

Findings

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 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.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 In accordance with California Fish and Wildlife Code Section 711.4, the project is subject to the current fee after approval, but prior to the County filing the Notice of Determination of the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County.
- 1.5 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department - at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Rural Residential (RR) land use designation establishes areas suitable for residential and agricultural development.

Rationale: The project has an RR General Plan Land Use Designation. The project has rural residential development to the east, west and south and a timber production parcel to the north. Although the project will result in a commercial use, it has been designed to visually blend in with existing landscape, and will require vehicle trips only for the construction of the facility and for monthly facility maintenance. The project will be compatible with surrounding uses and will provide wireless high speed internet and enhanced wireless network coverage.

2.2 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utility to be impacted by that development.

Rationale: The project was reviewed by the El Dorado County Department of Transportation for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. The operation of the facilities will require no water, sewer, or solid waste service as they are unmanned facilities. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the monopine tower and ground equipment shelters would not generate solid waste.

2.3 The project is consistent with General Plan Policy 5.1.2.2.

General Plan Policy 5.1.2.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is located within very high fire hazard area. The El Dorado County Fire Protection District was given the opportunity to comment and had no additional conditions of approval to apply to the project. The facilities will not require the use of potable water, as they are unmanned facilities and no plumbing is proposed for the facility.

2.4 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, the project will utilize existing gravel driveways and roads accessed off public roads. The El Dorado County Transportation Department and the El Dorado County Fire Protection District reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plans were reviewed for

emergency ingress and egress capabilities and building plans will be additionally reviewed by El Dorado County and the El Dorado County Fire Protection District for compliance with County and fire codes during the plan check process.

2.5 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 in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project includes the removal of one oak tree located within an oak woodland. A technical study was prepared for the project and identified the oak tree to be removed as a blue oak (*Quercus douglasii*) with a diameter at breast height (dbh) of 17 inches equating to the removal of 0.05 acres of oak woodland canopy. The project would be required to mitigate for the removal of oak woodland in the effect of a \$414.25 in-lieu mitigation fee.

2.6 The project is consistent with General Plan Policy 7.5.1.3.

General Plan Policy 7.5.1.3 requires that cultural resource studies shall be conducted prior to approval of discretionary projects. The avoidance and protection of sites shall be encouraged.

Rationale: The project provided an archaeological report for which a field study was conducted by Archeological Resources Technology (ART) on December 7, 2018. Portions of the Cornwall Mine, including a vertical mine shaft and several mining ditches were determined to be located within the project area. The project utility trenching would cross and disturb one mining ditch. The archeological report concluded that the mining ditch does not constitute a historical resource or unique archaeological site. Information regarding the mining ditch was recorded and archived.

2.7 The project is consistent with General Plan Policy 8.4.2.1.

General Plan Policy 8.4.2.1 requires that the County Agricultural Commission shall evaluate all discretionary development applications located on lands adjacent to properties zoned Timber Production Zone (TPZ) and shall make recommendation to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to the adjacent parcels for long-term forest resource production value or conflict with forest resource production in the general area;

- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- D. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Rationale: The proposed project consisting of the construction and operation of a new 160' monopine communication tower is located immediately south to a TPZ parcel and was considered by the Agricultural Commission on April 10, 2019. The Agricultural Commission recommended approval of the project and found that the project would not be detrimental to forest resource production, would not conflict with timber production and harvesting and would not hinder timber production access to water and public roads. The project does not include division of land.

3.0 ZONING FINDINGS

3.1 The project is consistent with Chapter 130.39: Oak Resources Conservation.

Rationale: The proposed project includes the removal of one blue oak tree located within an oak woodland. The Oak Resources Management Plan (ORMP) establishes the process for removing individual oak trees and oak tree woodlands for discretionary projects. A technical study was prepared for the project and identified the oak tree to be removed as a blue oak (*Quercus douglasii*) with a diameter at breast height (dbh) of 17 inches equating to the removal of 0.05 acres of oak woodland canopy. The project would be required to mitigate for the removal of oak woodland in the effect of a \$414.25 in-lieu mitigation fee.

