

Agenda of: January 12, 2006

Item No.: 8.c.

Staff: John Heiser

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S05-0020

APPLICANT: American River Folk Society, KFOK – LPFM Georgetown Radio Station, Patrick H. Leeds, AMP Chairman and agent for application

PROPERTY OWNER: Bill and Cecilia Wright

REQUEST: Special use permit to construct a new 60 foot radio antenna tower and an unmanned radio equipment transmitter shelter within a 10 by 10 foot lease area.

LOCATION: South side of Hotchkiss Road, approximately 1.25 miles east of Wentworth Springs Road and approximately 2.44 miles from State Route 193, in Georgetown. (Exhibit A)

APN: 061-490-02

ACREAGE: 3.32 Acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Estate Residential-Ten-acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Section 15305 of the CEQA Guidelines.

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

KFOK is an all volunteer community radio station which provides a non-commercial platform for locally produced programming. The American River Folk Society and community members have requested to relocate the FM radio tower and transmitter to a property located around Hotchkiss Hill to provide radio programming access to a larger segment of listeners in the Georgetown area. Since the relocated radio antenna tower is 60 feet high with a rated power of 2 watts, the significant level of Radio Frequency emissions (RF) is well below the emission guidelines as indicated for radio facilities located in the 30-300 MHz range or FM radio band width.

The American National Standards Institute and the Institute of Electrical and Electronics Engineers (IEEE) have published a standard called ANSI/IRRR C95.1-1992, which until recently set recommended maximum power density levels for radio frequency (RF) energy originating from communications sites and other sources. The Federal Communications Commission (FCC) has also produced its own guidelines, which are more stringent and supersede the ANSI standard. The FCC rules categorically exclude certain transmitting facilities from routine evaluations for compliance with the RF emission guidelines if it can be determined that it is unlikely to cause workers or the general public to become exposed to emission that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3-1.34	100	100
1.34-3.0	100	180/F ²
3.0—30	900/F ²	180/F ²
30-300	1.0	0.2
300-1,500	F/300	F/1500
1,500-100,000	5.0	1.0

Low-powered, intermittent, or inaccessible RF transmitters and facilities are normally categorically excluded from the requirement for routine evaluation for RF exposure. These exclusions are based on calculations and measurement data indicating that such transmitting stations or devices are unlikely to cause exposures in excess of the guidelines under normal conditions of use. The FCC's policies on RF exposure and categorical exclusion can be found in Section 1.1307(b) of the FCC's Rules and Regulations (Federal Regulation Rules 47 Part 1 Section 1.1307(b) and Part 74, Experimental Radio, Auxiliary, Special Broadcasting and other Program Distributional Services, Subpart L-FM Broadcast Translator Station Section 74.1236).

The proposed radio transmitter tower is rated at two watts of power. Based upon the FCC's RF exposure guidelines, the risk of release of hazardous materials or emissions to the public is remote.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following analysis:

PROJECT DESCRIPTION

KFOK proposes to install a 60-foot self supporting model T-26 steel lattice tower with one FM transmitter antenna along with a radio equipment cabinet located at 4901 Hotchkiss Hill Road.

A 10 by 10-foot lease area containing the steel lattice tower and ground equipment would be enclosed by a six-foot high gated chain link fence. The equipment for the facility includes one

cabinet approximately four by six feet in size to house the radio transmitter and equipment. Power will be supplied by solar panels mounted on the equipment shelter with batteries to supply power during nighttime and or inclement weather operations.

A site plan (Exhibit D) and elevations (Exhibit E) are included.

Project Access: Access to the site is provided from Hotchkiss Hill Road to an existing driveway. The access to the tower is from an exiting dirt road on the property. Road improvements will be required to meet fire safe regulations to the new facility.

