

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



**Agenda of:** August 13, 2015

**Staff:** Aaron Mount

**SPECIAL USE PERMIT**

**FILE NUMBER:** S15-0001/Swansboro Verizon Cellular Tower (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 85-foot monopine tower with six antennas mounted at 77 feet, equipment shelter, generator, and related ground equipment within a 1,200-square-foot lease area.

**LOCATION:** The north side of One Eye Creek Road, approximately 0.72 miles northwest of the intersection with Rock Creek Road in the Mosquito/Swansboro area, Supervisorial District 4 (Exhibit A).

**APN:** 085-010-06 (Exhibit B)

**ACREAGE:** 39.75 acres

**GENERAL PLAN:** Natural Resource (NR) (Exhibit C)

**ZONING:** Unclassified (U) (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 S15-0001 based on the Findings and subject to the Conditions of Approval as presented.

## **PROJECT INFORMATION**

**Parcel History:** A conditional Certificate of Compliance COC04-0048 (Exhibit J) was recorded for the property on April 14, 2005. Certificate of compliance means a document issued pursuant to Government Code Section 66499.35 and recorded in the County Recorder's office that states either the subject parcel of land was lawfully created (unconditional), or if unlawfully created, contains conditions which, if satisfied by the owner, shall legitimize the parcel (conditional). Section 120.76.090 establishes that the Planning Services Division is authorized to process, issue, and record conditional Certificates of Compliance for parcels created after March 4, 1972. The subject parcel is one of five parcels created by grant deed after March 4, 1972. As such, the County Surveyor referred the application to Planning Services and a Zoning Administrator hearing was held approving the conditional Certificate of Compliance. A conditional Certificate of Compliance imposes conditions which must be satisfied before the property can be considered legally established. Development permits, including building permits, may not be issued until such time as the conditions have been met and a clear Certificate of Compliance has been recorded. At this time the conditions have not been met and no development permits have been submitted for the undeveloped parcel (Exhibit J).

Conditions of approval for COC04-0048 as approved by the Zoning Administrator on March 16, 2005 will be applied to this project, as follows:

- A. An irrevocable offer of dedication, 25 feet from the centerline of One Eye Creek Road, for road and public utility purposes, including all slope easements, shall be offered to the County across the frontage of the subject parcel. The offer of dedication shall be made on a form approved by the Department of Transportation.
- B. A STOP sign per Standard Plan 105A shall be placed at the intersection of One Eye Creek Road and Mosquito Road.
- C. A "Not a County Maintained Road" sign, 24"x30", black on white, shall be placed on One Eye Creek Road at the intersection with Mosquito Road.
- D. A street sign in conformance with Standard Plan 105 (B-1) shall be installed at the intersection of One Eye Creek Road and Mosquito Road.
- E. The property owner shall have the parcel evaluated by a septic system design consultant and the findings submitted to the El Dorado County Environmental Management Department to determine if the parcel can support an on site septic disposal system prior to application for a building permit.
- F. The applicant shall improve that portion of One Eye Creek Road fronting the subject property to Standard Plan 101-C providing for a minimum unrestricted roadway width of eighteen (18') with two-foot (2') shoulders. The roadway improvements and surfacing shall

be subject to the review and approval of the Department of Transportation and the Mosquito Fire Protection District. Letters evidencing satisfaction with this condition shall be provided to the Planning Department.

**Site Description:** The approximately 0.09-acre lease area is located in the southeast corner of a 39.75 acre parcel. The parcel is located on a north-facing slope at an elevation of approximately 2,685 to 2,700 feet above mean sea level. The site is accessed by One Eye Creek Road which is a privately maintained road. The site was cleared in the summer of 2014 by the property owner who removed manzanita and gray pines. The lease area is at an elevation below One Eye Creek Road. The area around the cellular facility site is montane hardwood-conifer woodland with an understory of blue oak, black oak, and gray pine over dense brush comprised primarily of manzanita.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	U	NR	Residential/Undeveloped
North	U/A	NR	Residential & Agricultural/US Forest Service & Undeveloped
South	U	MDR	Residential/Residential
East	U	NR	Residential/Residential & US Forest Service
West	U	NR	Residential/Residential

**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 85-foot monopine with six Verizon Wireless antennas that each measure six feet tall by 12 inches wide by seven inches deep, mounted at the 77-foot pole height, two four-foot diameter microwave dishes, 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. A 30 kVa diesel generator surrounded by a sound wall and containing a 132 gallon fuel tank would be placed within the lease area. 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 77 feet and extending to the 80-foot height. The foliage would extend another five feet to an overall structure height of 85 feet. The facility has been designed to accommodate one additional carrier to be collocated at an approximate height of 59 feet (Exhibit E-6 through E-11).

Access to the site would be provided by a 20-foot wide, 56-foot long non-exclusive Verizon Wireless access easement off One Eye Creek Road. A non-exclusive six-foot Verizon Wireless utility easement extends from a utility pole located south of One Eye Creek Road to the lease area (Exhibit E-1 through E-5). A number of oak trees and other vegetation surround 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-4.

Land Use Compatibility: The site is surrounded by residentially and agriculturally 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 Natural Resource (NR) and Medium Density Residential (MDR) 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 One Eye Creek Road, a privately maintained 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 a 20-foot wide, 56-foot long driveway. The site plan was reviewed for emergency ingress and egress capabilities by the County Transportation Division and the Mosquito Fire Protection District, and is in compliance with the General Plan Policy.

Utilities: Verizon Wireless proposes to utilize the current electrical feeds located approximately 65 feet away from the tower site, south of One Eye Creek Road. The connections would be made underground.

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

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 Swansboro/Mosquito area (Exhibit G-1 through G-2). 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-4. 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 Unclassified 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 36 feet from all property lines and the location is therefore consistent with the Unclassified 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 (Waterford, 2/6/15) 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 quantity of additional antennas has been identified.
- 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 K). 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 the correct fee 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, February 9, 2015
Exhibit E-10.....	HVAC Unit Specification, Sheet A-6, February 9, 2015
Exhibit E-11.....	Shelter Plan, Sheet SH-1, February 9, 2015
Exhibit F-1.....	Photo Simulations
Exhibit F-2.....	Photo Simulations
Exhibit F-3.....	Photo Simulations
Exhibit F-4.....	Photo Simulations
Exhibit G-1.....	Service Coverage, Current, December 4, 2014
Exhibit G-2.....	Service Coverage, After, December 4, 2014
Exhibit H.....	Radio Frequency Emissions Report, January 6, 2015
Exhibit I.....	Agent Submitted Project Support Statement
Exhibit J.....	Conditional Certificate of Compliance COC04-0048
Exhibit K.....	Proposed Negative Declaration and Initial Study