



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Field Code Changed

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE April 8, 2016	CONTACT/PHONE Cody Scheel (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Rowland Twisselman & <u>Crown Castle (agent for T-Mobile)</u>	FILE NO. DRC2015-00045
LOCAL EFFECTIVE DATE April 22, 2016			
SUBJECT A request by Rowland Twisselman & <u>Crown Castle (agent for T-Mobile)</u> for a Minor Use Permit to allow for the co-location; construction and operation of an unmanned existing wireless communications facility consisting of three (3) new 8-foot tall panel antennas and three (3) Remote Radio Units mounted behind the proposed panel antennas, all to be located at a height of 60 feet on an existing 140-foot tall monopole. The project also involves the installation of two (2) equipment cabinets and one (1) H-frame on a concrete slab on grade, enclosed by an approximately 7-foot tall chain-link fence, located within an approximately 400 square foot lease area. The project will result in the disturbance of approximately 300 square feet of a 159-acre parcel. The proposed project is within the Agriculture land use category and is located at 7390 Cattle Drive, approximately 2 miles east of Bitterwater Road, approximately 7 miles northwest of the California Valley Village Reserve Line. The project site is in the Shandon-Carrizo sub area of the North County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00045 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (pursuant to CEQA Guidelines 15303) was issued on March 17, 2016 (ED15-222)			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None applicable	ASSESSOR PARCEL NUMBER 071-161-035	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None Applicable			
LAND USE ORDINANCE STANDARDS: Communications Facilities <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
EXISTING USES: Wireless communications facility for Verizon Wireless			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Agriculture / undeveloped East: Agriculture / Residences</i> <i>South: Agriculture / Residence West: Agriculture / undeveloped</i>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, Building Division, and Cal Fire			
TOPOGRAPHY: Nearly level to steeply sloping		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Cal Fire		ACCEPTANCE DATE: November 4, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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PROJECT DESCRIPTION:

Project Site

The proposed project is located on a ridge line accessed off Cattle Drive, approximately 2 miles east of Bitterwater Road, approximately 7 miles northwest of the California Valley Village Reserve Line. The subject property is located in a distinctly rural area and is surrounded by sparsely developed Agriculture designated parcels. The landscape is characterized by grass-covered plains to rolling hills with pasture lands. The project site contains an existing wireless communications facility for Verizon Wireless. The existing facility consists of seven panel antennas capped on top of a 140-foot tall monopole, with two microwave dishes located at a height of 38 feet and 13 feet on the monopole. The site also consists of ground mounted equipment located within 1,580 square-foot lease area enclosed by a 7-foot tall chain link fence. The proposed T-Mobile ~~facility-application~~ would use the existing monopole for its panel antennas.

Proposed Project

The applicant is proposing the co-location, ~~construction and operation of~~ an ~~existing~~unmanned ~~approved~~ wireless communications facility, consisting of the following improvements:

- Installation of three (3) 8-foot tall panel antennas located on T-arm antenna mounts, and three (3) Remote Radio Units mounted behind the panel antennas, all located at a height of 60 feet on the existing 140-foot tall monopole.
- Installation of two (2) prefabricated equipment cabinets and one (1) H-frame located on a 288 square foot concrete slab on grade, enclosed by a 7-foot tall chain link fence, located directly adjacent to the existing Verizon Wireless equipment lease area.
- Installation of appurtenant utilities, hardware, and equipment.
- The site ~~is~~would be accessed off Cattle Drive.

LAND USE ORDINANCE STANDARDS:

Section 22.30.180 – Communications Facilities

This Section of the Land Use Ordinance (Title 22) contains specific land use permit and application content requirements as well as siting and design standards for proposed wireless communications facilities. As described below, the proposed project meets these requirements:

Radio Frequency Analysis

Section 22.30.180(B) requires applications for communications facilities to provide estimates of non-ionizing radiation generated and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

Staff Response: The project complies with this requirement because the applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (SiteSafe; August 7, 2015), the public exposure RF emissions limit from the proposed facility combined with the existing facility would be less than 5 percent of the applicable public exposure limit at ground level. The report concludes that the facility would

operate within the FCC standards for RF emissions.

Permit Requirements

Section 22.30.180(C)(1) requires Minor Use Permit approval for proposed wireless communications facilities that are either a) installed on existing structures, or b) co-located at existing communications facility sites. Conditional use permit approval is required for all other communications facilities.

