

**EL DORADO COUNTY DEVELOPMENT SERVICES  
ZONING ADMINISTRATOR STAFF REPORT**



**Agenda of:** January 21, 2009  
**Item No.:** 4.c.  
**Staff:** Tom Dougherty

**SPECIAL USE PERMIT REVISION**

**FILE NUMBER:** S05-0036 R

**APPLICANT:** Clear Channel Sacramento

**AGENT:** Peek Site Com

**PROPERTY OWNER:** John and Wilma Woods

**REQUEST:** Revision to Special Use Permit S05-0036 to co-locate one, four-element antenna between the 144-foot and 160-foot-foot elevations, and one six-foot microwave dish at the 80-foot elevation on an existing 160-foot tall metal lattice FM radio transmission tower. Also proposed is the construction of an 8-foot by 12-foot self-contained equipment shelter within an existing lease area.

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

**APN:** 093-250-23 (Exhibit B)

**ACREAGE:** 20.233 acres

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

**ZONING:** Estate Residential Ten-Acre (RE-10) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Certify that the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
2. Approve the Special Use Permit S05-0036R subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

**BACKGROUND:** Special Use Permit S05-0036 was approved by the Planning Commission on February 23, 2006.

### **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 Zoning Administrator consideration are provided in the following analysis:

**Project Description:** Co-location of one, four-element antenna between the 144-foot and 160-foot elevations, and one six-foot microwave dish at the 80-foot elevation on an existing 160-foot tall metal lattice FM radio transmission tower. Also proposed is the construction of an 8-foot by 12-foot self-contained equipment shelter, two heating/air conditioning/ventilation units, and other associated ground support equipment within the existing 40 by 25-foot lease area, enclosed by a six-foot tall, brown-slatted chain link fence with barbed wire. Electricity and telecommunications service will be accessed from within the existing lease area electrical facilities. No backup generator or lighting is proposed. Project site plan and elevations are included as Exhibits E1, E2 and F.

**Proposed Access:** The site is accessed via Mehwald from Grizzly Flat Road. From Grizzly Flat Road Mehwald goes north 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 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. There is an existing, 12-foot wide graveled access road to the tower lease area that is shared with the existing single-family residence.

**Site Description:** The 20.233-acre property is located 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. The proposed project site includes second growth stump re-sprouts of interior live oaks no more than 15-feet tall. The existing vegetation includes scattered native oaks, pines and shrubs. The area of existing and proposed improvements is located atop a cone-shaped hill. Besides the 116-foot tall metal lattice tower and chain link fenced lease area, existing improvements include a 2,226 square-foot single-family residence built in 1981, and a 1,200 square-foot barn. The barn is 47 feet from the proposed lease area.

### **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 following General Plan policies relate to locating telecommunications facilities within the County:

Policy 2.6.1.5 states that *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.*

Policy 5.6.1.4 states that *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.*

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 above the surrounding landscape is a prominent feature and warrants the same consideration asked for in Policy 2.6.1.5. The Planning Commission had required the previous shelter, and other ground support equipment to 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 requirement for slats was meant to make it harder to potentially climb the fence and gain entry. The fence was also required to 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. In order to further public safety, the Planning Commission required the height of the fence to be six-feet tall with barbed wire atop.

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 existing tower is 160 feet tall, and the top of the tower is at the 3,070 foot elevation above sea level. 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 initial tower project-related environmental issues were evaluated in the Negative Declaration for S05-0036 and co-location of up to four antennas was approved. The project proposes one, four-element antenna and one microwave dish. The prior application proposed two of these but only one was installed. Should the subject application get approved, the tower would then have four total antennas and the following condition of approval would require that any new co-locations after the subject one would require Planning Commission review:

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.*

**Conclusion:** The project has been reviewed in accordance with the El Dorado County General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** Because the subject parcel is zoned Estate Residential Ten-acre (RE-10), a residential district, a special use permit was 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.

**Special Use Permit:** Under the approval of Special Use Permit S05-0036, it was determined that collocations allowing a maximum of four antennas would be permitted without further Planning Commission review.

Section 17.14.200 (D)(4)(a-e) relates to co-location on existing approved monopoles or towers. It states that *in all zone districts, the placement of antennas on an existing approved monopole or tower may be permitted subject to approval of a minor use permit by the zoning administrator pursuant to Section 17.22.400 et seq. and subject to the following criteria.*

- a. *New antennae shall be located at or below the topmost existing antenna array, either on the same pole or a replacement pole at the same height and within the approved lease area;*
- b. *New antennae shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to existing antenna array are encouraged;*
- c. *All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;*
- d. *The antennae and pole or tower shall be designed to match the existing facility, natural features or vegetation of the site;*
- e. *Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of subsection (D)(5), below.*

**Discussion:** The antenna and microwave dish are designed and project the same as the previously approved antennas and microwave dish. The proposed equipment cabinet would match the existing cabinet in color and material. The original S05-0036 approval permitted the *construction of a 160-foot tall metal lattice tower with two, two-bay (element) FM radio antenna mounted at 160 and 150 feet respectively, and a 4-foot diameter microwave antenna mounted at 60 feet, all above ground level.* During the building permit process for the tower, one, four-element antenna was located between the 120-foot and 135-foot elevations on the tower and were administratively approved by Planning at the lower height. Because the new proposed four-bay antenna is proposed at the same elevation as the original one was, Planning has determined the new ones could be approved and the integrity of the original Planning Commission approval would be upheld.

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.*

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

**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: The existing lease area fencing is covered by brown slats and the ground support equipment is painted a flat, non-reflective color to match the slats. The project is approximately 900 linear feet from Grizzly Flat Road. The existing vegetation shields the ground equipment from public view. 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 did not choose to condition the tower to be painted a color they felt would camouflage it less effectively. Visual simulations of the wireless facility have been submitted (see Exhibits G1 to G4).
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 are no setback infringements from the proposed project and existing facilities.

