

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



**Agenda of:** August 7, 2013  
**Item No.:** 4.a.  
**Staff:** Gordon Bell

**FIVE-YEAR CELL TOWER REVIEW – SPECIAL USE PERMIT**

**FILE NUMBER:** S02-0029R(2)

**APPLICANT:** AT&T Wireless

**AGENT:** Vance Shannon

**PROPERTY OWNER:** David Van Meter

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

**LOCATION:** The property is located on the south side of Pioneer Trail approximately 200 feet northeast of the intersection with Hepka Drive in the Meyers area, Supervisorial District 5. (Exhibit A)

**APN:** 033-652-01

**ACREAGE:** 1.55 acres

**GENERAL PLAN:** Adopted Plan (AP)

**ZONING:** Tahoe One Family Residential (TR1)

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

1. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S02-0029R(2); and
2. Approve the modifications to the Conditions of Approval for Special Use Permit S02-0029R(2) recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

## **BACKGROUND**

The original Special Use Permit S 02-0029, submitted by Cingular Wireless (now AT&T), allowed the construction of the 95-foot monopine with six (6) panel antennas and two (2) equipment cabinets and was approved by the Planning Commission on January 9, 2003.

Special Use Permit S 02-0029 R(1) was submitted by Nextel Communications and allowed the collocation of twelve (12) antennas at the 82-foot level and one (1) equipment cabinet and was approved by the Zoning Administrator on March 2, 2005.

Special Use Permit S 02-0029 R(2) was submitted by T-Mobile and allowed the collocation of a three panel antennas at the 65-foot centerline elevation of the existing 93-foot tall monopine that has the overall height including branches, of 95 feet. Four equipment cabinets, one 300 watt light, and one GPS sensor constructed near the base of the facility atop a concrete pad within the 15-foot by 20-foot lease area. This permit revision was approved by the Zoning Administrator on June 21, 2006.

## **STAFF ANALYSIS**

Condition No. 6 of the approved Conditions of Approval required a five-year review of the facility by the Zoning Administrator or Planning Commission. The Conditions of Approval for Special Use Permit S02-0029R(2) have been attached (Attachment 1). The applicant has provided a support statement demonstrating how the Conditions of Approval have been met (Exhibit B).

**Condition Modifications:** Condition No. 6 of the Special Use Permit required a five-year review by the Planning Commission. To streamline future reviews, staff is recommending that the Zoning Administrator revise Condition No. 6 to permit future five-year reviews to be completed at staff-level. Staff believes many of the five year reviews, even complex ones, can be administered at staff level with minimal administrative time. The new condition would continue to allow for those towers that remain out of compliance to be forwarded to the Commission for review, if not brought into compliance.

To promote and streamline collocation on the monopine, Condition No. 9 has been revised to allow for future collocation on the monopine and within the lease area as long as no carrier exceeds 12 antennas in 3 sectors, that all antennas are adequately screened, that there is no increase in lease area dimensions, and that there is no increase in the height of the monopine.

The changes to the Conditions of Approval are shown in ~~strikeout~~ and underline in Attachment 1.

**Five Year Review:** The five-year review was initially required in June 2011. Staff informed the applicant that the five-year review was past due when the applicant attempted to submit a building permit for an upgrade, and subsequently the review package was submitted. Staff advised the applicant upon submittal that the monopine had deficiencies that would need correction through the five-year review process. The panel antennas are currently not adequately screened. Panel antennas fitted with antenna socks, with simulated needles in a color that closely matches the antenna branches, remedies the inadequate screening. It is recommended that the

