

CONDITIONS OF APPROVAL

Special Use Permit Revision S07-0024-R/Union Mine Tower Planning Commission/January 22, 2015

Conditions

Development Services Division-Planning Services-El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Construction and operation of a new Verizon wireless communications facility to include a 110-foot self-supporting lattice tower with 12 panel antennas at the 100-foot level. Also, related ground equipment including a 360 square-foot equipment shelter, a back-up emergency diesel generator, and two Global Positioning System (GPS) antenna are to be located within a 1,750 square-foot lease area. A 30-foot long six-foot wide utility easement is provided from the western property line to the lease area. The facility is enclosed by a six-foot tall chain link fence with barbed wire atop. The self-supporting lattice tower replaces a 90-foot guyed lattice tower which currently supports emergency agency antennas and is located in the lease area. The existing tower and all guyed wires shall be removed within 60 days of new tower operation. All existing emergency agency antennas will be replaced on the new tower at the same heights.

The 1,750 square-foot lease area will be accessed from an existing paved access off of Quartz Drive and a 15-foot access easement. A 12-foot entrance is secured with a 12-foot access gate. Fencing will enclose approximately 64 percent (1,120 square-feet) of the lease area. The project will require no significant grading. The area directly under the tower, the equipment shelter, and the back-up generator will be developed with 12 Verizon Wireless cell block foundation sections (7' x 7' each) resulting in 588 square-feet of paved area. The remainder of the fenced area for the tower and support equipment will utilize existing lawn.

The facility will be maintained by a technician who will visit the site approximately twice a month to perform any necessary maintenance which may be required. The back-up emergency generator will be utilized in response to power outages or disaster. The generator will be operated for approximately 30 minutes per week for testing and during any outage or disaster.

2. All site improvements shall conform to the site plan and elevations attached as Exhibits G, H, and I.

3. The self-supporting lattice tower shall be painted a flat grey color. All equipment shelters, cabinets or other auxiliary structures shall be painted a flat tan color. The chain link fence shall be covered entirely by tan colored slats to further screen the facility. Said fence shall not have gaps at any portion where it touches ground level and shall have barbed wire attached to the entire top portion. Planning Services shall verify the painting of the structures and the installation of fencing and slats prior to final inspection and approval of the facility.
4. Development Services Division-Planning Services ~~Planning Services~~ shall require landscaping to be installed along the wireless communications facility perimeter fencing. Landscaping shall be sufficient to further screen the facility and the perimeter fencing from adjacent land uses. The required landscaping plan shall be developed and reviewed by Planning Services staff prior to issuance of the building permit. The operator or property owner shall contact Planning Services to verify the installation and/or maintenance of required landscaping 3 years after installation or after landscaping has sufficiently screened the fenced area.
5. Lighting shall only be used for night-time maintenance. A security light may be permitted; however, it shall operate by a motion sensor only and be fully-shielded.
6. For collocation purposes, no further review by the Planning Commission shall be required, provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carriers installs no more than 12 panel antennas per carrier on the tower and the overall height of the tower shall not be increased by more than 15 feet.
7. All improvements associated with the communication facility, including equipment shelters, antennae, fences, and landscaping be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
8. Weekly testing of the proposed diesel generator shall be conducted during normal business hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.
9. 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.
10. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
11. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Division every five

years. At each five-year review, the permit holder shall provide the County Development Services Division with a status report on the then current use of the subject site and related equipment. The County Development Services Division shall review the status and determine whether to:

Allow the facility to continue to operate under all applicable conditions; or

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 special 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 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 Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review.

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~~(1) Allow the facility to continue to operate under all applicable conditions; or~~

~~(2) 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 special use permit, requiring the facility's removal 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 Development Services Director or his designee to cover the cost of processing a five-year review.~~

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. Prior to final inspection, 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. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis.

14. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.

El Dorado County Environmental Management Division

15. Under the Certified Unified Program Agency (CUPA) programs, if the operation, at any time, 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.
16. The District Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, 223.1, and 223.2, whichever rule is appropriate. In addition, a Fugitive Dust Plan (FDP) Application shall be submitted to and approved by the District prior to the start of project construction. These conditions are addressed during the building permit process.

Diamond Springs-El Dorado Fire Protection District

17. Knox Box shall be installed per District Requirements. Additional requirements may be necessary once a full set of plans are submitted to the district for review. These conditions are addressed during the building permit process.