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. This is discussed in detail in the *Environmental Review* section below.
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 prior project was 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 3). As discussed above in the *Zoning* section, the current application results in four total antennas, two, four-element antennas and two microwave dishes.
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 8).

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.

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.

Pioneer Fire District: It will be recommended by Planning Services that the project be conditioned to comply with all requirements of the Pioneer Fire Protection District. The approved plans would need to meet the intent of the El Dorado County SRA Fire Safe Regulations Design and Improvements Standard and to assure that the access driveway turnouts shown in Exhibit E1 have been completed to the satisfaction of the District. The applicant would be required to 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.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from further review pursuant to CEQA Guidelines Section 15301 for *Existing Facilities*. Section 15301 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The site is not located within environmentally sensitive lands and the project proposes a minor alteration that will not have any impact to the environmental. No further review is required under CEQA.

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file a CEQA Notice of Exemption for this project.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval

Attachment 2 .....Findings

Exhibit A .....Vicinity

Exhibit B .....Assessor's Parcel Number map

Exhibit C .....General Plan Land Use map  
Exhibit D .....Zoning map  
Exhibits E1, E2, E3 .....Overall Site Plan, Site Plan, Equipment Layout Plan  
Exhibit F .....Elevations  
Exhibits G1 to G4 .....Visual Simulations  
Exhibits H1, H2, H3.....Site visit photos  
Exhibits J1, J2 .....Aerial photos

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

**File Number S05-0036 R/Clear Channel Sacramento Special Use Permit**  
January 21, 2009 Zoning Administrator Hearing

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

Construction of a 160-foot tall metal lattice tower with two, ~~two-bay~~ four-element 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.

Co-location of one, four-element antenna between the 144-foot and 160-foot elevations, and one six-foot microwave dish at the 80-foot elevation on an existing 160-foot tall metal lattice FM radio transmission tower. Also proposed is the construction of an 8-foot by 12-foot self-contained equipment shelter, two heating/air conditioning/ventilation units, within an existing lease area. 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. No exterior lighting, generator or backup batteries are included.~~ 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~~ from the existing connector boxes within the lease area. The project will be served by a 12-foot wide access road constructed to SRA Fire Safe standards.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

### **Planning Services Site Specific and Standard Conditions**

2. All site improvements shall conform to the site plans and elevations attached as Exhibits E1, E2, E3 and F. D.
3. ~~For future collocation purposes, no further review by the Planning Commission shall be required as the total number of antennas currently is four, 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~~

- 4.3. 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.
- 5.4. ~~The~~ All 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.
- 6.5. 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.
- 7.6. 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.
- 8.7. 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.
8. Building design and colors, building placement, and antenna placement shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits E1, E2, E3 and F. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Services prior to project modifications.
9. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
- 8.10. All Planning Services fees shall be paid prior to issuance of any building permits.
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. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit revision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

- 13.14. Pursuant to Resolution No. 240-93, a ~~\$35.00~~ \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

**El Dorado County Building Services Development Services Department - Building Services Division**

- 14.15. Project facilities shall be subject to issuance of a building, and grading permit if applicable, from the Development Services.

**El Dorado County Department of Environmental Management, Hazardous Materials Division**

- 15.16. ~~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. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.~~

If the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:

- Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
- Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
- Train all employees to properly handle hazardous materials and wastes. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

**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.~~17. 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.~~18. The project shall comply with all requirements of the Pioneer Fire Protection District. The approved plans shall meet the intent of the El Dorado County SRA Fire Safe Regulations Design and Improvements Standard and shall include the access driveway turnouts shown in Exhibit E1. 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 S05-0036R/Clear Channel Sacramento Special Use Permit Revision**  
January 21, 2009 Zoning Administrator Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **1.0 CEQA Findings**

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301. Section 15301 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 General Plan Findings**

- 2.1 The proposed use is consistent with the Natural Resource (NR) with an approved Special Use Permit. The proposal does not prevent future residential use potential.
- 2.2 The proposed use is consistent with the General Plan Policies 2.6.1.5 (aesthetics) and 5.6.1.4 (special use permit required) because, as discussed in the Staff Report, the aesthetics of existing tower were previously addressed by the approval of S05-0036 and the additional antennas subject of this permit (S05-0036R) will not create an additional significant impact.

#### **3.0 Zoning Findings**

- 3.1 The proposed use is permitted in the Estate Residential Ten-Acre (RE-10) zone district pursuant to Section 17.14.200 (D)(5)(b) by Special Use Permit and Section 17.14.200.D.3. a-d because it is a co-location and is conditioned to blend in with the environment.

#### **4.0 ADMINISTRATIVE FINDINGS**

##### **4.1 Special Use Permit Findings**

- 4.2 The applicant has designed the FM radio transmission tower co-location in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns. All project-related environmental issues have been evaluated in the Mitigated

Negative Declaration that was approved by the Planning Commission for S05-0036. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

- 4.1.2 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. The use will not conflict with the adjacent uses, and will provide a benefit to the area by improving FM radio transmission service. After review of the submitted site plan and visual simulations it has been determined that the aesthetic impacts associated with the project have been fully considered as well as possible in the continuance of the existing Planning Commission approved tower. The visual impact from the addition of antennas on an existing pole in the Natural Resource region of Somerset can be considered less than significant.
- 4.1.3 The use complies with the requirements of County Code Section 17.14, Wireless Communication Facilities, and Sections 17.70.070 thru 17.70.110, Estate Residential Ten-Acre (RE-10) Districts.