

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: February 23, 2006
Item No.: 8.a.
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S05-0036

APPLICANT: First Broadcasting Sacramento, LLC

AGENT: Jessie Yang, Taylor and Wiley, Inc.

REQUEST: Special use permit to permit the construction of a 160-foot tall metal lattice tower for FM radio transmission.

LOCATION: On the west side of Mehwald Lane, approximately 0.3 miles northwest of the intersection with Grizzly Flat Road, in the Somerset area. (Exhibit A)

APN: 093-250-23

ACREAGE: 20.233 acres

GENERAL PLAN: Natural Resource (NR) (Exhibit B)

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

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: 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 emissions that exceed the guidelines. The following table represents the FCC limits for both occupational and general population exposures to different radio frequencies:

Frequency Range (F) (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

A Radio Frequency (RF) Report was prepared for the proposed First Broadcasting FM tower facility on September 28, 2005 (Denny and Associates). Taking into account transmitter power output, transmission line loss, and antenna gain, the maximum effective radiated power (ERP) will not exceed 6,000 watts, circularly polarized. KXCL operates on 92.1 megahertz (MHz). The maximum permissible level for general population/uncontrolled exposures at the KXCL operating frequency is 0.2 milliwatts per square centimeter (mW/sq cm²). The greatest calculated power density along the parcel boundary is 5.33 percent of the maximum permissible exposure limits specified in the federal regulations of Section 1.1310 of the FCC Rules. Therefore, 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: Construction of a 160-foot tall metal lattice tower with two, two-bay FM radio antennas mounted at 160 and 150 feet respectively, and a four-foot diameter microwave antenna mounted at 60 feet above ground level. Also proposed is a 12 by 12 foot pre-fabricated concrete shelter, backup generator, heating/air conditioning/ventilation unit, and other associated ground support equipment within a 40 by 25-foot lease area, enclosed by six-foot tall, brown-slatted chain link fence with barbed wire atop, on the 20.233-acre parcel. Electricity and telecommunications service will be accessed by an approximately 120-foot underground ditch to an existing power pole to the north of the lease area. Project plans are included as Exhibit D.

Proposed Access: Mehwald Lane encroaches onto Grizzly Flat Road. From Grizzly Flat Road it travels north, passing through the eastern edge of two other parcels within an access easement approximately 980 feet to the southeast corner of the property. From there, the existing partially-graveled driveway wraps around the north side of the subject parcel approximately 1,450 additional feet up to the existing single-family dwelling and barn which sit atop a flattened portion of the hill. A new circle-shaped, graveled, 12-foot wide direct access road to the tower lease area is proposed to be added to the existing drive and then to encircle the existing barn.

Site Description: The 20.233-acre property is set at the 3,076-foot elevation above sea level approximately three miles east of the rural center of Somerset. The vegetation on the parcel was burned in the 1992 Grizzly fire up to the house and barn. There are some mature trees in the direct vicinity of the developed area but the proposed project site includes second growth stump re-sprouts of interior live oaks no more than 15-feet tall. The existing vegetation includes black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizenii*), blue oak (*Quercus douglasii*), ponderosa pine (*Pinus ponderosa*), foothill pine (*Pinus sabiniana*), buckbrush (*Ceanothus cuneatus*), white-leaf manzanita (*Arctostaphylos viscida*), coyote brush (*Bacharis pilularis*), yerba santa (*Eriodictyon californicum*), toyon (*Heteromeles arbutifolia*) and various annual grasses and starthistle. The area of existing and proposed improvements is located atop a cone-shaped hill. Existing improvements include a 2,226 square-foot single-family residence built in 1981, a 70 square-foot shed that is to be removed, and a 1,200 square-foot barn. The barn is 47 feet from the proposed lease area. Mehwald Lane and the semi-graveled and dirt access driveway to the dwellings travel approximately 2,400 feet from Grizzly Flat Road along an access easement through the eastern portions of two parcels to the south.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	NR	Single-family residence
North	PA-20	NR	Single-family residence
South	RE-10	RR	Single-family residence
East	TPZ	NR	Single-family residence
West	PA-20	NR	Single-family residence

Discussion: The closest existing dwelling on the surrounding parcels is 600 feet away. The closest existing dwelling on the subject parcel is the barn which is 80 feet away from the base of the tower. The existing single-family dwelling on the site is 170 feet away from the base of the tower pursuant to the submitted site plan. Despite the surrounding zoning designations for agriculture and timber preserve potential, the current surrounding sites do not appear to be presently supporting any commercial agricultural operations.