Zoning Administrator require that all panel antennas be fitted with antenna socks that have simulated needles and be a color that closely matches the antenna branches within three months of this review (Condition No. 8). The bark cladding on the tree is also loose around the monopole. This will be corrected to during the upgrade process as part of Building Permit 216795. Based on review of building permits and project conditions, it is the opinion of staff that the project site would be in compliance with the Conditions of Approval with the additional screening.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Applicant’s Statement of Use Permit Compliance
Exhibit C .....	Site Photographs
Exhibit D .....	Site Plan (AT&T)
Exhibit E .....	Site Plan (Sprint/Nextel)
Exhibit F.....	Site Plan (T-Mobile)
Exhibit G.....	Approved Antenna Elevation

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit S02-0029R(2)/AT&T Van Meter  
Zoning Administrator/August 7, 2013

### El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below:

Exhibit D.....Site Plan (AT&T)  
Exhibit E.....Site Plan (Sprint/Nextel)  
Exhibit F.....Site Plan (T-Mobile)  
Exhibit G.....Approved Antenna Elevation

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:**

Approval of the Special Use Permit allowing the construction and operation of a multi-user wireless telecommunication facility within an existing 1.55 –acre parcel identified as APN 033-652-01 and consisting of the following:

- a. One 95-foot tall steel monopine;
- b. A 300 square foot lease area (30' x 10') surrounded by existing vegetative screening (AT&T) with an unspecified number of outdoor equipment cabinets;and,
- c. Three antenna sectors and two antennas per sector (6 total antennas in a stacked configuration) for AT&T mounted at a height of 91' and 86' above ground level; and,
- d. A 170 square foot lease area (17' x 10') with one equipment cabinet and two GPS antennas (Sprint/Nextel).
- e. Three antenna sectors and four antennas per sector (12 total antennas) for Sprint/Nextel mounted at a height of 82' above ground level; and,
- f. A 300 square foot lease area (15' x 20') to be surrounded by a 6'-tall wood fence that has a 6'-wide gate for entrance on the southeast side. Four equipment cabinets, one 300 watt light, and one GPS antenna to be constructed within the lease area on a concrete pad. Access is to be provided via a 15'-wide easement from Pioneer Trail (T-Mobile).

- g. Three antenna sectors and one antenna per sector (3 total antennas) for T-Mobile mounted at a height of 65' above ground level.

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.

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. (Modified by S 02-0029 R(2)).

The project description is as follows:

~~S 02-0029 R(2) is a Special Use Permit revision to allow the collocation of a three panel antennas at the 65-foot centerline elevation of the existing 93-foot tall monopine that has the overall height including branches, of 95-feet. Four equipment cabinets, one 300-watt light, and one GPS sensor is to be constructed near the base of the facility atop a concrete pad within the 15-foot by 20-foot lease area. The lease area will be surrounded with a six-foot tall wood fence that will have a six-foot wide gate for entrance on the southeast side. Entrance during construction and on-going maintenance will be from a 15-foot wide access easement that connects to the north onto Pioneer Trail. That easement has no established roadway and shall be only used temporarily to be returned to its original state after construction and used by foot traffic for ongoing maintenance.~~

~~S 02-0029 R(1) is a Special Use Permit revision, approved by the Zoning Administrator on March 2, 2005 for the co-location of a three-sector antenna array at the 82-foot centerline elevation of the existing monopine. Each antenna sector is to have up to four eight-foot panel antennas for a total of 12 antennas. The precise number of antennas for the facility is contingent upon the number of antennas the applicant may install without protruding past the existing tree limbs on the monopine. An equipment cabinet with two small GPS sensors is to be constructed near the base of the facility. (Modified by S 02-0095 R(2)).~~

~~The project, S 02-0029, as approved by the Planning Commission on January 9, 2002, consists of the following: a new 95-foot tall wireless tower treepole (disguised as a pine tree). The tower will have six antennas (three proposed, three future). All antennas will be hidden among the artificial branches. Equipment will be located on the ground at the base of the treepole. Vegetative screening shall surround the lease site area, which is 30 x 10 feet in size, subject to review and approval by the Planning Department and TRPA prior to issuance of a building permit. (Modified by S 02-0095 R(2)).~~