Staff Response: The project requires Minor Use Permit approval because the proposed ~~project wireless communication facility~~ is ~~collocating-located~~ at an existing wireless communications facility site, with proposed equipment located immediately adjacent to the existing facility equipment area.

Co-Location

According to Section 22.30.180(C)(2)(b), when co-location is not proposed, applications for communications facilities must provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint-use is not a viable option or alternative to a new site.

Staff Response: The project complies with this section because the project would be co-located at an existing communications facility site occupied by Verizon Wireless.

Development Standards

According to Section 22.30.180(C)(3), the preferred placement for new wireless communication facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (e.g. windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

Staff Response: The proposed ground-mounted equipment would be located adjacent to Verizon's existing ground-mounted equipment at the base of the existing monopole. As conditioned, all antennas, T-arms, and associated mounting brackets shall be painted a non-reflective color to match the existing monopole. The existing monopole is located on a distant ridgeline and is difficult to see from public roads.

Unused Facilities

Section 22.30.180(4) requires all obsolete or unused facilities to be removed within 12 months of cessation of communication operations at the site.

Staff Response: The project is consistent with this standard because the applicant is required to enter into a performance agreement and financial instrument for site restoration.

AGENCY REVIEW:

Public Works – No concerns.

Environmental Health – Should aesthetic modifications result in a change in the storage location of reportable quantities of any hazardous materials, applicant shall amend any appropriate permits and plans with the Department of Environmental Health.

Agriculture Commissioner – Impacts to agriculture resources or operations will be less than significant, and the proposed project should be compatible with adjacent uses.

Cal Fire – No concerns

LEGAL LOT STATUS:

The one existing parcel consists of the southeast quarter of Section 14, Township 29 South, Range 17 East and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Cody Scheel and reviewed by Airlin Singewald.

EXHIBIT A – FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption (pursuant to CEQA guidelines Section 15303) because the project is minor in nature, involves little site disturbance, will not require the removal of any native vegetation, and will visually blend with the existing monopole.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code. In particular, the proposed facility would be co-located at an existing communications facility, is designed to blend with the existing monopole, and is consistent with the visual expectations for the site.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns. The applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (SiteSafe; August 7, 2015), the public exposure RF emissions limit from the proposed facility combined with the existing facility would be less than 5 percent of the applicable public exposure limit at ground level. The report concludes that the facility would operate within the FCC standards for RF emissions.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because it will be collocated at an existing wireless communications facility and therefore will not conflict with or degrade the visual character of the surrounding area.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located off Cattle Drive, a local road constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B – CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the ~~modification, construction and operation~~ of an unmanned wireless communications facility, consisting of the following improvements:
 - a. Installation of three (3) 8-foot tall panel antennas located on T-arm antenna mounts, and three (3) Remote Radio Units mounted behind the panel antennas, all located at a height of 60 feet on the existing 140-foot tall monopole;
 - b. Installation of two (2) prefabricated equipment cabinets and one (1) H-frame located on a 288 square foot concrete slab on grade, enclosed by a 7-foot tall chain link fence, located directly adjacent to the existing Verizon Wireless equipment lease area;
 - c. Installation of appurtenant utilities, hardware, and equipment.
 - d. The site ~~shall be~~ accessed off Cattle Drive. No access road improvements are authorized.
2. All development shall be consistent with the approved site plan, antenna and equipment layout plan, and elevations.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits**, the applicant shall submit plans consistent with the approved site plan, equipment plan, antenna layout plan, and architectural elevations.

Conditions to be completed prior to issuance of construction permits

Aesthetic / Visual Resources

4. **Prior to issuance of a construction permit**, the applicant shall submit a color ~~board~~ sample for all proposed improvements (including, but not limited to, antennas, T-arms, coaxial cables, associated mounting brackets, etc.). The color to be used shall be matte finish to blend with the existing monopole.

Fencing Plan

5. **Prior to the issuance of a construction permit**, the applicant shall submit ~~a fencing plan~~ s showing all proposed fencing. The ~~plan shall indicate the type, height, material and location of all proposed fences. Fencing shall be the minimum necessary to meet FCC guidelines; proposed fencing shall match the existing facility fencing in design, material, height, and color.~~

Biological Resources

Kit Fox

6. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:
 - a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist

shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Kit Fox Mitigation Measures. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a. Potential kit fox den: 50 feet
 - b. Known or active kit fox den: 100 feet
 - c. Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

7. **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

Mitigation Monitoring / Condition Compliance

8. **Prior to issuance of construction permits**, the applicant shall include a "condition compliance" sheet on the construction plans that include a complete copy of the final conditions of approval for the project.
9. **Prior to issuance of construction permits**, the applicant shall identify a Mitigation Compliance Coordinator (MCC) to ensure all conditions of approval and mitigation requirements are met. The MCC shall be the County's contact and shall be responsible to ensure all mitigation requirements are met. A pre-construction meeting shall take place between the MCC and the County to review the application and establish the responsibility and authority of the participants.

