

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



**Agenda of:** December 7, 2011  
**Item No.:** 4.a.  
**Staff:** Gina Paolini

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

**FILE NUMBER:** S03-0021-R/Metro PCS- Bass Lake

**AGENT:** SiteCom, Inc.-Tim Miller

**APPLICANT:** Metro PCS

**ENGINEER:** Peek Site-Com

**TOWER OWNER:** Global Tower Partners

**PROPERTY OWNER:** Sabrina Investments, Inc.

- 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:** Northeast side of Alexandrite Drive, approximately 1,000 feet northeast of the intersection with Green Valley Road, in the Cameron Park area, Supervisorial District 4. (Exhibit A)

**APN:** 102-210-08 (Exhibit B)

**ACREAGE:** 140.26 acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit C)

**ZONING:** Estate Residential District (RE-10) (Exhibit D)

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

**RECOMMENDATION:** Staff recommends that 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 S03-0021-R subject to the revised Conditions of Approval in Attachment 1 and Findings in Attachment 2; and,
3. Find that for this five-year review period, the Project has complied with the Conditions of Approval for S03-0021 as listed in Attachment 1.

**BACKGROUND:**

Special Use Permit S00-0012 was approved by the Planning Commission on September 28, 2000. The approval allowed for the installation of an 80-foot tall monopine, with three sectorized antenna panels with two antennas each and associated ground equipment for RCS Wireless (Surewest). Building Permit No. 128337 for the facility was issued on February 5, 2001 and finalized on August 16, 2001.

Special Use Permit S03-0021 was approved by the Planning Commission on April 22, 2004. The approval allowed for collocation of six panel antennas at the 70 foot level on the existing monopine and up to five equipment cabinets for Metro PCS. Building Permit No. 156051 for the facility was issued on September 13, 2004 and finalized on December 22, 2006.

Special Use Permit S00-0012-R was approved by the Zoning Administrator on August 1, 2007. The approval allowed for the collocation of six antennas at a height of sixty two feet on the existing pole and up to three equipment cabinets for T-Mobile. Building Permit No. 185152 for the facility was issued on July 21, 2008 and finalized on June 15, 2009.

Building Permit No. 190938 was issued on November 17, 2008 for the removal of six panel antennas and three equipment cabinets for Surewest. This permit was finalized on January 26, 2009. Surewest was acquired by Global Tower Partners, the current tower owner.

Global Tower Partners has verified that T-Mobile and Metro PCS are the only carriers on the monopine today.

The proposed revision would supersede approvals granted under S00-0012 and S00-0012-R.

**STAFF ANALYSIS:**

**Special Use Permit Revision:** The revision request would replace three existing 51" x 5" x 3" 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 70 feet. 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 using the worst-case assumptions, for a person standing on the ground at a distance of 100 feet from the base of the tower in the given terrain of the surrounding environment. 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. Metro PCS has calculated the maximum combined emission levels to be 0.0029 mW/cm<sup>2</sup>, which is 0.29 percent of the ANSI maximum exposure limit. This is well within the allowable limitation established in ANSI standard C95.1-1992, the prevailing standard for RF exposure levels. There would be no impact to the surrounding environment.

**Five Year Review:** A site visit was conducted on September 30, 2011 to verify site conditions in accordance with Condition No. 8 of the Special Use Permit which required a five-year review by the Zoning Administrator. 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.

Planning staff is recommending that the next five-year review be performed at the staff level in accordance with recommended Condition No. 3.

## ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). As conditioned, the project is consistent with the RE-10 Zone District for the existing and proposed structures which require ministerial permits. The revision to the Special Use Permit would allow for the replacement of the existing cellular equipment with updated antennas and the addition of new ground equipment within an existing lease area. A \$50.00 processing fee shall be required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments to Staff Report:

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

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit S03-0021-R/Metro PCS Five-Year Review  
Zoning Administrator/December 7, 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 B .....Title Sheet  
Exhibit C .....Site Plan  
Exhibit D .....Elevations  
Exhibit E .....Elec./Ground Sheet  
Exhibits G .....Site Photo

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 S03-0021 for uses located at property known as Assessor's Parcel Number 101-210-08. This revision shall supersede Special Use Permit S00-0012 through S00-0012-R. 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.
- b. The monopine structure shall be 80 feet in height.
- c. Metro PCS shall be permitted six panel antennas at the 70 foot height limit.
- d. T-Mobile shall be permitted 6 panel antennas at the 62 foot height limit.
- e. A third carrier shall be permitted at the 78 foot height limit, with up to 6 panel antennas.
- f. Cabinets and associated ground equipment shall include five equipment cabinets for Metro PCS, three radio equipment cabinets for T-Mobile, and up to 3 equipment cabinets for a third carrier.
- g. Access to the project site shall be provided by an easement located on the leased property adjacent to an existing eight to ten foot (8-10') gravel road which leads to the Bass Lake Golf Course maintenance area.

- ~~1. This special use permit approval is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibit D (Site Plan Map) dated August 1, 2007 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 would constitute a violation of permit approval.~~

The project description is as follows:

~~Special Use Permit S00-0012R is a request to co-locate six (6) antennas at a height of sixty two feet (62') on an existing eighty foot (80') monopine owned by SureWest. Additionally, T Mobile would install up to three (3) 2.5'x 4.25'x5.5' radio cabinets on an existing 1,200 square foot concrete pad enclosed with a six foot (6') high chain link fence located at the base of the monopine where SureWest ground mounted equipment exists.~~

~~Access to the project site is to be provided by an easement located on the leased property adjacent to an existing eight to ten foot (8-10') gravel road which leads to the Bass Lake Golf Course maintenance area.~~

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, 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. The applicant shall be subject to any and all requirements of the Rescue Fire Department prior to and during the building permit process. The applicant shall develop and implement a Wildfire Fire Safe Plan that is approved by the Cal Fire (CDF) and the Rescue Fire Department prior to and during the building permit process. Applicant shall pay any fees requested by CDF or/and Rescue Fire Department.
3. The ~~applicant~~ operator (lessee) owner shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
4. 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.

~~Due to the ever-changing technology of wireless communication systems, the special use permit shall be reviewed by the Zoning Administrator every five (5) years. At each five year review, the permit holder shall provide the Zoning Administrator with a status report on the current use of the subject site and related equipment. Zoning Administrator shall review the status report and based upon an assessment of the information provided, current wireless technology, and possible local and 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 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 Deputy Director or designee to cover the cost of processing a five (5) year review.~~

- ~~6. All site improvements shall conform to the site plan and elevations attached as Exhibit D.~~
- ~~7. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspect and approval of the facility.~~
58. All improvements associated with the wireless communication facility, including equipment shelters, cabinets and antennas shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
69. All obsolete or unused wireless communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services when the site has been restored to pre-project condition.
740. 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.

811. 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, as provided in Section 66474.9(b) of the California Government Code.

The landowner 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the landowner of any claim, action, or proceeding and County would cooperate fully in the defense.

942. Prior to issuance of a Building Permit the applicant shall remit payment of any outstanding fees as detailed and required in "the agreement of payment for processing fees" authorized for this project.

1043. Prior to issuance of the Special Use Permit all Development Services fees must be paid.

~~14. All obsolete or unused communication facilities shall be removed by the applicant 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.~~

11. Additional antennas may be mounted on the monopine in addition to those described 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 shall be reviewed by the Zoning Administrator or the Planning Commission.

12. The operator (lessee) and property owner shall consent to the co-location of other wireless telecommunication communication users either on their monopine or immediately adjacent to their site when the increase in pole height would be undesirable. An increase in pole height or addition of additional cellular antennas may require an amendment to this Special Use Permit under the permit process referenced by Condition No. 10.

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.