3.2 The project is consistent with Section 130.40.130(A).

Section 130.40.130(A) minimizes the number of communication facilities by encouraging the joint use of towers and service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and development of new sites that are multi-carrier.

Rationale: The project applicant provided an alternative site analysis (Exhibit J) with a search radius of approximately one-quarter mile. This current site was identified as the most optimum in providing additional services and capacity to the area. It will also have the capacity to serve as a co-location site for additional future carriers. A total of seven sites were considered, including the proposed site. Two alternative sites were considered but ultimately not chosen due to greater aesthetic impacts and reduced coverage. Two potential sites never responded to interest letters and the applicant was unable to come to an

agreement on the location of a tower on two other sites. Out of the sites the received positive responses the proposed site would provide service to the greatest number of living units with the least amount of aesthetic impact. No potential co-locations exist within the project vicinity (Exhibit J). The applicant proposes that the selected site is the most optimal feasible site.

	Selected Site	Schreck Site	Storey Site	Harshman Site	Pensco Site	Williams Site	Goltz Site
Coverage Issues		15% Fewer LUs	25% Fewer LUs				
Neighboring Parcel Issue							X
No Response				X	X		
Oak Tree Removal	X						
Aesthetic Issues		X	X				
Non Interested Property Owner						X	X

¹ An "X" indicates significant issues or concerns in one more area(s)

3.3 The project is consistent with Section 130.40.130(B)6.

Section 130.40.160.(B)6 requires that proposed towers or monopoles in zones other than commercial, industrial, and research and development zones, be subject to Planning Commission approval of a Conditional Use Permit.

Rationale: This project is proposed within a residential zone; therefore is subject to review by the Planning Commission, the decision-making body.

3.4 The project is consistent with Section 130.40.130(C-H).

Section 130.40.130(C-H) of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

C. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.

Rationale: The project applicant submitted photo-simulations of the proposed facility (Exhibit H). These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

D. *Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:*

1. *Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rationale: The project site is located in a previously disturbed area. The surrounding area consists of low density residential development and mixed oak woodland. The project has been designed such that the monopine would blend in with adjacent trees. The monopine “trunk” will be painted a Kelly Moore Log Cabin Brown or similar and the branches will have a pine green color. The tower has a manufacturer-applied non-reflective coating to prevent glare.

2. *Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.*

Rationale: The site is located within the Rural Lands 10-Acres (RL-10) zone, which identifies 30-foot front, rear, and side setbacks. The lease area is approximately 300 feet from the front (south P.L.), 600 feet from the left side (west P.L.), 50 feet from the right side (east P.L.), and 250 feet from the rear (north P.L.); thus complying with the setback standards of the RL-10 zone.

3. *Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rationale: The project has been conditioned (Condition of Approval #1) to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations (Exhibits F and H).

E. *Radio Frequency (RF) Requirements. The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum*

electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.

Rationale: A submitted RF analysis report confirms compliance with the applicable FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit J).

- F. *Availability. All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The proposed monopine tower is intended to be designed to accommodate future co-location of other carriers. Any separate future collocation would require a revision to this conditional use permit and/or building permit, subject to review by the County.

- G. *Unused Facilities. 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 the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.*

Rationale: The project has been conditioned to comply with this requirement (Condition of Approval #6).

- H. *Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:*

1. *School District Notification. If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.*

Rationale: Not applicable. The proposed wireless facility is not located within 1,000 feet of a school.

2. *Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to the property. Any that are identified shall be notified during the initial consultation.*

Rationale: Not applicable. The proposed wireless facility and adjacent properties are not within a Homeowners Association.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not significantly conflict with the adjacent uses as the ground-support equipment and towers are buffered from view by existing trees. As conditioned, the project is anticipated to result in insignificant environmental impacts to neighboring residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. In the Radio Frequency Emissions Compliance Report for AT&T Mobility dated November 28, 2018 submitted for this project, the maximum predicted power density level of exposure from all operations of this telecommunication facility is less than 1% of the FCC General Population limits. Therefore, the proposed operation will not expose members of the general public to hazardous levels of RF energy and the risk of exposure to RF emissions is remote.