Fire Safety

- ~~10. **Prior to issuance of construction permits**, the applicant shall obtain and implement a "Fire Safety Plan" that has been approved by CAL FIRE, and all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.~~

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Site Restoration

- ~~11.10.~~ **Prior to issuance of construction permits**, the applicant shall post a performance agreement and financial instrument with the County in an amount commensurate with the cost of facility removal and site restoration. The performance agreement and financial instrument shall be released by the County at the time the facility is removed and the site is restored.

Conditions to be completed during project construction

Biological Resources

Kit Fox

- ~~12.11.~~ **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- ~~13.12.~~ **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- | ~~44-13.~~ **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- | ~~45-14.~~ **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- | ~~46-15.~~ **Prior during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- | ~~47-16.~~ **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

Fire Safety

- | ~~48-17.~~ **During construction**, activities that pose an ignition source will have to comply with fire safety laws. This includes welding activities and use of heavy equipment. All equipment must be in compliance. Consideration of fuel breaks or other treatment shall occur in construction area. If a fire ignites due to construction activities the responsible party may be liable for suppression costs.

Conditions to be completed prior to final building inspection

- | ~~49-18.~~ **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of approval.
- | ~~20-19.~~ The **T-Mobile equipment facility** shall not be operated until all conditions of approval have been met and all required building permits have received final inspection.

Aesthetic / Visual Resources

- | ~~24-20.~~ **Prior to final inspection**, the applicant shall paint all proposed improvements (including, but not limited to antennas, T-arms, coaxial cables, and associated mounting brackets) the color and finish approved by the Department of Planning and Building. Repainting shall occur as necessary.
- | ~~22-21.~~ **Prior to final inspection**, the applicant shall install fencing in accordance with the approved fencing plan.

Explanatory Warning Signs for Occupational Exposures

- | ~~23-22.~~ **Prior to final inspection**, the applicant shall post explanatory warning signs* to prevent occupational exposures in excess of the FCC guidelines at the site on all sides of the surrounding fencing and antennas such that they would be readily visible from any angle of approach to persons who might need to work near the antennas. In addition the signs shall inform workers and possible hikers to remain outside the fences or deactivate the site before working within 7 feet of the antennae. (*Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas.)

Mitigation Monitoring / Condition Compliance

- | ~~24-23.~~ **Prior to final inspection**, the MCC will incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo.

Fire Safety

- | ~~25-24.~~ **Prior to final inspection**, the applicant shall meet all applicable Cal Fire requirements.

On-going conditions of approval (valid for the life of the project)

- | ~~26-25.~~ This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- | ~~27-26.~~ All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
- | ~~28-27.~~ All obsolete or unused facilities shall be removed within twelve months of cessation of the applicant's wireless communications operations on the site. The applicant shall be responsible for the removal of such facility and all associated structures and restoration of the site to pre-project condition. Restoration does not include removal of vegetation planted to provide visual screening. At the time the use of the facility is discontinued the owner of the facility must notify the Department of Planning and Building.

Access

- | ~~29-28.~~ Site access for construction and maintenance shall be from existing roads only. No road improvements shall occur.

Aesthetic / Visual Resources

- | ~~30-29.~~ The approved colors shall be maintained for the life of the project. Repainting and maintenance shall occur as necessary.
- | ~~34-30.~~ If new technology is developed that reduces the impacts of the proposed project, the applicant agrees to install such improvements within 6 months of notification by the county.

Co-location

- | ~~32-31.~~ Co-location by other carriers is allowed at this site, if technically feasible; subject to land use permit approval.

Electric and Magnetic Fields

- | ~~33-32.~~ The facility shall be designed and operated to ensure that power densities received from transmissions, with all transmitters at the site transmitting at full power, will comply with federal law and regulation.

Lighting

- | ~~34-33.~~ No exterior lighting is approved for the project.

Noise

- | ~~35-34.~~ The facility shall be operated to ensure noise generated does not exceed 65 dba at 50 feet from the proposed facility.