1. ~~The project shall consist of the co-location of six (6) panel antennas on an existing 80 foot monopine tower with up to five (5) supporting equipment cabinets in an enclosed 30 foot by 40 foot fenced lease area below the tower. The co-location antennas will be located at approximately the 70 foot level. The proposed project will increase the existing tower height to no greater than 85 feet.~~
2. ~~All site improvements shall conform to the site plans attached as Exhibits G-1, G-2, G-3, G-4, and H-1 and H-2.~~
3. ~~All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.~~
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.~~
5. ~~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.~~
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:
  - 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 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.~~

7. ~~During all grading and construction activities in the project area, an Archaeologist or Historian approved by the planning Director shall be on call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within fifty (50') feet of the discovery until the on-call archaeologist can examine the find~~



~~in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading and building plans shall include this condition of approval on the plans. The Planning Department shall review the grading and building plans prior to issuance of a grading or building permit.~~

~~Further, in the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within twenty four (24) hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading and building plans shall include this condition of approval on the plans. The Planning Department shall review the grading and building plans prior to the issuance of a grading or building permit~~

- ~~8. The applicant shall file Form 7460 with the Federal Aviation Administration pursuant to the instructions on the form and a copy of the completed form as submitted to the FAA shall be forwarded to the Planning Department for inclusion into this permit's file.~~
- ~~9. The building permit for this application must be issued after or concurrent with that permit issued to SureWest for purposes of cosmetic mitigation to the existing tower.~~
- ~~10. The building permit shall not be finalized until such time as the conditions of approval for the host tower under Special Use Permit S00-12 are satisfied to the satisfaction of the Planning Director.~~

El Dorado County Building Services

142. The applicant shall secure a building permit from the El Dorado County Building Services for the proposed telecommunications facility.

El Dorado County Building Department

- ~~11. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building Department~~

El Dorado County Environmental Management Department/Hazardous Materials Division:

15. Under the Certified Unified Program Agency (CUPA) programs, if the project involves the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

El Dorado County Department of Transportation

1612. The applicant shall provide a minimum of 4 inches<sup>2</sup> of aggregate base along a 12 foot<sup>2</sup> wide access roadway from the golf cart path to the leased area. Said roadway shall be maintained by the applicant at all times.

Rescue Fire Protection District

17. The applicants shall comply with the following requirements of the Rescue Fire Protection District, which include but shall not be limited to:
- a. The applicant shall submit a design for review and approval of a Fire District turn-a-round prior to issuance of a building permit. A 12-foot wide turn-a-round requires a 40 foot inside radius with a 60 foot depth from centerline.
  - b. The applicant shall install an approved turn-a-round. Turn-a rounds shall be provided at the midway point, or if over 800 feet in length every 400 feet. The access road shall be a minimum of 12 feet wide and have an all weather surface and be within 150 feet of all exterior portions of the structure. The access road and turn-around shall be approved by the Rescue Fire Protection District and shall be installed prior to final inspection of the facility.
  - c. The applicant shall install an access road with a vertical clearance of 15 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. Rescue Fire protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
  - d. The applicants shall provide low priority "Knox" access for emergency access. In addition, Knox access shall be required for compound area and on access road. Rescue Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
  - e. The applicants shall provide vegetation clearance to meet "Fire Safe" standards, which shall be 5 feet from both sides of the 12 foot access road. Rescue Fire Protection District shall verify the vegetation clearance prior to final inspection of the facility.
  - f. The applicant shall install the address of the facility, with the letters to be a minimum of 4 inches in height, with the letters visible from both directions. Post a sign with emergency phone numbers on the fence by the gate. Rescue Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
  - g. The gates for the facility shall comply with the Fire Prevention Officers standard, as reviewed and approved by the Rescue Fire Protection District prior to issuance of a Building Permit. The fencing around the site shall be constructed of non-combustible material.

- h. The Rescue Fire Protection District shall verify the installation of one 2A10BC Fire Extinguisher inside the structure prior to final inspection of the facility.
- i. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the Rescue Fire Protection District prior to issuance of a building permit.

## ATTACHMENT 2

### FINDINGS

#### Special Use Permit S03-0021-R/Metro PCS Five-Year Review Zoning Administrator/December 7, 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.

##### 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.