General Plan: The General Plan designation of the subject site is Natural Resource. The purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values.

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.”

Policy 2.6.1.5 states “All development on ridgelines shall be reviewed by the County for potential impacts on visual resources and those impacts will be assessed and may require methods such as setbacks, screening, low-glare or directed lighting, automatic light shutoffs, and external color schemes that blend with the surroundings in order to avoid visual breaks to the skyline.”

Discussion: The Grizzly fire burned the majority of the trees on the property, and the larger trees that did survive are not yet at preferred market size or number to be economically viable at this time. The actual number of ponderosa pines on the property is a small portion of the tree species present. Staff has determined that the introduction of this transmission tower would not prevent any future economic resource development or inhibit a watershed. Although this would not technically be called a ridgeline, staff believes this snow coned shape hill that juts up on its own within the context of the surrounding landscape warrants the same consideration asked for in Policy 2.6.1.5. Planning staff will be recommending the shelter and other ground support equipment be painted brown and the chain link fence be covered with brown slats for camouflage from potential future development changes and in case of another fire like the Grizzly Fire in 1992 that could potentially burn the existing surrounding vegetation and expose the ground support equipment to views from long distances. Currently, the nearest residence on a neighboring parcel is approximately 600 feet away, and all views of the ground support equipment are shielded by vegetation. The top portion of the tower will be visible intermittently from various viewpoints in the surrounding area. The recommendation for slats is also meant to make it harder to potentially climb the fence and gain entry. Staff will also recommend that the fence meet ground level on all four sides of the enclosure and that the light proposed for the structure is set up with a motion detector. Barbed wire atop the fence and 12-foot wide enclosure entrance is currently proposed. In order to further public safety, the Planning Commission does have the option to increase the height of the proposed six-foot tall fencing should be deemed necessary.

A tower under 200-feet tall is exempt from Federal Aviation Administration and Federal Communications Commission registration and painting requirements (height marking) and/or lighting if they are, (in general), less than approximately two miles from the end of any airport runway “glide slope.” (Pursuant to a phone conversation with Gary Cathy, CalTrans Division of Aeronautics, December 8, 2005). Pursuant to the San Francisco Sectional Aeronautical Chart (SFSAC) and Exhibit 3-5 of the El Dorado County General Plan Draft Environmental Impact Report, May 2003, there are no airports, private or public within two miles of the proposed towers. Other existing similar towers in El Dorado County include the following that staff has identified by the closest geographical area for this purpose. (Source is the SFSAC):

- Southeast of the proposed site - 308-feet tall at 3,628 foot elevation above sea level.
- Union Valley Reservoir - 303 feet tall at 6,458 foot elevation above sea level.
- Shingle Springs - 503 feet tall at 2,436 foot elevation above sea level.
- Cool - 263 feet tall at 1,829 foot elevation above sea level.
- El Dorado Hills/El Dorado County line - 291 feet tall at 1,081 feet above sea level.

The proposed tower is 160 feet tall, and the top of the tower is at the 3,070 foot elevation above sea level.

The applicant addresses issues and camouflage in a narrative in response to staff's anticipated questions about the project. (Taylor and Wiley, "additional information" dated November 10, 2005, dated November 10, 2005, and "Impracticability of a Stealth Broadcast Tower," dated January 5, 2005), included in Exhibit G.

