

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



Agenda of: June 1, 2011
Item No.: 4.b.
Staff: Gina Paolini

FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT

FILE NUMBER: S03-0026/Telecommunications Facility-Silva Valley Parkway

APPLICANT: MetroPCS

AGENT: Kenneth E. Crouse

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

LOCATION: On the west side of Silva Valley Parkway 660 feet north of the intersection with Darwin Way in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APN: 125-750-04

ACREAGE: 10.25 acres

GENERAL PLAN: Open Space (OS)

ZONING: One-Family Residential (R1)

ENVIRONMENTAL DOCUMENT: Exempt from CEQA pursuant to Section 15061(b)(3) 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 15061 (b) (3) of the CEQA Guidelines (General Rule of CEQA-There is no possibility that the activity will have a significant effect on the environment),
2. Modifications to the conditions of Special Use Permit S03-0026 specified in Attachment 1; and,
3. Find for this five-year review period, that the telecommunications facility is found to be in substantial conformity with the Conditions of Approval for S05-0026.

BACKGROUND

The Zoning Administrator approved Special Use Permit S03-0026 on December 17, 2003. The project as approved consisted of collocation of six panel antennas on an existing 107 foot PG&E transmission tower with supporting ground equipment. The tower height would be increased to no more than 112 feet. The ground equipment was to be within a 12.5-foot by 25-foot lease area to be enclosed by a 6-foot tall redwood fence.

Building Permit No. 155594 was issued for the MetroPCS facility on July 1, 2004. The permit was finalized on February 22, 2008.

Condition No. 5 of the approved Conditions of Approval required a five-year review of the facility. The Conditions of Approval for Special Use Permit S03-0026 have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been complied with (Exhibit B).

STAFF ANALYSIS

Condition Modification: Condition No. 5 of the Special Use Permit required a five-year review by the Zoning Administrator as follows:

5. *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:*
 - a. *Modify the conditions of approval in order to reduce identified adverse impacts; and*
 - b. *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.

To streamline future reviews, staff is recommending that the Zoning Administrator revise Condition No. 5 to permit future five-year reviews to be completed at staff-level. Condition No. 5 would be replaced by the following 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.

Staff has also identified other minor corrections and changes to the conditions. These are shown in strikeout and underline in Attachment 1:

Five Year Review: Based on a site visit conducted on April 6, 2011, 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.

ENVIRONMENTAL REVIEW

Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit ALocation Map
Exhibit BStatement of Use Permit Compliance
Exhibit CSite Photographs

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S03-0026/Telecommunications Facility-Silva Valley Parkway
Zoning Administrator /June 1, 2011

El Dorado County Planning Services Department

1. This Special Use Permit approval is based upon and limited to compliance with the 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:

The project shall consist of the co-location of six (6) panel antennas on an existing ~~one hundred seven foot (107')~~ foot PG&E transmission tower with four (4) supporting equipment cabinets in an enclosed ~~twelve and one half foot (12 1/2)~~ 12.5-foot by ~~twenty five foot (25')~~ foot lease area within the tower's footprint located at at property known as Assessor's Parcel Number 125-750-04. The proposed project ~~will~~ shall increase the existing tower height to no greater than ~~one hundred twelve feet (112')~~ feet. The dimensions of the antennas shall ~~will~~ be 51"x 61/2"x 2 1/3". The dimensions of the cabinets will be 72"x 35"x 32". The supporting facilities are to be enclosed by a redwood fence.

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

2. All site improvements shall conform to Exhibits F, F-1, F-2, F-3, G and G-1, including but not limited to:
 - a. All antennas and connecting infrastructure shall be constructed and painted in a color and style consistent with that of the existing tower.
 - b. The redwood fence wall surrounding the support facilities area shall be sufficient high so that at no time shall any of the equipment within the yard extend above the top of the fence.
 - c. The equipment yard fence shall be painted/stained a color such that a cosmetic blending of the fence with the existing redwood fences separating the project parcel from the developed residential neighborhood to the north and south.

3. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be property maintained at all times. Colors of towers and other improvements 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. Should the colors change as the result of time or conditions currently unforeseen, appropriate modifications to the facility colors shall ~~must~~ be changed as well.
4. All obsolete or unused communication facilities shall be removed within six (6) months after the use of the facility has ceased or after the facility has been abandoned. The applicant shall notify ~~the Planning Department~~ Planning Services at the time of abandonment, and all disturbance related to the communication facility shall be restore to pre-project condition.
5. ~~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:~~
 - a. ~~Modify the conditions of approval in order to reduce identified adverse impacts;~~
 - b. ~~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.

6. ~~Pursuant to Resolution No. 240-93, a 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 Department prior to the issuance of any development permit being issued on the project parcel. Said fee must be presented to the El Dorado County Planning Department within sixty (60) days of this approval.~~

6. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree 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 developer 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 of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

El Dorado County Department of Transportation

7. The applicant shall provide a minimum of 4" of aggregate base along a 12' wide access roadway from Silva Valley Parkway to the leased area.
8. The applicant shall be subject to an encroachment permit, Std. Plan 103A-1 or as approved by DOT.

El Dorado County Building ~~Department~~ Services

9. The project shall be subject to a building permit from the El Dorado County Building ~~Department~~ Services prior to the commencement of construction.

El Dorado County Environmental Management Department

10. The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, prior to issuance of a building permit.

ATTACHMENT 2

FINDINGS

Special Use Permit S03-0026/Telecommunications Facility-Silva Valley Parkway Zoning Administrator /June 1, 2011

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 Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.
- 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.