

# CONDITIONS OF APPROVAL

## Conditional Use Permit Revision CUP-R21-0049/AT&T Verizon Colocation Cell Tower Planning Commission/May 26, 2022

### Planning Services

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F	Site Plans
Exhibit G	Site Photo Simulations
Exhibit H	Radio Frequency (RF) Report

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 approval of this Conditional Use Permit Revision would allow for AT&T colocation on an existing Verizon 75-ft monopine cell tower. Project modifications would include installation of six (6) new AT&T antennas extending the tower to 85-ft, a new 15-ft wide access road to a new fenced lease area of 12-ft x 20-ft with associated equipment including pre-manufactured walk-in cabinets and a 30kW diesel emergency backup generator housed within a level 2 acoustic enclosure. The new fencing would be a 6-ft chain link anti-climb barrier fencing to match the existing lease area.

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.

2. **Facility Maintenance and Visual Screening:** All improvements associated with the communication facility, including equipment shelters, cabinets, and other auxiliary structures shall be properly maintained at all times. Supporting equipment within the lease area shall be screened from view by fencing surrounding the lease area. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent. Planning Services shall verify the painting of the structures prior to final inspection and approval of the facility.
3. **Colocation Review:** For colocation purposes, any future colocation requests would require further review by the Planning Services and/or Planning Commission.
4. **Responsibility for Interference:** 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 complaints.

5. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed by the applicant within six (6) 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 conditions.
6. **Five Year Review:** Due to the ever-changing technology of wireless communication systems, this Conditional Use Permit shall be reviewed by the Planning Commission every five (5) years. At each five-year review, the permit holder shall provide Planning Services 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, and Electromagnetic Energy (EME) Exposure Report demonstrating compliance with current Federal Communications Commission (FCC) emission regulations. Planning Services 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:
  - 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 the County to reserve the right to modify existing 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 as determined by the Planning and Building Department to cover the cost of processing a five-year review.

7. **Heritage Resources:** 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.
8. **Discovery of Human Remains:** 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.

9. **Tribal Cultural Resources (Unanticipated Discoveries):** If any suspected Tribal Cultural Resources (TCR) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCR under California Environmental Quality Act (CEQA) and Tribal protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCR will not take place unless approved in writing by the California Native American Tribe that is traditionally and culturally affiliated with the project area. The contractor shall implement any measures deemed by the CEQA Lead Agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but not limited to, facilitating the appropriate tribal treatment of land, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, have been satisfied.
10. **Compliance Responsibility:** Prior to 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 imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable Conditions of Approval.
11. **Generator:** Any routine maintenance that requires running the generators or automatic recycling of the generator shall be performed between the hours of 9:00a.m. to 5:00p.m. Monday through Friday.
12. **Road Repair:** Prior to finaling of any Building and/or Grading Permits the applicant shall provide evidence to Planning Services of the post-construction condition of the private access road. Any damage sustained to access drive for the lease area by construction activities shall be repaired by the project applicant.

13. **Fire Protection:** The following language shall be incorporated as a note on grading and building permit plans. “During all phases of construction and operation, the facility shall comply with applicable provisions of Public Resources Code (PRC) Section 4291 (defensible space).

#### **Diamond Springs/El Dorado Fire District**

14. The project shall comply with applicable requirements of the Diamond Springs/El Dorado Fire District, which would be reviewed at the time of building permit submittal.

#### **Air Quality Management District (AQMD)**

15. **Fugitive Dust:** The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to the start of project construction if a Grading Permit is required from the Building Department pursuant to AQMD Rules 223 and 223.1.
16. **Paving:** The project may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
17. **Painting and Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215- Architectural Coatings.
18. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire pursuant to AQMD Rule 300- Open Burning.
19. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operation of each piece of equipment.
20. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment> Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.

21. **New Point Source:** Prior to construction/installation of any new point source emissions units, Authority to construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications, and emissions factors pursuant to AQMD Rules 501 and 523.

**County Environmental Management Department (EMD)**

22. **Hazardous Materials:** EMD/Hazmat/CUPA: If the facility is handling hazardous materials in excess of reportable quantities the facility will be required to submit the appropriate information into CERS (California Environmental Reporting System) within 30 days of having the hazardous materials onsite.
23. **Solid Waste Division:** Construction and Demolition (C&D) Debris Recycling: State Law mandates that a minimum of 65% of the waste materials generated from covered C&D projects must be diverted from being landfilled by being recycled or reused on site. Please visit the El Dorado County's Construction and Demolition Debris Recycling Ordinance Program information and requirements. If there are any questions please contact EMD at (530) 621-5300.