier at a radiation center of 69 feet. The study was performed with Metro PCS transmitting a maximum Effective Radiated Power (ERP) of 1167W for PCS and 1455W for AWS. The ANSI standard for the PCS band is 1.00 mW/cm<sup>2</sup> for a controlled environment and 5.00 mW/cm<sup>2</sup> for an uncontrolled environment. At the base of the tower, with the additional equipment, the maximum power density would be 0.62 percent of the ANSI standard for an uncontrolled environment, which would be an increase of 0.347 percent in the calculated power density with the original equipment. There would be no impact to the surrounding environment.

**Five Year Review:** A site visit was conducted on February 17, 2011 to verify site conditions. Based on the site visit, review of building permits and project conditions, it is the opinion of staff that the project site is in compliance with the Conditions of Approval.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

- Attachment 1 .....Conditions of Approval
- Attachment 2.....Findings
  
- Exhibit A .....Location Map
- Exhibit B .....Title Sheet, Site Information
- Exhibit C .....Site Plan
- Exhibit D .....Elevations
- Exhibit E .....Elec./Ground Sheet
- Exhibit F.....Photo simulations
- Exhibit G.....Metro PCS Letter

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit S03-0028-R/Metro PCS Five-Year Review  
Zoning Administrator/March 16, 2011

### El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description and the following hearing exhibits:

Exhibit C .....Title Sheet, Site Information and Vicinity Map (T-1)

Exhibit D.....Site Plan (A-1)

Exhibit E .....Elevations (A-2)

Exhibit F.....Elec./Grounding Sheet (E-1)

Exhibits G .....Photo Simulations

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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:

Approval of a revision to a Special Use Permit S03-0028 for uses located at property known as Assessor's Parcel Number 109-250-45. This revision shall supersede Special Use Permit S99-0011 through R-2. Ground equipment and shelter shall be housed within an existing 1,200 square foot lease area. The following includes the project details:

- a. The lease area is to be enclosed by a six foot tall chain link fence with slats and two gates.
- b. The monopole structure shall be galvanized steel and shall be 80 feet in height.
- c. Sprint shall be permitted six panel antennas at the 80 foot height limit.
- d. Metro PCS shall be permitted six panel antennas at the 70 foot height limit.
- e. T-Mobile shall be permitted four panel antennas at the 51 foot height limit.
- f. Other antennas shall include RF antennas, GPS and whip antennas.
- g. Cabinets and Associated ground equipment shall include an equipment shelter for Sprint PCS, 3 equipment cabinets for Metro PCS (4 authorized cabinets) and two equipment cabinets for T-Mobile. Additional equipment shall include electric Telco cabinets, a waveguard bridges and ice bridges.

- ~~1. Special Use Permit S99-0011 authorized the following uses on Assessor's Parcel Number 109-250-45:~~

~~Establishment of a 1,200 (30' x 40') square foot lease area surrounded by a 6 foot tall chain link fence, an 80-foot tall monopole structure with three initial (3 future: 6 total) non-projecting sectorized antenna panels, each five feet high by eight inches thick (5' by~~

~~8"), placement of a Global Positioning System (GPS) antenna one foot in height placed on a 2 foot projecting steel arm, placement of two Yagi's antennas 36 inches in length and 12 inches apart, placement of a 20' tall Sheriff's Department Omni whip antenna, and a base transceiver station consisting of five equipment cabinets, each approximately 5 feet in height.~~

~~Revision S99-000011-R-1 consisted of the following:~~

~~The revision amended the original permit by allowing the co-location of the following antenna and equipment on the existing wireless telecommunication facility: three (3) RF antenna, one (1) Rubix BTS equipment cabinet, one (1) GPS antenna, one (1) electric Telco cabinet, one (1) waveguard bridge, and related appurtenances and equipment. All equipment and site improvements shall be made on the existing monopole, within the existing 1,200 square foot ground lease area, and/or as referenced by attached Exhibit F (of that previous staff report).~~

~~Revision S99-0011-R-2 consists of the following:~~

~~This Special Use Permit revision is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked A through J dated July 1, 2009, 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 revision amends the original permit to allow the replacement of three antennas with three new antennas and install one additional antenna (for a total of four) at the 51 foot height on the existing 80 foot tall tower. One new 3106 UMTS BTS radio cabinet shall be placed within the existing lease area. The facility shall continue to be served via the existing access driveway traveling east from the lease area to the cul-de-sac on Flying "C" Road.~~

~~1. The project, as approved, consists of the following:~~

~~The addition of six (6) new antennas from Metro PCS on an existing monopole. The location of the new antennas will be at a height of 70 feet on the existing monopole; the project includes the removal of a 20 foot whip on top of the existing monopole; which will reduce the original pole height of 100 feet, down to a new overall height of 80 feet. Project includes expansion of the ground equipment shelter.~~

~~2. All site improvements shall conform to the site plan(s) attached as Exhibit D.~~

25. 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 Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

