

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



**Agenda of:** December 18, 2013  
**Item No.:** 4.a.  
**Staff:** Tom Dougherty

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

**FILE NUMBER:** S06-0015-R/T-Mobile, Saint Stephens Lutheran Church

**APPLICANT:** T-Mobile

**AGENT:** Karen Lienert

**PROPERTY OWNER:** Saint Stephens Lutheran Church

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

**LOCATION:** On the north side of Olson Lane at the intersection with El Dorado Hills Boulevard, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

**APN:** 125-131-17

**ACREAGE:** 4.5 acres

**GENERAL PLAN:** High Density Residential (HDR)

**ZONING:** One-family Residential (R1)

**ENVIRONMENTAL DOCUMENT:** Previously determined Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines

**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 S06-0015; and

2. Approve the modifications to the Conditions of Approval for Special Use Permit 06-0015 recommended by staff as listed in Attachment 1, based on the Findings listed in Attachment 2.

## **BACKGROUND**

Special Use Permit S97-0018, approved by the Planning Commission on October 9, 1997, allowed for the construction of a wireless facility on the roof of the Saint Stephens Lutheran Church building. The project allowed the construction of a 15 foot tall steeple on the east side of the church site. Wireless panel antennas were installed within the steeple with a 15 square foot equipment cabinet installed on the east side of the church.

Special Use Permit S06-0015 was approved by the Zoning Administrator on February 21, 2011 to allow Metro PCS to collocate a new telecommunications facility on top of the existing church building. The project allowed the construction of a 15 foot tall steeple and the installation of six, four and a half feet tall panel antennas within the steeple. The new steeple matches the height, color, and design of the existing steeple. The steeple was constructed on the southwest corner of church. Ground mounted equipment consisted of six foot wide by six foot tall equipment shelter and electrical panels. The ground-mounted equipment was installed on the southeast side of the church within a 140 square foot lease area. The equipment was painted to match the existing structure.

On September 12, 2013, a Building Permit application (220112) was submitted for the replacement of three antennas, and replacement of a cabinet, which had been approved by S06-0015. Planning determined that a five year review was required but that permit could be issued.

## **STAFF ANALYSIS**

**Condition Modification:** Condition No. 6 of the Special Use Permit required a five-year review by the Zoning Administrator. 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 has found that most of the cellular telecommunications facilities are compliant with the Conditions of Approval and can be administered at staff level with minimal administrative time. Even the complex five year reviews can be remedied at the staff level. The new condition would continue to allow for those towers that remain out of compliance to be forwarded to the Zoning Administrator for review, if not brought into compliance.

Staff has also identified other minor corrections and changes to the conditions. The project description has been clarified. The changes to the Conditions of Approval are shown in ~~strikeout~~ and underline in Attachment 1.

**Five Year Review:** Based on review of building permits and project conditions, staff has verified that the project is in compliance with the Conditions of Approval.

## **ENVIRONMENTAL REVIEW**

This project was previously determined to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. The section establishes that minor alteration of existing structures is categorically exempt. 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. There are no changes in circumstances and no new information that identifies new or change environmental affects or mitigations which would require new CEQA review. As this is not a new project, no additional environmental document is required.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Site Plan, Sheet A1.1
Exhibit C .....	Elevations, Sheet A2.1
Exhibit D .....	Construction Details, Sheet A3.1
Exhibit E .....	Applicant's Statement of Use Permit Compliance (two pages)
Exhibits F-1 and F-2 .....	Site photographs

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit Five-Year Cell Tower Review S06-0015-R/T-Mobile  
Zoning Administrator/December 18, 2013

### El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the following hearing exhibits, ~~Zoning Administrator hearing exhibits marked Exhibits D-E (Site Plan / Elevations, Visual Simulations dated January 2, 2007, Conditions of Approval~~, and Conditions of Approval set forth below:

Exhibit B.....Site Plan, Sheet A1.1  
Exhibit C.....Elevations, Sheet A2.1  
Exhibit D.....Construction Details, Sheet A3.1

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit S06-0015 ~~is a request to collocate~~ allowed the collocation of a new wireless telecommunications facility. ~~The project would involve~~ and the construction of a 15 foot tall steeple and the installation of six, four and a half feet tall panel antennas within the steeple. The new steeple ~~would~~ matches the height, color, and design of the existing steeple. The steeple ~~would be~~ was constructed on the southwest corner of church and would match the existing steeple. Ground mounted equipment ~~would~~ consists of six foot (6') wide by six foot (6') tall equipment shelter and electrical panels. The ground-mounted equipment would be installed on the southeast side of the church within a 140 square foot lease area. The equipment ~~would~~ shall be painted to match the existing structure.

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. All site improvements shall conform to the site plan and elevations attached as Exhibits D, B, C, and D.

3. All equipment shelters, cabinets or other auxiliary structures shall be painted to match the existing structure. Planning Services shall verify the painting of the structures prior to final building inspection and approval of the facility.
4. All improvements associated with the communication facility, including equipment shelters, antennas, and fencing 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.
5. 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 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 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 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, or (3) allow continued operation of the facility. 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-year review.~~ Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Division 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. 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 50 feet of the discovery until an 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 the appropriate measures are taken or the site is determined not to be of significance.
8. 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 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
9. 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.
10. Hold Harmless Agreement: 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 Development Services Department:**

- ~~10.~~11. If the project will involve more than 250 cubic yards of grading material, a commercial grading plan is required. 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*.

**El Dorado County Air Quality Management District:**

- ~~11.~~12. The applicant shall submit and pay the appropriate fees for an Asbestos Dust Mitigation Plan, if applicable. The District shall review and approve the plan prior to project construction.

12. The applicant shall adhere to all District rules during project construction

**El Dorado County Environmental Management Department/Hazardous Materials Division:**

13. Under the Certified Unified Program Agency programs, if the operation will involve 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.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit Five-Year Cell Tower Review S06-0015-R/T-Mobile Zoning Administrator/December 18, 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 CEQA FINDINGS**

- 1.1 This project was previously found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which establishes that additions to existing structures are exempt. 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. There are no changes in circumstances and no new information that identifies new or change environmental affects or mitigations which would require new CEQA review. As this is not a new project, no additional environmental document is required.
- 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.

#### **2.0 ADMINISTRATIVE FINDINGS**

- 2.1 All conditions of approval have been met and the use of the telecommunications facility is in compliance.