

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



Agenda of: July 9, 2015

Staff: Jennifer Franich

SPECIAL USE PERMIT

- FILE NUMBER:** S15-0003/Verizon Wireless Communication Facility (Mono-Pine)
- APPLICANT:** Verizon Wireless
- AGENT:** Mark Lobaugh, Epic Wireless
- ENGINEER:** Borges Architectural Group, Inc.
- REQUEST:** Special Use Permit to allow the construction of a wireless telecommunication facility consisting of a 90-foot monopine tower with nine antennas mounted at 83 feet, equipment shelter, and related ground equipment within a 1200-square-foot lease area.
- LOCATION:** The west side of Fairplay Road at the intersection with Perry Creek Road in the Fairplay area, Supervisorial District 2 (Exhibit A).
- APN:** 094-110-14 (Exhibit B)
- ACREAGE:** 48.0 acres
- GENERAL PLAN:** Agricultural Lands (AL) (Exhibit C)
- ZONING:** Planned Agricultural Twenty-Acre (PA-20) (Exhibit D)
- ENVIRONMENTAL DOCUMENT:** Negative Declaration
- RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:
1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
 2. Approve Special Use Permit S15-0003 based on the Findings and subject to the Conditions of Approval as presented.

PROJECT INFORMATION

Site Description: The site is located on a 48-acre parcel, approximately 2,376 feet above sea level. There is a residential dwelling unit and five accessory structures on the site. The residence and accessory structures are located near the southeast corner of the property, and montane hardwood woodland is present on the western portion of the site. The proposed lease area is slightly elevated, contains no trees, and is highly visible from Fairplay Road and Perry Creek Road. The closest off-site residence is located approximately 310 feet southeast of the proposed tower location.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	PA-20	AL	Single-family residence and accessory structures
North	RE-5, PA-20	RR	Single-family residences, vacant land
South	PA-20	AL	Vacant
East	RE-5, C	MDR, C, RR	Single-family residences, vacant land, commercial retail
West	PA-20	AL	Single-family residences, vineyards

Project Description: In accordance with Section 130.14.210(D)(5a) (New Towers and Monopoles) and applicable standards under Section 130.14.210.E-J of the Zoning Ordinance, this special use permit request would allow the construction of a wireless telecommunications facility consisting of a 90-foot monopine with nine Verizon Wireless antennas that each measure 6 feet tall by 12 inches wide by 7 inches deep, mounted at the 83-foot pole height, and a 16-foot 10.5-inch by 11-foot 6-inch equipment shelter within a 30- by 40-foot lease area enclosed with a six-foot fence. The wireless facility has been designed as a monopine with foliage that matches the existing surrounding vegetation and would be painted to simulate a natural brown bark. The antennas, which would be covered with pine needle socks, are proposed be mounted at 83 feet and extending to the 85-foot height. The foliage would extend another five feet to an overall structure height of 90 feet. The facility has been designed to accommodate one additional carrier to be collocated at an approximate height of 66 feet (Exhibit E-6 through E-11).

Access to the site would be provided by a 12-foot wide, 650-foot long non-exclusive Verizon Wireless access easement off the existing driveway located on Fairplay Road. The access road terminates at the proposed facility with a hammerhead design to accommodate vehicular turnaround. A non-exclusive six-foot Verizon Wireless utility easement extends from the north side of the existing driveway to the lease area (Exhibit E-1 through E-5). A number of oak trees and other vegetation are located at the western portion of the site, however no trees are proposed for removal as part of the wireless facility construction or operation.

ANALYSIS

Telecommunications Act of 1996.

This act preserves the authority of the State or local government over decisions regarding the placement, construction, and modifications of personal wireless services, subject to two limitations. Section 704.(7)B(iii) requires any denials to be in writing and supported by “substantial evidence.” Section 704(7)B(iv) prohibits denial on the basis of radio frequency emissions if those emissions are compliant with federal regulations.

Radio frequency emissions are within an approved range of compliancy with federal regulations and staff is not recommending denial of the project. The El Dorado County Board of Supervisors adopted Sections 130.22.500 and 130.14.210 of the Zoning Ordinance to regulate special use permits and wireless communication facilities, respectively. By adopting these ordinances, the Board of Supervisors acted to maintain the County’s authority over decisions regarding wireless communication facilities.

General Plan Analysis

Aesthetics: The proposed mono-pine tower would be visible from various points in the surrounding area and views. The wireless communication tower would be designed to resemble a pine tree with antennas located in faux branches. The tower pole would be painted to match the bark color of a pine tree. The monopine design would camouflage the facility to blend in with the surrounding vegetation. Photo simulations are provided in Exhibits F-1 to F-3.

Land Use Compatibility: The site is surrounded by residentially zoned parcels. Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses. A cellular telecommunications facility is considered similar to a public utility facility, though privately-owned. The project would be compatible and consistent with the Agricultural Lands (AL), Rural Residential (RR), Medium-Density Residential (MDR), and Commercial (C) land use designations because it has been designed to blend in with the prevalent architecture, natural features or vegetation as directed by Section 130.14.210 of the Zoning Ordinance. With recommended conditions, the wireless communications facility would be consistent with these policies.

Adequate Access for Emergencies: The site is located at Fairplay Road, a public road. Policy 6.2.3.2 of the Public Health, Safety, and Noise element of the General Plan directs the applicant to demonstrate that adequate access exists or can be provided for emergency vehicles and private vehicles to access and evacuate the area. Emergency access to the facility would be available by the 12-foot wide, 650-foot long, non-exclusive gravel road extension from the driveway and a hammerhead turnabout. The site plan was reviewed for emergency ingress and egress capabilities, and is in compliance with the General Plan Policy.