Discussion: For this type of tower, the issues of height and camouflage have been examined from different perspectives, and it could be said that they have been addressed with the knowledge available at the time of this report. The applicant has designed the transmission facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. All project-related environmental issues have been evaluated in the Initial Study. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

Zoning: The proposed use is permitted in the Estate Residential Ten-acre (RE-10) Zone District, pursuant to Section 17.14.200 (D)(5)(a-b). While this section was designed to address cellular communication facilities, the primary issues particular to this proposed transmission tower are visual impact and neighborhood compatibility, and these standards are applicable. The above mentioned Code section 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:
- a. In the industrial, commercial and research and development zone districts a new tower or monopole may be permitted subject to approval of a minor use permit by the zoning administrator, pursuant to Section 17.22.400, except where located adjacent to a state highway or designated scenic highway or within 500 feet of any residential zone district.
 - 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.”

Section 17.06.050 H defines antennas as *any system of wires, poles, rods, reflecting discs or similar devices used for the transmission and/ or reception of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure.*

The above definition means that FM antennas are included in the term antennae pursuant to Zoning Code Chapter 17.14.

Because the subject parcel is zoned Estate Residential Ten-acre (RE-10), a residential district, a special use permit is required. The County permits wireless communication facilities in all districts, provided they follow the standards and permitting requirements defined in Section 17.14.200 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The applicant has provided a justification statement explaining the project site selection process (Project Description, dated October 3, 2005, submitted with the original application) and their responses to staff's anticipated questions (Taylor and Wiley, "additional information" dated November 10, 2005). Both are included as Exhibit G.

Section 17.14.200(D) (3) states that collocation of antennas may be permitted subject to approval of a minor use permit. Under this use permit, however, it has been determined that certain collocations would be permitted without further review.

Development Standards: Section 17.14.200(E) and (F) of the County Code require that all wireless communication facilities meet certain criteria. Below is an analysis of these standards.

1. Screening: It will be recommended that the fencing be covered by brown slats and the ground support equipment be painted a flat, non-reflective color to match the slats. The project is approximately 900 feet from Grizzly Flat Road as the crow flies. As proposed and conditioned, along with the existing vegetation, the ground equipment will be screened from public view unless you walked right up to it. Although there is no federal requirement to paint the steel-gray tower, and it is not a common practice to require the tower to be painted. The Planning Commission does have the ability to condition the tower to be painted a color they feel will camouflage it better. Visual simulations of the wireless facility have been submitted (see Exhibit E).
2. Setbacks: The setbacks to property lines are as follows:
 - 720 feet to the east.
 - 560 feet to the north.
 - 420 feet to the west.
 - 30 feet to the south.

Pursuant to the El Dorado County Zoning Ordinance section 17.70.110 D, the RE-10 Zone District requires 30-foot setbacks on all sides. There would be no setback infringements from the proposed project.

3. Maintenance: Maintenance personnel would visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation. The project has been conditioned to require that the colors and materials of the equipment shelter and other ground support equipment be maintained at all times and be consistent with the features depicted in the visual simulations.

4. 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. A Radio Frequency (RF) Report was prepared for the proposed First Broadcasting FM tower facility on September 28, 2005 (Denny and Associates). Taking into account transmitter power output, transmission line loss, and antenna gain, the maximum effective radiated power (ERP) will not exceed 6,000 watts, circularly polarized. KXCL operates on 92.1 megahertz (MHz). The maximum permissible level for general population/uncontrolled exposures at the KXCL operating frequency is 0.2 milliwatts per square centimeter (mW/sq cm²). The greatest calculated power density along the parcel boundary is 5.33 percent of the maximum permissible exposure limits specified in the federal regulations of Section 1.1310 of the FCC Rules. Therefore, the risk of release of hazardous materials or emissions to the public is remote. This is also within the allowable limitations established in ANSI standard C95.1-1992, the prevailing standard for RF exposure levels.
5. 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. The project has been conditioned to allow for collocation, with no further review by the Planning Commission required provided that all ground-mounted equipment is located within the proposed leased area (Condition 4).
6. 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 7).
7. 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.

