

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: August 13, 2015
Staff: Rob Peters

SPECIAL USE PERMIT REVISION

FILE NUMBER: S04-0008-R/Verizon Co-Location

AGENT: Epic Wireless (Mark Lobaugh)

APPLICANT: Verizon Wireless c/o Epic Wireless

ENGINEER: Geil Engineering

PROPERTY OWNER: Douglas and Lori Veerkamp

REQUEST: Special Use Permit revision to allow co-location of eight 6-foot antennas (two per sector), eight diplexers, four RRUS12 (1 per sector), and one raycap at the 71-foot centerline; up to four outdoor equipment cabinets with equipment cover and other supporting equipment, and a 30kW backup emergency generator on a 6-foot by 25-foot concrete pad; two separate 6-foot utility easements for connection to existing monopine and existing utility pole; perimeter chain-link fencing to match existing; and access from a 15-foot non-exclusive access easement containing an existing paved driveway and approved fire turn-around.

LOCATION: On the north side of Cold Springs Road, approximately 700 feet west of the intersection with Caswell Road, in the Placerville area, Supervisorial District 3. (Exhibit A)

APN: 323-230-12 (Exhibit B)

ACREAGE: 20.06 acres

GENERAL PLAN: Agricultural Lands -Agricultural (AL-A) (Exhibit C)

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

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

RECOMMENDATION: Staff recommends that the Planning Commission 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); and
2. Approve Special Use Permit Revision S04-0008-R, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND:

The Planning Commission approved Special Use Permit S04-0008 on September 9, 2004. The project, as approved, consisted of a 107.5-foot steel monopine with up to 6 panel antennas mounted at a centerline of 98.1-feet. The pole and ground equipment were located within a 900 square foot lease area enclosed by a 6-foot tall chain link fence.

Building Permit Number 166605 was issued for T-Mobile on November 10, 2005, for a communication tower and pre-fabricated unmanned communication shelter. The permit was finalized on March 8, 2006.

Building Permit Number 199219 was issued for AT&T to collocate on the existing monopine on November 10, 2010. The permit allowed for the installation of 6 antennas on the monopine at a centerline of 88 feet and for locating seven equipment cabinets within the existing lease area. The permit was finalized on February 25, 2011.

The Planning Commission approved a Five-Year Review of the site and the existing wireless telecommunications facility (wireless facility) on August 9, 2012. The Five-Year Review resulted in minor modification to the existing conditions of approval to bring those conditions into compliance with requirements in place at the time of the review and to allow administrative Five-Year reviews of the site as long as the site is in conformance with the conditions of approval.

This project is being presented to the Planning Commission for review because Condition of Approval No. 3 for S04-0008 states *for co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carrier installs no more than 12 panel antennas per carrier at any one time, and that there shall not be an increase in overall height of the tower and branches.* The project proposes to add an additional 20-foot by 30-foot lease area (600 square feet) to the west side of the existing fenced lease area.

STAFF ANALYSIS:

Project Description: Verizon Wireless is requesting a minor revision to Special Use Permit S04-0008 to allow co-location of eight 6-foot antennas (two per sector), eight diplexers, four RRUS12 (1 per sector), and one raycap at the 71-foot centerline; up to four outdoor equipment cabinets with equipment cover and other supporting equipment, and a 30kW backup emergency generator on a 6-foot by 25-foot concrete pad; two separate 6-foot utility easements for connection to existing monopine and existing utility pole; perimeter chain-link fencing to match

existing; and access from a 15-foot non-exclusive access easement containing an existing paved driveway and approved fire turn-around accessed from Cold Springs Road.

Site Description: The project parcel lies at an elevation of approximately 1,800 feet above mean sea level. The area designated for proposed lease area expansion is a relatively flat, previously graded area at the end of a paved driveway within the southwestern tip of an irregularly shaped parcel. The existing wireless facility and proposed lease area are situated between an existing 50-foot-wide road easement that runs the southeastern property boundary and the western property line. The proposed lease area would be located at an approximate elevation of 1,794 feet. The closest occupied structure is the property owner’s residence, approximately 700 feet northeast of the wireless facility site. Additional structures and a large equipment storage yard previously used in the property owner’s business are also located to the northeast of the wireless facility site, just east of the existing residence. The remainder of the project parcel, along with adjoining parcels, is characterized by a moderate to dense cover of tall pine trees, oaks, shrubs, and grasses. A mature oak tree lies just west of the existing lease area fencing. This oak tree would be retained and would lie within the fencing of the proposed lease area expansion (see oak tree discussion below).