48. Additional antennas may be mounted on the monopole in addition to those described in ~~permit S99-0011 or as referenced~~ in Condition No. 1 of this permit as illustrated on the attached exhibits, and subject to review and approval by the Development Services Director. Should the Director find that an antenna may create a visual impact, the Director shall decide if the changes will be reviewed by the Zoning Administrator or the Planning Commission.
39. The ~~applicant (T-Mobile) operator (lessee)~~ owner shall consent to the co-location of other wireless telecommunication communication users either on their monopole or immediately adjacent to their site when the increase in pole height would be undesirable. Any increase in pole height or addition of additional cellular antennas will require an amendment to this Special Use Permit under the permit process referenced by Condition No. 4.
47. The ~~applicant (T-Mobile) operator (lessee)~~ owner 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.
- ~~11. 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.~~
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The equipment shelter is being expanded to support the addition of the six new Metro PCS antennas. The shelter will be consistent with the originally approved shelter, and thus requires no further analysis.
- ~~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 the tower and other improvements shall be maintained to ensure the appearance remains consistent.~~

512. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair, at all times. The monopole shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep of the earth-tone color, as referenced by photo-simulation Exhibit G. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the monopole. All equipment shelters, cabinets, Colors of the monopole, antenna, and other appurtenances shall be maintained to ensure the appearance remains consistent and in a matching earth-tone color.
614. 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.
745. 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.
846. 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.
947. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
1048. 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.

1140. ~~All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.~~
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 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 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.~~

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.

### **El Dorado County Building Department**

7. ~~Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department.~~
126. The applicant shall apply for and secure a building permit from Building Services prior to commencing construction.



**El Dorado County Department of Environmental Management**

138. The project shall comply with all requirements of the El Dorado County Air Quality Management District.
1424. If this facility will store reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) or generate hazardous waste, prior to commencing operations the owner/operator shall:
- a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
  - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - c. Train all employees to properly handle hazardous materials and wastes.
  - d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

**El Dorado County Department of Transportation**

159. 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. A commercial grading permit shall be required.
1640. The applicant shall provide a minimum of 4 inch of aggregate base along a 12 foot wide access roadway from Flying C Road to the leased area.
- 17.43 The facility serving access easement shall be improved and maintained in good repair with asphaltic concrete (AC) and/or materials approved by the Air Quality Management District (AQMD) and the Department of Transportation (DOT), at all times.
- ~~2. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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.~~
- 18.3. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.

**El Dorado County Fire Protection District**

19. The applicant shall be subject to any and all requirements of the El Dorado County Fire Protection District prior to and during the building permit process. The ~~fire department~~ District may review the building plans and forward recommendations and requirements to the builder/operator.
205. The access road shall be constructed to State Fire Safe Standards regarding width, structural section, and turnaround areas.
2144. Widen the existing roadway to the project to a minimum width of 12 feet. (The current road width is 10 feet).
2242. Vehicle access gates shall be 2 feet wider than the roadway width.
2343. Extend the existing “Modified T” to a minimum width of 12 feet and a minimum length of 60 feet. The road surface shall support the weight of a fire apparatus.
2444. Provide a “Knox” padlock on the gate into the actual tower compound itself for emergency access.
2515. Provide a fire extinguisher rated 2A:10BC that is to be mounted at the equipment shelter, not higher than 5 feet to the top and within 75 feet travel distance. All areas shall be serviced annually.
2646. Verify address is posted and visible from both directions of access road.
- 27.47 Exposed wiring to be protected per National Electric Code.
- 28.48. Provide permanent weed removal from the roadway width.
2949. Submit Fire ~~Department~~ District site review/inspection fee of 50.00.

**El Dorado County Air Quality Management District**

3049. Prior to the approval of grading, site improvement plans, and/or building permits, the applicant shall submit for and obtain approval of an Asbestos Dust Mitigation Plan (ADMP) by El Dorado County Air Quality Management District ~~Environmental Management~~.
3120. Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD ~~APCD~~. Only vegetative waste material may be disposed of using a permitted open outdoor fire (Rule 300).
3224. Project construction may involve road development and shall adhere to AQMD ~~APCD~~ Rule 224 addressing Cutback and Emulsified Asphalt Paving Material.

3322. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD ~~APCD~~. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours.
3423. Prior to the installation or approval of any new point source emission units or non-permitted emissions units such as emergency generators, an authority to construct (and install) application shall be submitted for approval by the ~~APCD~~. The applicant shall include facility diagrams, equipment specifications, and emission factors.

## ATTACHMENT 2

### FINDINGS

#### **Special Use Permit S03-0028-R/Metro PCS Five-Year Review Zoning Administrator/March 16, 2011**

#### **1.0 CEQA FINDINGS**

- 1.1 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. The project would replace existing antennas with new antennas having no significant impact on the environment.
- 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 2004 El Dorado County General Plan. The proposed use is consistent with all applicable policies including Policies 2.2.5.21(land use compatibility) and 5.6.1.4 (special use permit required) because the aesthetics of the existing facility and related ground equipment have been addressed. The replacement antennas will be painted to match the existing tower. The proposed ground equipment will be screened from adjacent land uses by existing chain-link fencing with brown colored slats.

##### **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 because the facility is existing and the project is not an expansion of the existing use, it replaces existing antennas with new antennas of the same number.

##### **2.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.**

Section 17.14.200 (D) (4) of the County Code requires a Special Use Permit for the placement of antennas on an existing approved monopole or tower pursuant to the Special Use Permit provisions specified in Section 17.22.400. The proposed use has been

conditioned in compliance with County Code Sections 17.14.200 (E) through (J). As such, the project has been designed in compliance with the required conditions.