

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



**Agenda of:** December 18, 2013  
**Item No.:** 4.b.  
**Staff:** Aaron Mount

**SPECIAL USE PERMIT REVISION**

**FILE NUMBER:** S96-0033-R-3/Tamarack Pines

**AGENT:** Gordon Bell

**APPLICANT:** AT&T Mobility

**ENGINEER:** Peek Site-Com

**OWNER:** Pacific Bell

**REQUEST:** Special Use Permit revision to allow the colocation of four antennas on the existing 94-foot monopole tower and to place additional equipment within an existing shelter.

**LOCATION:** North side of Tamarack Pines Road, approximately 150 feet east of the intersection with US Highway 50, in the Mount Ralston Rural Center, Supervisorial District 5. (Exhibit A)

**APN:** 038-050-16 (Exhibit B)

**ACREAGE:** 0.89 acres

**GENERAL PLAN:** Commercial (C) (Exhibit C)

**ZONING:** Commercial (C) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to CEQA Guidelines Sec. 15303

**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; and
2. Approve Special Use Permit Revision S96-0033-R-3 based on the Findings in Attachment 2 and subject to the Conditions in Attachment 1.

**STAFF ANALYSIS**

**Project Description:** Request to revise Special Use Permit S96-0033-R-2 to allow the colocation of four panel antennas, two at the 57-foot centerline level and two at the 80-foot centerline level, on an approved monopole tower that is 94 feet tall. Also proposed is one new gps antenna on the roof of the existing equipment shelter and necessary upgrades and additions to the equipment within the shelter. No new noise generating equipment or hazardous materials storage has been proposed.

**Site Description:** The 0.89 acre subject site is located approximately 6,600 feet above mean sea level. Vegetation consists of mature and immature pine trees and associated undergrowth. Existing infrastructure includes a 1,488 square foot equipment building, a 12 foot by 20 foot equipment shelter, a 104 square foot generator shelter, and a 95 foot monopole with a 10 foot 7 inch whip antenna on top. The old Bennett Sculpture building is located due west of the site.

**Background:** S90-0037 was approved on the subject site for the installation of a 500 gallon above ground convault diesel storage tank to fuel the onsite generator. S96-0033 was approved by the Planning Commission on April 10, 1997 for a 108 foot wood monopole that replaced an existing monopole that was approved under S66-0039. S02-0017 was approved by the Planning Commission on August 8, 2002 to replace the wooden monopole with a 94 foot metal monopole. Approval of Permit S96-0033-R on February 23, 2006 voided permit S02-0017 and all applicable conditions were be carried over from permit S02-0017 and amended to permit S96-0033-R. This was an effort clarify the permit history and consolidate the entitlements. S96-0033-R-2 added 2 antennas and additional equipment within the existing equipment shelter.

The project is being presented to the Zoning Administrator for review because Condition of Approval 6 for S96-0033-R-2 states *no additional antennas of any type shall be mounted on the tower without filing for and receiving approval of an amendment to this special use permit.*

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	C	C	Existing wireless communications tower and equipment building
<b>North</b>	RE-10	NR	Undeveloped
<b>South</b>	RE-10 & R1	NR	Undeveloped and Single Family Residences
<b>East</b>	RE-10	NR	Single Family Residence

West	C	C	Undeveloped
------	---	---	-------------

## STAFF ANALYSIS

The parcel is zoned General Commercial (C). County Code Section 17.14.210.D.5.a permits wireless communication facilities in Commercial Zone Districts adjacent to a state highway with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210 D of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided a project narrative explaining the project details, and potential benefits to the community, which is provided in attached Exhibit G.

**Project Issues:** The primary issue with this project is aesthetics. Other discussion item includes land use compatibility.

**Aesthetics:** The tower is visible from various points in the surrounding area including US Highway 50. The tower is a monopole and in an attempt to disguise the additional antennas the applicant is required to paint the antennas to match the existing color of the tower which is a green earth tone color that better blends with adjacent pine trees. The ideal solution would be to require a stealth monopine tower as the location is within a State designated scenic highway corridor, however a nexus does not exist with this proposed revision to request a new tower.