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	AL-A	Veerkamp residence and construction business
North	RA-20	AL-A	Undeveloped
South	RA-20	AL-A	Single dwelling
East	RE-5	MDR	Single dwelling
West	RA-20	AL-A	Single dwelling

Adjoining land uses are rural and sparsely developed. The closest occupied structures are single dwelling units that are located at approximately 800 feet from the existing wireless facility. A moderate tree canopy and topography provides visual separation between the residences and the facility.

General Plan: The 2004 General Plan designates the subject site as Agricultural Lands with an Agricultural District overlay designation (AL-A). The AL designation establishes areas of sufficient size to sustain agricultural uses that contain key characteristics for supporting agricultural pursuits. The AL designation allows for a maximum of two residential dwellings to support agricultural uses. The -A overlay designation identifies general areas which contain the majority of the County’s federally designated prime, State designated unique or important, or County designated locally important soils and which the Board of Supervisors has determine should be preserved for agricultural uses. However, when the wireless facility was originally approved in 2004 the site was designated Low Density Residential. Policy 5.6.1.4 of the General Plan permits telecommunication facilities in residential areas under a special use permit.

The El Dorado County Department of Agriculture Weights and Measures (Ag Department) reviewed the project and determined that the project would not substantially detract from agricultural production on the project site as the soils in the project area are not conducive to

agriculture and the project is an unmanned facility so it will not affect the adjacent agriculturally zoned parcels. In addition, the Ag Department determined that the proposed use:

- 1) Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;
- 2) Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will not be negatively affected; and
- 3) Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

As a co-location with some ground equipment, only minimal ground disturbance is expected within an area previously disturbed by construction of the existing wireless facility and by the former on-site construction business. The applicant has designed the co-location in compliance with County regulations, addressing aesthetics, environmental issues, and a health and safety concerns. Compliance with the attached conditions of approval and review of building permits will allow for further compliance with the General Plan. As discussed above, staff finds the proposed project, as conditioned, conforms to the 2004 General Plan.

Zoning: The project parcel is located within the Estate Residential (RE-10) zone. The proposed co-location is permitted in the RE-10 zone pursuant to Subsection 130.14.210.D.4. Section 130.14.210.B of the County Code encourages that all wireless providers collocate their equipment on existing sites where possible. The applicant has provided coverage maps (Exhibit I) which identify the coverage gaps that would be addressed by the proposed co-location and the increased coverage anticipated from the co-location. Section 130.14.210.D.4 would allow permitting of this co-location subject to approval of a minor use permit by the Zoning Administrator. However, existing Condition of Approval Number 3 of S04-0008 requires Planning Commission review for co-locations where ground-mounted equipment is located outside the existing lease area. Therefore, the Planning Commission shall act as review authority on this project.

Design and Development Standards: Section 130.14.210.E through J of the County Code requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

- E. **Visual:** Photo-simulations show the changes that are being requested under this action. The photo simulation would be used during the plan check permit process to ensure that the project conforms to the exhibits approved with the application. Visual simulations of the proposed wireless facility are included as Exhibit H.
- F. **Development Standards:**
 1. **Screening:** As illustrated in the photo simulations, site plan and elevations, the proposed co-location was designed to standards set by Zoning Code Section 130.14.210 and to be visually consistent with the existing facility and the surrounding area.