Site Description: The 3.32-acre project site is located at 4901 Hotchkiss Hill Road, approximately 1¼ mile east of the intersection with Wentworth Springs Road in the Georgetown area. The project area lies on the southern slope of Hotchkiss Hill, northwest of Georgetown and adjacent to National Forest Land. The proposed location of the radio tower and equipment lease area within the project site is located 30-feet away from Hotchkiss Hill Road behind a bank of tall trees. The elevation of the subject property is approximately 3,400 feet.

Adjacent Land Uses: The 3.32-acre site is surrounded by the following land uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	LDR	Single Family Residential
North	RE-10	LDR	Single Family Residential
South	RE-10/RA-20	LDR/NR	Undeveloped Land
East	RA-20	NR	Undeveloped Land
West	RE-10	LDR	Undeveloped/Single Family Residential

The proposed radio tower site is developed with a single family residential unit and other accessory structures. The site location for the radio tower has not been previously graded. The applicant has proposed a 60-foot tall lattice steel radio tower, a four-foot wide by eight-foot long by eight foot tall equipment storage shed within a 10 by 10-foot chain link fence for the site. There are pine trees and bushes in the immediate vicinity where the steel lattice tower is to be located. The proposed tower location and equipment shelter will be well screened from Hotchkiss Hill Road, and the fact that the site is fairly remote from any major roads, it will not be readily discernible from a distance. However, adjacent neighboring properties may see the top of the radio tower above the pine and incense cedar trees.

General Plan: The 2004 General Plan designations of the subject site is Low-Density Residential (LDR). This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. The following policy applies to the subject project:

Policy 5.6.1.4 states, “*Special Use Permits shall be required for the installation of community telecommunications facilities (e.g. microwave towers) in residential areas to*

ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns are considered.”

The proposed site is currently developed with a single family home along with farm related structures. KFOK FM radio proposes a 60-foot steel lattice tower to provide enhanced community radio programming service within the Georgetown community. The radio tower and equipment have a three year lease agreement with the property owner that can be renewed every three years. The main use of the site is a single family residence with the radio facility incidental to the main use. The location opportunities for the radio equipment and tower on the site were considered and selected as shown on the site plan. The shrubs and trees surrounding the radio tower and equipment provide vegetative shielding from the road and other view sheds. In some instances, the radio tower can be seen above the high trees if the general public were to drive by the site along Hotchkiss Hill Road. Staff finds that the project, as conditioned, conforms to the General Plan, because the site design takes into account aesthetics, environmental issues, and surrounding land uses through the Special Use Permit process.

Zoning: The County permits antenna and similar facilities in all districts provided that they follow standards and permitting requirements defined in Section 17.14.200 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

Special Use Permit Request: To comply with County requirements, the project has been designed as a single-carrier facility and, based on the temporary nature of the tower and construction, it is not designed or conducive for other communication facility collocation purposes. To address maintenance issues, the applicant proposes to have a technician service the radio facility and equipment when necessary to ensure proper performance of the facility.

The proposed use is permitted in the Estate Residential-Ten-acre (RE-10) Zone District, pursuant to Section 17.14.200(D) (5) (b), which states the following:

- “5. New Towers or monopoles: The construction or placement of communication facilities on new towers or monopoles or an increase in height of existing towers or monopoles, may be permitted as set forth below:
 - b. In all other zone districts, new towers or monopoles shall be subject to approval of a Special Use Permit by the Planning Commission pursuant to Section 17.22.500 et seq.”

The project site is located within a residential zoning district; therefore, review and approval by the Planning Commission is required. After review of the submitted site plan(s) and site visit, it has been determined that the proposed project meets the standards contained in Section 17.14.200E and F of the County Code. It can be found that the use will not conflict with the adjacent uses and will provide a benefit to the area by improving local radio programming and in the event of emergency services.

Design and Development Standards: KFOK-LP 95.1 FM proposes to install a 60-foot steel lattice tower with one antenna. The steel lattice tower and equipment shelter is to be painted to match

existing buildings on the property to the extent possible in reducing reflective surfaces. A solar panel is proposed to be mounted on top of the equipment shelter to provide power to the transmitter. There would be a six-foot high chain link fence with gate to provide security for the radio equipment and tower. Section 17.14.200(E) through (J) of the County Code requires that all wireless communication facilities including radio towers meet certain criteria. Below is an analysis of these standards.

