

REVISED FINDING

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this project. In accordance with CEQA section 12074.1 the Planning Commission finds that the substitute mitigation measures are equivalent or more effective in mitigation or avoiding potentially significant impacts and that the substitute mitigation measures would not cause any potentially significant impacts on the environment.

2.4 **The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to Oak Resources per the standards of the Oak Resources Management Plan (ORMP). ~~soil disturbance on parcels that are over an acre and have at least one percent total canopy cover shall adhere to the tree canopy retention and replacement standards~~

Rationale: The proposed Project includes the removal of individual oak trees as well as the trimming of oak tree canopy on sites 1 and 4. All sites are over an acre in size with over one percent area of oak tree canopy. ~~Site 1 Sierra Springs would be required to retain 70 percent of the onsite oak tree canopy and Site 4 Balderson Station would be required to retain 85 percent of the onsite oak tree canopy.~~ A technical study and oak tree or oak woodland removal permit shall be required for these sites. ~~replacement and monitoring plan will be incorporated for these sites.~~ This project was analyzed under the Oak Resources Management Plan, at the request of the project applicant. ~~Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A) adopted November 9, 2006 and amended October 12, 2007, which were the current guidelines when this project was deemed complete.~~

REVISED CONDITIONS OF APPROVAL

~~17. Mitigation Measure #3 (Site Sierra Springs)~~

Oak Woodland

- ~~▪ The applicant is required to comply with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4, which are oak canopy retention standards: The applicable requirement is to retain at least 70% of the existing canopy cover, and the project adheres to the tree canopy retention standards by retaining almost 100% percent of the existing canopy cover.~~

- ~~• The Replacement Provisions of Policy 7.4.4.4 also require the project to replace woodland habitat removed at 1:1 ratio, thus the project shall replace 0.005 acres of woodland to be planted on site or off site, in the form of one one gallon tree to the satisfaction of the Planning and Building Department Director. Replacement (and execution of related maintenance and monitoring agreements) shall be completed to the County's satisfaction prior to final grading or building inspection of the project.~~

17. Mitigation Measure #3 (Site 1 Sierra Springs)

Oak Woodland:

Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permits.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

18. Mitigation Measure #3 (Site 4 Balderson Station)

Oak Woodland

- ~~▪ The applicant is required to comply with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4, which are oak canopy retention standards: The applicable requirement is to retain at least 85% of the existing canopy cover, and the project adheres to the tree canopy retention standards by retaining approximately 95% percent of the existing canopy cover.~~
- ~~• The Replacement Provisions of Policy 7.4.4.4 also require the project to replace woodland habitat removed at 1:1 ratio, thus the project shall replace 0.04 acres of woodland to be planted on site or off site in the form of eight one gallon trees to the satisfaction of the Planning and Building Department Director. Replacement (and~~

~~execution of related maintenance and monitoring agreements) shall be completed to the County's satisfaction prior to final grading or building inspection of the project.~~

18. Mitigation Measure #3 (Site 4 Balderson Station)

Oak Woodland:

Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permit.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

REVISED CONDITIONS OF APPROVAL

8. Due to the ever-changing technology of wireless communication systems, this Conditional Use Permit shall be reviewed by the Planning and Building Department every five years. At each five-year review, the permit holder shall provide the Planning and Building Department with a status report on the then current use of the subject site and related equipment to include dated photos of the tower and equipment. ~~Planning and Building Department~~ The Planning Commission shall review the status and determine whether to:
- a. Allow the facility to continue to operate under all applicable conditions; or
 - b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the conditional use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the

County to conduct or complete a five-year review in a timely fashion shall not invalidate the Conditional Use Permit. The applicant shall pay a fee determined by the Planning and Building Department Director to cover the cost of processing a five-year review on a time and materials basis.

NEW CONDITIONS OF APPROVAL

- Any routine maintenance that requires running the generators or automatic recycling of the generators shall be performed between the hours of 9:00 a.m to 5:00 p.m Monday through Friday.
- The applicant shall provide to Planning Services, evidence of the condition of Victory Mine Road prior to issuance of Building Permits. After construction activities cease the applicant shall provide evidence to Planning Services of the post-construction condition of Victory Mine Road. Any damage sustained to Victory Mine Road by construction activities shall be repaired by the project applicant.