Utilities: Verizon Wireless proposes to utilize the current electrical feeds located approximately 475 feet away from the tower site, along the entrance driveway. They propose to bore from that location over to the site to avoid damage from trenching. The connections would be made underground.

Oak Tree Canopy: The proposed lease area is in an area without any trees. No oak trees will be removed or disturbed for installation and operation of the cell tower facility.

Agricultural Resources: The Agricultural Department staff had a concern about the parcel being designated for agricultural use and having choice soils and commented that it would be difficult for the Agricultural Commission to recommend the project. However, no formal recommendation was received from the Agricultural Commission regarding the proposed project. In accordance with Policy 8.1.4.1 of the Agriculture and Forestry Element of the General Plan, the project will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities, as all agricultural uses on the site will continue. The site is currently used as agricultural land for livestock grazing. The project will reduce the size of the grazing land by the 1200-square-foot lease area and the 650-foot access drive, but will not preclude agricultural use of the land. The size of the parcel will not be changing, and the project will not create an agricultural island effect or reduce the buffering effect of existing large parcels adjacent to agricultural lands. The project is found to be consistent with the Agriculture and Forestry Element of the General Plan.

Conclusion: The project has been reviewed in accordance with the General Plan policies for aesthetics, land use compatibility, access requirements, utilities, and oak tree preservation policies and is found to be consistent with the General Plan.

Zoning Ordinance

Section 130.14.210 B, E-J of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

- B. Statement of Intent: All wireless providers must collocate their equipment on existing sites where possible, or if collocating is not feasible, create one structure that could potentially accommodate other wireless service providers serving the area. The applicant provided a site justification statement identifying the proposed site as the most optimum in providing services to the Fairplay area (Exhibit G-1 through G-3). The proposed tower would allow one other carrier to collocate at this facility in the future.
- E. Visual: Photo-simulations of the facility are provided in Exhibits F-1 to F-3. These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

F. Development Standards:

1. **Screening:** The facility would be enclosed within a chain link fence with privacy slats installed for minimizing views of the ground equipment. The shelter will be painted to match the natural color scheme. The tower pole will be painted to match the natural color scheme and will have tree limbs resembling a Pine. The antennas will be painted to match the branch color and will have pine needle socks installed around them to reduce visual impact. As illustrated in the photo simulations, site plan, and elevations, the tower and ground equipment are designed to blend with the native oak and pine tree vegetation.
2. **Setbacks:** The PA-20 Zone District requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located over 100 feet from all property lines and the location is therefore consistent with the PA-20 Zone District setback standards (Exhibit E-4).
3. **Maintenance:** Maintenance personnel would visit the site approximately once or twice a month, at which time the facility would be inspected to ensure proper operation. Conditions are recommended to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations.

G. Radio Frequency (RF) Requirements: Section 130.14.210.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). A submitted RF analysis report (dated February 17, 2015) confirms compliance with the FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit H).

H. Availability: Section 130.14.210.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist. The monopine would be constructed to accommodate an additional carrier; however, no specific location or quantity of additional antennas has been identified. Any separate future collocation may require a revision to this use permit, subject to review by the County.

I. Unused Facilities: Section 130.14.210.I of the Zoning Ordinance 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 Zoning Ordinance states certain notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands governed by CC&Rs. The project parcel is not within 1,000 feet of a school or land governed by CC&Rs and these notification requirements do not apply to this project.

Conclusion: Staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study to determine if the project has a significant effect on the environment (Exhibit I). Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, therefore a Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$ 2,210.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The payment is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Conditions of Approval
Findings

Exhibit A.....Location Map
Exhibit B.....Assessor's Parcel Number Map
Exhibit C.....General Plan Land Use Designations Map
Exhibit D.....Zoning Designations Map
Exhibit E-1.....Title Sheet, Sheet A-0, February 9, 2015
Exhibit E-2.....Plot Plan/Site Topography, Sheet C-1, February 9, 2015
Exhibit E-3.....Plot Plan/Site Topography, Sheet C-2, February 9, 2015
Exhibit E-4.....Overall Site Plan, Sheet A-1, February 9, 2015
Exhibit E-5.....Enlarged Site Plan, Sheet A-2, February 9, 2015
Exhibit E-6.....Equipment/Antenna Layouts, Sheet A-3, February 9, 2015
Exhibit E-7.....Elevations, Sheet A-4.1, February 9, 2015
Exhibit E-8.....Elevations, Sheet A-4.2, February 9, 2015
Exhibit E-9.....Generator Specification, Sheet A-5.1, February 9, 2015
Exhibit E-10.....HVAC Unit Specification, Sheet A-5.2, February 9, 2015
Exhibit E-11.....Shelter Plan, Sheet SH-1, February 9, 2015

Exhibit F-1Photo Simulations, February 23, 2015
Exhibit F-2Photo Simulations, February 23, 2015
Exhibit F-3Photo Simulations, February 23, 2015
Exhibit G-1.....Service Coverage, Site, April 14, 2015
Exhibit G-2.....Service Coverage, Before, April 14, 2015
Exhibit G-3.....Service Coverage, After, April 14, 2015
Exhibit H.....Radio Frequency Emissions Report, February 17, 2015
Exhibit IProposed Negative Declaration and Initial Study