- a. Screening: The applicant is proposing to place the ground equipment and steel monopole within a six-foot-tall chain link fence enclosure. Based upon the submitted site plans and elevations and the proximity of the proposed facility being located behind existing trees, vegetative stands and other structures (Exhibit D, E), the radio tower and ground equipment will blend into the surrounding area.
- b. Setbacks: The minimum yard setbacks in the RE-10 Zone District are 30 feet. The steel lattice tower and equipment would be in a fenced enclosure 30 feet from the edge of the Hotchkiss Hill Road easement as shown on the submitted plans. Therefore, for this project, no setbacks would be affected.
- c. Maintenance: Maintenance personnel from the radio station will visit the site infrequently to inspect and to ensure proper operation of the radio transmitter and equipment. The project has been conditioned to require that the colors and materials of the steel lattice tower and equipment shelter be maintained at all times and consistent with the conditions of the special use permit.
- d. Radiofrequency Radiation (RF) Requirement: Section 17.14.200(G) 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. The radio facility is categorically excluded from the FCC's guidelines for RF exposure.
- e. Availability: Section 17.14.200 (H) requires that all existing communication facilities be available to other carriers as long as structural or technological obstacles do not exist. Since this radio tower is not designed for collocation purposes, it will not serve as a suitable collocation site for most wireless telecommunication facilities. Planning staff is not conditioning the steel lattice tower to allow for collocation due to the design of the tower and proximity to residential and accessory structures onsite. If in the future a wireless telecommunication facility would like to locate on the property, a Special Use Permit will be required and approved by the Planning Commission.
- f. Unused Facilities: Section 17.14.200 (I) 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 (Condition 8).

- g. Other Permit Requirements: Section 17.14.200(J) states certain notification requirements for projects located with 1,000 feet of a school or in subdivisions governed by CC&Rs. There are no schools within 1,000 feet of the site or subdivisions governed by CC&Rs.

After review of the submitted site plan(s) and a visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F 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.

Agency and Public Comments:

The following agencies provided comments on this application:

El Dorado County Environmental Management Department: The Department has reviewed the project and has recommended approval as proposed.

Georgetown Advisory Committee: The Advisory Committee supports KFOK's radio antenna project.

Georgetown Fire Department:

1. Traffic impact on Hotchkiss Hill Road will be negligible to non-existent as a result of this project. NOTE: *Hotchkiss Hill Road does not satisfy current county standards. It is one lane only for most of the travel distance to the site. It is unpaved and very rough.*
2. We have not identified any fire and live safety issues connected to this project.

El Dorado County Air Pollution Control District: The Department has reviewed the application and has recommended a fugitive dust and asbestos mitigation plan pursuant to Rules 223, 223.1, and 223.2 per the written comments received by the Air District.

Note: this project is in a designated Naturally Occurring Asbestos area. Therefore, an Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to start of project construction.

El Dorado County Department of Transportation:

The Department has reviewed the application and has determined that no conditions of approvals are warranted for this project.

Copies of their written comments are available at the Planning Services office. At the time of the preparation of this report, staff had not received any comments from the public.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that new construction of limited small new facilities, installation of small, new equipment and facilities in small structures, are an exempt activity. Small facilities include the construction of three or fewer single-family homes in urban areas, the construction of up to four multi-family residential units and commercial stores, motels, and offices not exceeding 2,500 square feet in floor area. Since this project is smaller than a single family residential unit and less than 2,500 square feet of commercial uses, it meets the intent of Section 15303 of the CEQA guidelines.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303 and approve the special use permit based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Elevations
Exhibit F	Proposal Justification Statement

ATTACHMENT 1
CONDITIONS OF APPROVAL

KFOK-LP FM RADIO

FILE NUMBER S05-0020
October 21, 2005

1. This special use permit approval is based upon and limited to compliance with the project description, dated October 21, 2005, 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 will constitute a violation of permit approval.