2. **Setbacks:** The RE-10 zone requires a 30-foot front, side, and rear yard setback from the property lines for a structure such as a telecommunications facility and components. The applicant has submitted a setback exhibit (see Exhibit G), which identifies the closest property line is approximately 20 feet to the west of the proposed lease area expansion. Zoning Code Section 130.14.210.F.2 allows exceptions to the applicable zoning district setbacks where locating the facility inside those setbacks is the most practical and unobtrusive location possible for the proposed site. The project proposes a ten-foot encroachment into the required 30-foot setback. The proposed lease area expansion was designed in the most practical and unobtrusive location due to the location of existing access roads and site topography (See Exhibits E and F).
 3. **Maintenance:** Maintenance personnel would visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require all improvements are properly maintained at all times.
- G. **Radio Frequency (RF) Report:** Section 130.14.210.G requires that the applicant submit a report detailing the evaluation of potential RF exposure at the edge of the facility site. The applicant submitted an analysis prepared by Hammett & Edison, Inc., dated February 4, 2015, which identifies that for a person on the ground at the facility the RF exposure level is calculated to be 0.015 mW/cm², which is 1.5 percent of the applicable public exposure limit. The maximum cumulative level at the second floor of any nearby residence, which is located at least 670 feet away based on photographs from Google Maps, is 0.93 percent of the public exposure limit. The power density levels in all publicly accessible areas from the proposed Verizon operation are less than 5 percent of the limit. Therefore the site is excluded under FCC Rules Section 1.1307(b)(1) Table 1 and 1.1307(b)(3) from having to consider the effects of other collocated stations at the site in determining its own compliance with FCC exposure guidelines in publicly accessible areas. The proposed antennas would not be accessible to the general public. The proposed operation, together with the existing base stations at the site, will comply with the FCC guidelines limiting public exposure to radio frequency energy.
- H. **Availability:** Section 130.14.210.H of the County Code requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The monopine was constructed with the ability to hold multiple antenna elevations, depending on their needs and requirements. This project would co-locate the third carrier at the wireless facility.
- I. **Unused Facilities:** Section 130.14.210.I of the County Code requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned. The project has been conditioned to comply with this requirement.

- J. **Other Permit Requirements:** Section 130.14.210.J of the County Code states certain notification requirements for projects located within 1,000 feet of a school or in subdivisions governed by CC&Rs. This project parcel is not governed by CC&Rs. There are no schools within 1,000 feet of the proposed project site.

After review of the project materials, including site plan and visual simulations, staff finds that the project meets the standards contained in Section 130.14.210.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.

Oak Tree Preservation: A 16-inch oak tree is located just west of the existing wireless facility fencing. This oak tree will be retained during project construction and will ultimately be located within the project's proposed lease area expansion. The applicant provided an arborist report, dated April 9, 2015, which outlines tree protection measures to be integrated into the construction of the co-location construction design (see Exhibit J). The project has been conditioned to incorporate these tree protection measures into final construction (see Condition of Approval Number 18). The project complies with the retention standards of Option A of General Plan Policy 7.4.4.4 and the interim interpretive guidelines for that policy.

Noise Impacts: The project includes outdoor cabinets and a back-up generator that are the primary noise sources. Because of the site's rural location and moderate to dense tree cover, it is not expected that noise generated by the project would impact any sensitive receptors off-site. The nearest residence on adjacent parcels is located to the south, approximately 900 feet away. The applicant has submitted a noise assessment prepared by Hammett & Edison, Inc., dated May 11, 2015, which identifies that the maximum calculated noise level at 100 feet short of the nearest residence, for the simultaneous operation of all fans in all Verizon cabinets is 25.1 dBA. This is well below the County's most restrictive nighttime noise limit of 40 dBA. The generator was tested and the calculated noise level at the same location was 28.2 dBA, well below the daytime limit of 50 dBA. The back-up generator is typically operated with no load for a single 15-minute period once a week during daytime hours on a weekday. The project has been conditioned so that routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9:00 am and 3:00 pm Monday through Friday (see Condition of Approval Number 17).

Lighting: The project includes four downward tilting motion sensor lights to illuminate the lease area expansion. Proposed outdoor lighting would not create significant amounts of light outside the parcel boundaries. The project has been conditioned to ensure that the lights are compliant with Section 130.14.170 of the Zoning Ordinance, including being of fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation, at a height of 9-feet as outlined on Sheet A-2 and A-3 of the project plans (see Condition of Approval No. 19, and Exhibit F sheets A-3 and A-4).

Conclusion: In order to approve the use, the approving authority must find that the use is consistent with the General Plan and Zoning Ordinance, and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood. Staff finds that the project is consistent with the General Plan and complies with the provisions of the RE-10 zone and Section 130.14.210 (Communication facilities, wireless) of the County Zoning Ordinance.

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). 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, co-location of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.

A \$50.00 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 35 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Conditions of Approval
Findings

Exhibit A.....Location Map
Exhibit B.....Assessor's Map
Exhibit C.....General Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit E.....Aerial Photo
Exhibit F.....Project Plan Set; Sheets T-1, C-1, and A-1 through
A-4 (six pages)
Exhibit G.....Setback Exhibit
Exhibit H.....Visual Simulations (three pages)
Exhibit I.....Coverage Maps (three pages)
Exhibit J.....Foothill Associates Arborist Report; April 9, 2015
(eleven pages)