Discussion: Since 2000, the majority of approved cellular facilities and new towers have been monopine designs or other stealth technology. A 165-foot mono-pine cell tower was approved by the Planning Commission on May 9, 2002, for construction in Camino (S01-0030). A 153-foot tall monopine was approved by the Commission on July 10, 2003, in Pollock Pines (S03-0001). The native pines in the vicinity of the proposed tower are ponderosa (*Pinus ponderosa*) and foothill/gray pine (*Pinus sabiniana*). The average growth rate for a ponderosa pine is one to two feet per year. The spaces between each whorl of branches on a ponderosa equals one year of growth. That means it could be between 25 to 50 years until the surrounding ponderosa pines grow up to surround the potential monopine. A monopine or a lattice tower would both stick up around 100 feet above the immediate site vegetation. In the cases of the above mentioned monopines, the surrounding conifers average over 100 feet tall. Planning staff believes the monopine provides the best camouflage for towers of any kind. However, in this particular case, staff has determined that the slimmest profile

would have the least visual impact. A man-made monopine tower protruding 100 feet into the air above the surrounding trees could create a potential wind sail hazard. Staff believes the lattice design would be the safest option for a transmission tower in this particular case.

After review of the submitted site plan, visual simulations, and an on-site reconnaissance it has been determined that the proposed project, as conditioned, meets the standards contained in Section 17.14.200 E and F of the County Code.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From these comments, the following issues were raised:

El Dorado County Department of Transportation: The Department has reviewed the submitted plans and has recommended that should it be determined that a grading permit will be required, the four conditions listed as numbers 20 through 24 shall apply.

El Dorado County Environmental Management Department, Hazardous Materials Division: Hazardous Materials will require a hazardous materials business plan if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation. This condition is listed as Condition 15.

El Dorado County Air Quality Management District: In order for the District to determine if this project will have a significant air quality impact and to comply with District rules, the District has requested the inclusion of Conditions 16 through 19.

Pioneer Fire District: The District had early discussions with the applicant, and they added turnouts and adjusted the access driveway to meet Fire safe Standards. The Pioneer District did not submit written comments on this application but will have the final approval to determine if the project meets the SRA Fire Safe Standards. It will be recommended by Planning Services that the project be conditioned to comply with all applicable requirements contained in Title 14 Natural Resources, Division 1.5-Department of Forestry, Chapter 7-Fire Protection, Subchapter 2 SRA Fire Safe Regulations, Articles 1-5, which has been adopted by El Dorado County. Condition 25 requires District approval of the final submitted plans prior to issuance of a grading or building permit.

These agencies had no specific concerns regarding the proposed special use permit:

CalTrans, Division of Aeronautics

US Federal Aviation Administration

El Dorado County Environmental Management Department, Environmental Health

This public and citizens' group had no specific concerns regarding the proposed special use permit: El Dorado County Pioneer Cemeteries Commission

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S05-0036 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, Assessor's and Topographical Maps/Aerial Photo
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan and Elevations
Exhibit E	Visual Simulations
Exhibit F	Site Visit Photos
Exhibit G	Applicant's Project Description/Justification Statements and Answers to Anticipated Questions
Exhibit H	Initial Study
Exhibit I	Road Grade Study

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S05-0036

CONDITIONS OF APPROVAL

El Dorado County Planning Services

1. The project, as approved, consists of the following:

Construction of a 160-foot tall metal lattice tower with two, two-bay FM radio antennas mounted at 160 and 150 feet respectively, and a four-foot diameter microwave antenna mounted at 60 feet, all above ground level. Also included is a 12 by 12 foot pre-fabricated concrete shelter, backup generator, heating/air conditioning/ventilation unit, and other associated ground support equipment within a 40-foot by 25-foot lease area, enclosed by 6-foot tall, brown-slatted chain link fence with barbed wire atop with a 12-foot wide gated entrance. The equipment shelter and other associated ground equipment within the lease area are to be painted with a brown, non-reflective paint to match the fence slats. The light proposed to be located above the door will be controlled by a motion detector. Electricity and telecommunications service will be accessed by an approximate 120-foot underground ditch to an existing power pole to the north of the lease area. The project will be served by a 12-foot wide access road constructed to SRA Fire Safe standards.