**Land Use Compatibility: Policy 2.2.5.21** directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. A cellular telecommunications facility is considered to be a public utility facility, though owned privately. The project would be compatible and consistent with the Commercial land use designation because it has been designed to minimize the visual and noise effects on adjacent properties, as directed by Section 17.14.210 of the Zoning Ordinance. All facility components would be painted colors that would blend with the adjacent trees and the existing telecommunications facility shelter building is surrounded by a wooden fence. As proposed and conditioned the collocation on the existing communications tower would be consistent with this policy.

**Conclusion:** The project has been reviewed in accordance with applicable General Plan policies, and it is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

### **Design and Development Standards:**

Section 17.14.210.B of the County Code requires that all wireless providers collocate their equipment on existing sites where possible. The collocation of antennas is proposed in order to allow wireless communication coverage within the US Highway 50 and American River canyon corridor.

**Development Standards:** Section 17.14.210.E thru J of the County Code requires that all wireless communication facilities meet certain criteria. The project is an upgrade to an existing facility that

currently meets all development standards. The additional four antennas would meet the development standards for a collocation consistent with Section 17.14.210.D.4.a-e.

**Radio Frequency (RF) Requirements:** Section 17.14.210.G of the County Code requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC). The AT&T RF EME Compliance Report dated August 19, 2013 found that for a person anywhere at ground level, the maximum RF exposure level due to the installation of antennas was calculated to be 10.20 percent of the applicable public exposure limit for the AT&T antennas and 11.40 percent for all carrier's antennas combined. The report validates the figures based on the FCC Regulations for measurements identifying quantitative standards for human exposure limits based on radio frequency emissions. Therefore, the project is consistent with County and FCC requirements.

After review of the site plan and visual simulations, staff finds that the project meets the standards contained in Section 17.14.210.E through J of the County Code. The aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there are no unresolved issues with the project.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines which states that 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 which include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.

A \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

## SUPPORT INFORMATION

### Attachments:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Assessor's Map Book 038 Page 05
Exhibit C .....	General Plan Land Use Designations Map
Exhibit D .....	Zoning Designations Map
Exhibit E-1 .....	Site Plan, Sheet A-1
Exhibit E-2 .....	Enlarged Site Plan, Sheet A-1.1
Exhibit E-3 .....	South Elevation, Sheet A-2
Exhibit E-4 .....	Equipment Details, Sheet A-3
Exhibits F-1 to F-3 .....	Visual Simulations
Exhibit G .....	Applicant-submitted Project Description; August 24, 2013 (four pages)

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit Revision S96-0033-R-3/Tamarack Pines  
Zoning Administrator/December 18, 2013

### Conditions of Approval:

1. This Special Use Permit Revision approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

Exhibit E-1 .....Site Plan, Sheet A-1  
Exhibit E-2 .....Enlarged Site Plan, Sheet A-1.1  
Exhibit E-3 .....South Elevation, Sheet A-2  
Exhibit E-4 .....Equipment Details, Sheet A-3  
Exhibits F-1 to F-3 .....Visual Simulations

Any deviations from the project description, conditions, or exhibits shall 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 S96-0033-R-3 allows the following:

- a. Colocation of 4 panel antennas, 2 at the 57-foot centerline level and 2 at the 80-foot centerline level, on the existing monopole tower;
- b. Installation of an GPS antenna on the roof of the existing equipment shelter; and
- c. Installation of communications facility equipment within the existing equipment shelter.

Existing improvements include a 1,488 square foot equipment building, a 12 foot by 20 foot equipment shelter, 500 gallon above ground convault diesel storage tank, a 104 square foot generator shelter, and a 95 foot monopole with four antennas and a 10 foot 7 inch whip antenna on top.

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 must be submitted for review and approval and shall be implemented as approved by the County.

The S96-0033 project as originally approved consisted of the following: The project as approved consists of the following: A metal 94-foot pole and will be designed to support collocation for wireless providers. The existing building will also be expanded to accommodate the equipment needed to support the cellular tower. The facility will be unmanned, will not emit noise, glare or be lit, and will not interfere with television or radio reception.

Revision S96-0033-R-1 consists of the following: One new collocation of a cell antenna facility consisting of 2 antennas at the 77 foot 10 inch level on an existing 95 foot monopole, and a 12 foot by 20 foot equipment shelter located within a 20 foot by 25 foot lease area enclosed by a 6 foot tall solid wood fence. Approval of Special Use Permit S96-0033R will void permit S02-0017, and all applicable conditions will be carried over from permit S02-0017 and amended to permit S96-0033R.