2. ~~All site improvements shall conform to the site plans and elevations attached as Exhibits D1, D2, D3 and D4. (Modified by S 02-0095 R(2)).~~

**Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.

3. Pursuant to County Code (17.22.250) implementation of the project (i.e., obtaining building permit) must occur within twenty-four months (24) of approval of this special use permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the conditions of approval. (From S 02-0029).
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 towers and other improvements shall be maintained to ensure the appearance remains consistent with the approved conditions, site plans, and photo simulations, and that they blend in with the environment and support the camouflage concept required by the Section 17.14.200 of the County Zoning Ordinance. All broken "branches" used for camouflage shall be replaced prior to the issuance of a final occupancy certificate. (From S 02-0029), modified by S 02-0029 R(2).
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~~ Planning Services at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition. (From S 02-0029, number modified by S 02-0095 R(2)).
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 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 Planning Director to cover the cost of processing a five-year review. (From S 02-0029, number modified by S 02-0095 R(2)).~~

**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.

7. The applicant may be required to file a Notice of Proposed Construction or Alteration Form (Form 7460-1) from the Federal Aviation Administration (FAA) and will be subject to meeting any requirements from the Lake Tahoe Airport. (From S 02-0029, number modified by S 02-0095 R(2). Page 4, Attachment 1 Conditions of Approval S02-0029 R(2) Zoning Administrator Hearing June 21, 2006.
8. ~~All additional antennae shall be constructed of non reflective material and shall be painted to the match the existing monopine prior to the issuance of a final occupancy certificate by the Building Department. (From S 02-0029 R(1), number modified by S 02-0095 R(2)).~~

**Panel Antenna Screening:** All panel antennas shall be fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be approved by Planning Services prior to issuance of a building permit and photographs of sock installation shall be provided to Planning Services within three months of installation or no later than October 1, 2013.

9. ~~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. (From S 02-0029 R(1), number modified by S 02-0095 R(2)).~~

**Co-location:** For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the existing leased area and provided that any one of the proposed carrier installs no more than three antenna sectors and four antennas per sector (12 total antennas-per carrier at any one time, that all antennas are adequately screened within the tree branches, and that there shall not be an increase in overall height of the tower).

10. 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. (From S 02-0029 R(1), number modified by S 02-0029 R(2)).

11. All temporary construction access easements associated with the co-location project shall be removed and restored to pre-project condition upon the completion of project construction and prior to the issuance of a final occupancy certificate by ~~the Building Department Services~~. (From S 02-0029 R(1), modified by S 02-0029 R(2)).
12. 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 Division at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition. (From S 02-0029, number modified by S 02-0029 R(2)).
13. ~~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. . (From S 02-0029 R(1), number modified by S 02-0029 R(2)).~~

### **Air Quality Management District**

13. The applicant shall comply with all El Dorado County Air Quality Management District Rules and Regulations available at: [www.co.el-dorado.ca.us/emd](http://www.co.el-dorado.ca.us/emd) prior to the issuance of a building permit and during project construction. (From S 02-0029 R(1), number modified by S 02-0029 R(2)).

### **Environmental Management Department**

14. Prior to the issuance of a building permit, under the COPA programs, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 200 cubic feet or 500 pounds) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Department for review and approval and applicable fees paid. (From S 02-0029 R(1), number modified by S 02-0029 R(2)).



**Department of Transportation**

15. If the gravel access is to be paved, an encroachment permit will need to be obtained from DOT for tie-in to Pioneer Trail. (From S 02-0029, number modified by S 02-0029 R(2)).

**Tahoe Regional Planning Agency (TRPA)**

16. The applicant will be required to obtain all necessary permits from the TRPA. (From S 02-0029, number modified by S 02-0029 R(2)).

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S02-0029R(2)/AT&T Van Meter Zoning Administrator/August 7, 2013**

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 FINDINGS**

- 1.1 This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the 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.
- 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.