2. All site improvements shall conform to the site plans and elevations attached as Exhibit D.
3. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground mounted equipment is located within the existing leased area and provided that no more than four antennas are placed on the pole at any one time
4. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a color matching the slats required to be installed on the fencing and the fencing shall touch dirt level on all four sides to prevent entry underneath.
5. The outdoor lighting shall conform to § 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services. The lighting shall be controlled by motion detectors.
6. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. The steel tower and the associated antennas and microwave dishes shall be non-reflective.

7. The applicant shall assume full responsibility for resolving 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.
8. All obsolete or unused communication facilities shall be removed 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 FM radio transmission facility shall be restored to pre-project condition.
9. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the removal of the facility, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.
10. The project shall comply with all applicable requirements contained in Title 14 Natural Resources, Division 1.5-Department of Forestry, Chapter 7-Fire Protection, Subchapter 2 SRA Fire Safe Regulations, Articles 1-5.
11. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
12. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

13. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

El Dorado County Building Services

14. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building services.

El Dorado County Department of Environmental Management, Hazardous Materials Division

15. Under the Certified Unified Program Agency (CUPA) programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the department and applicable fees paid.

El Dorado County Air Quality Management District

16. If the project construction will involve grading and excavation operations which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust, then District Rules 223, 223.1 and 223.2, which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rule 223, 223.1 and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive Dust Plan (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to the start of project construction.
17. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).
18. All road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County ordinance concerning asbestos dust.
19. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s) equipment specifications and emission factors.

El Dorado County Department of Transportation

20. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion,*

and Sediment Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards. A commercial grading permit shall be required.

21. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
22. The applicant shall be subject to the County traffic impact mitigation fee program. Said fees shall be due upon the issuance of a building permit. The amount of fees shall be those in effect at the time of building permit application.
23. A soils report shall be provided at the time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.
24. The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increases, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

Pioneer Fire Protection District

25. The project shall comply with all requirements of the Pioneer Fire Protection District. The applicant shall submit proof of Pioneer Fire District approval of the final submitted plans by faxed or mailed letter to Planning Services prior to the issuance of a grading or building permit.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S05-0036

Special Use Permit S05-0036 has been requested by First Broadcasting Sacramento, LLC for the purpose of constructing of a 160-foot tall metal lattice tower with two, two-bay FM radio antennas mounted at 160 and 150 feet respectively, and a four-foot diameter microwave antenna mounted at 60 feet above ground level. Also included is a 12 by 12 foot pre-fabricated concrete shelter, backup generator, heating/air conditioning/ventilation unit and other associated ground support equipment within a 40 by 25-foot lease area, enclosed by six-foot tall, brown-slatted chain link fence with barbed wire atop. The special use permit shall only be approved or conditionally approved if all of the following findings are made:

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.
2. The proposed use is consistent with the policies in the El Dorado County General Plan, because the applicant has designed the FM transmission facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns, as required by the General Plan.

The proposed site currently supports a single-family residence. First Broadcasting Sacramento, LLC proposes an FM radio transmission tower and antennas to provide enhanced radio service within the El Dorado County area. The main use of the site is for residential purposes. The FM transmission facility would be incidental to the main residential use of the property when developed. The design of the steel lattice tower and location on the site has been carefully considered, and will blend with the surroundings as best as possible for a tower for the intended purpose. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and 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.

3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.

This is a new tower proposal designed as an FM transmission facility which is allowing for potential future collocation, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the facility and equipment approximately once or twice a month 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 for increased radio reception service. After review of the submitted site plan and 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. There will be a discernable visual impact from the addition of the radio tower in the Somerset area but the thin lattice tower does not stick out like a building or even tall trees. The lattice tower color will be non-reflective and due to the hilly terrain and abundance of trees in the vicinity, the visibility of the tower will be obscured or minimized.