Revision S96-0033-R-2 consists of the following:

~~This Special Use Permit revision is based upon and limited to compliance with the project description, the hearing exhibits marked E through F 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 shall constitute a violation of permit approval.~~

The revision amends the original permit to allow the collocation of 2 panel antennas on an existing 94-foot tall metal tower, on the parcel identified by Assessor's Parcel Number 038-050-16. The center of the two antennas will be 72 feet above ground level. Additional equipment will be placed within the existing 12 foot by 20 foot equipment shelter.

~~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 must be submitted for review and approval and shall be implemented as approved by the County.~~

2. The applicant is subject to any and all requirements of the El Dorado County Fire District prior to obtaining a building permit.
3. The applicant shall assume full responsibility for resolving television reception interference

caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.

4. The applicant shall obtain a building permit from El Dorado County Building Services.
5. No trees may be removed as a result of this project. In addition, the monopole and antennas shall be painted either green or brown, to aid in blending in with the surrounding trees. Final color selected is subject to the approval of the Deputy Director of Planning.
6. No additional antennas of any type shall be mounted on the tower nor communication related structures added without filing for and receiving approval of an amendment to this special use permit.
7. The property owner shall consent to the collocation of other service providers either on their monopole or immediately adjacent when the increase in pole height would be undesirable. Any increase in pole height or adjacent location shall require an amendment to the special use permit.
8. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the County Development Services Division ~~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 Planning Services Director to cover the cost of processing a five-year review on a time and materials basis.

- ~~9. The project requires on-site monitoring by an archaeologist during grading activity.~~
940. The permit is subject to El Dorado County Zoning Ordinance 17.22 specifically Section 17.22.250 – Permit Time Limits, Extensions, and Section 17.22.260 – Revocation.
104. The project shall comply with the maintenance criteria listed in Ordinance 17.14.210.F.3 which states: “All improvements associated with the communications facility, including



equipments 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 approved conditions relating to color.”

112. The project shall comply with the unused facilities Ordinance 17.14.210.I which states “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.”
123. 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.
134. 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.
145. 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.
156. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
17. ~~If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.~~

~~If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.~~

168. 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 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 by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

~~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 Revision.~~

~~The County shall notify the applicant/owner of any claim, action, or proceeding and County will cooperate fully in the defense.~~

17. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months 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 conditions of approval.

## **ATTACHMENT 2**

### **FINDINGS FOR APPROVAL**

#### **Special Use Permit Revision S96-0033-R-3/Tamarack Pines 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 pursuant to Section 66472.1 of the California Government Code:

#### **1.0 CEQA FINDINGS**

- 1.1 Although collocation of wireless telecommunication facilities is not specifically listed in Section 15303 of the CEQA Guidelines, the items listed in Section 15303 are similar to collocation of wireless communication equipment at an existing facility. 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.*
- 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 General Plan Findings**

- 2.1 The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of the collocation of four antennas on an existing telecommunications tower, which is consistent with the allowed uses for the C Zone District with an approved Special Use Permit.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
  - 2.2.1 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Mount Ralston Rural Center and the Highway 50 corridor areas;

- 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing electrical and telecommunication facilities currently existing within the parcel; and
- 2.2.3 6.2.3.2 (adequate access) because the project will utilize an existing paved surface for access; and

### **3.0 Zoning Findings**

- 3.1 The project site is zoned Commercial (C), which allows wireless communication facilities, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance, have been provided.

### **4.0 SPECIAL USE PERMIT FINDINGS**

#### **4.1 The issuance of the permit is consistent with the General Plan;**

The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0.

#### **4.2 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 based on the data and conclusions contained in the staff report. At less than 12 percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

#### **4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

Section 17.14.210.D.4 of the County Code requires a Special Use Permit for collocation of new antennas on existing approved monopoles. Section 17.22 outlines the requirements for Special Use Permits and the project and associated materials have been reviewed in accordance with this section. The proposed use complies with the requirements of County Code Sections 17.14.210.E through J and 17.32.040 for parcel within the Commercial zone district. As proposed, the project is consistent with these requirements.