The project description is as follows:

Issuance of a Special Use Permit (S05-0020) for a 60-foot steel lattice tower with up to one antenna mounted at the top of the tower at 4901 Hotchkiss Hill Road. The radio antenna and support structure are to be made of non-reflective materials. The pole is to be painted a flat color that blends into the surrounding year round vegetation to avoid reflective surfaces.

This special use permit authorizes KFOK-LP FM to place the radio tower and ground equipment within a 10 by 10-foot lease area to be enclosed by a 6-foot-high chain link fence. The equipment for the facility would include one cabinet. A solar panel will be placed on top of the equipment cabinet to provide power for the radio transmitter. There would be a personal gate, with a padlock on the enclosure.

Access to the site is provided from Hotchkiss Hill Road to a paved driveway. The portion of unimproved road leading to the new radio facility will require compliance with fire and safety regulations.

This special use permit authorizes maintenance personnel to visit the site occasionally, at which time the facilities would be inspected to ensure proper operation.

Project Specific Conditions

2. All site improvements shall conform to the site plan attached as Exhibit D and elevations shown on Exhibit E.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection of the facility.

4. All improvements associated with the radio facility, including the equipment shelter, antennae, and fencing shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
5. The applicant shall assume full responsibility for resolving any radio or television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
6. All obsolete or unused FM radio facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

El Dorado County Building Services

11. The applicant shall obtain a building permit from the El Dorado County Building Services for the project facilities prior to the commencement of construction.

El Dorado County Department of Environmental Management

12. The project shall comply with all requirements of the El Dorado County Air Pollution Control District.

ATTACHMENT 2
FINDINGS

KFOK-LP FM RADIO

FILE NUMBER S05-0020
October 21, 2005

1.0 CEQA FINDING

1. The proposed project will not have a significant effect on the environment, based on Section 15303 of the CEQA Guidelines finding the proposed project Categorically Exempt and the mitigation measures identified therein.
 - 1.1 The Planning Commission has considered the Categorical Exemption together with the comments received and considered during the public hearing process. The Categorical Exemption reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
 - 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 Special Use Permit S05-0020 Findings

Special Use Permit S05-0020 has been requested by KFOK-LP FM for the purpose of installing a 60-foot steel lattice tower with up to one panel antenna mounted at the top of the tower at 4901 Hotchkiss Hill Road. This special use permit authorizes KFOK-LP FM to place the steel lattice tower and ground equipment within a 10 by 10-foot lease area to be enclosed by a 6-foot-high chain link fence. The radio facility is an allowed use in the Estate Residential Ten-acre Zone District by special use permit pursuant to Section 17.14.200.D.5.b of the County Code. The special use permit shall only be approved or conditionally approved if all of the following findings are made:

2.1.1 The use is found to comply with the requirements of County Code Section 17.14.200, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

This is a new radio tower proposal designed as a single -carrier facility, not designed for future collocation, which collocation, is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the radio facility and equipment when needed to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving local

radio programming to the community. After review of the submitted site plan(s) and photographs it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the radio tower within the Georgetown area.

2.1.2 The proposed use is consistent with the policies in the El Dorado County General Plan, and the radio facility has been designed in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.

The proposed site is currently developed with a single family home. KFOK-LP FM proposes a steel lattice tower to provide enhanced radio service within the Georgetown community. The main use of the site is a single family residence, with the radio facility incidental to the main use. The design of the steel lattice tower and location on the site has been carefully considered. Findings can be made by the Planning Commission through the discretionary special use permit process that the project is consistent with General Plan policy 5.6.1.4 in that the proposed 60-foot radio tower placed in a residential area has addressed siting, aesthetics, environmental issues, surrounding land uses, and health and safety concerns. Furthermore, the proposed project is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.