4.3 The proposed use is specifically permitted by Conditional Use Permit.

The proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.C through H (development standards/conditions), the communication facility is a specifically permitted use with an approved Conditional Use Permit.

Conditions of Approval

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.....AT&T Project Plan Set (12 pages)
- Exhibit G.....Coverage Maps
- Exhibit H.....Visual Simulations
- Exhibit IRadio Frequency Report
- Exhibit K.....Proposed Mitigated Negative Declaration and Initial Study

Approval of the Conditional Use Permit allows the construction of an unmanned wireless telecommunication facility consisting of a 40-foot by 45-foot, 1800-square foot enclosed compound (lease area) on Assessor's Parcel Number (APN) 096-120-72. The compound will include a 160-foot monopine tower, one pre-manufactured equipment, and one 20-kw DC standby diesel generator.

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 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.

2. **Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.
3. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
4. **Facility Maintenance:** All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
5. **Generator:** Any routine maintenance that requires running the generators or automatic recycling of the generator shall be performed between the hours of 9:00 a.m to 5:00 p.m Monday through Friday.
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 years. At each five-year review, the permit holder shall provide the Planning and Building 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 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 Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

7. **Conditions Compliance:** 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 imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
8. **Obsolete Equipment:** 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 communication facility shall be restored to pre-project conditions.
9. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
10. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the conditional use permit and building permit prior to issuance of a building permit.
11. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archaeological resource", contingency funding, and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of

the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

12. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

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)."

14. **Road Repair:** The applicant shall provide to Planning Services, evidence of the condition of Jim Valley Road prior to issuance of Building and Grading Permits. Prior to finaling of Building and Grading Permits, the applicant shall provide evidence to Planning Services of the post-construction condition of Jim Valley Road. Any damage sustained to Jim Valley Road by construction activities shall be repaired by the project applicant.
15. **Hold Harmless Agreement:** 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.

The developer and land owner 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 conditional use permit.

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

Mitigation Measures

16. Mitigation Measure BIO-1:

If any grading or construction activities occur during the nesting season (February 15 to August 31), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas, no more than three days prior to construction activities. The survey shall be submitted to Planning Services for review. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a 40-foot, fenced buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on grading and construction plans. If a pre-construction survey is required, the applicant shall provide evidence of the survey with the Planning and Building Department to verify prior to issuance of grading and building permits.

Monitoring Responsibility: El Dorado County Planning and Building Department.

17. Mitigation Measure BIO-2:

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 oak woodland technical report prepared by Sycamore Environmental Consultants, Inc. dated December 2018 (Attachment A). The plan identifies appropriate oak woodland and individual oak tree preservation measures, and identifies mitigation measures in accordance with the Oak Resources Management Plan (ORMP). In-lieu mitigation fees, in the amount of \$414.25 shall be submitted to Planning Services prior to issuance of Building and Grading Permits.

Monitoring Requirement: All grading and construction activities will require compliance with the oak woodland preservation measures as described in the Monitoring and Reporting Plan of the *Biological Resources Evaluation for the AT&T South Placerville Site CVL00789 Project* prepared by Sycamore Environmental Consultants, Inc. dated December 2018 (Attachment A). The applicant shall submit all in-lieu mitigation fee payments to Planning Services prior to issuance of Building and Grading Permits.

Monitoring Responsibility: El Dorado County Planning and Building Department.

Air Quality Management District

18. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
19. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
20. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
21. **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 (Rule 300 Open Burning).
22. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources

Board (ARB) 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: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

23. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
24. **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, daily hours of operations of each piece of equipment.

Board of Supervisors

25. Prior to issuance of building permit, the applicant shall perform core drilling for the purpose of identifying potential existence of underground mine in the vicinity of the proposed wireless facility. The drilling shall be conducted utilizing current protocols and industry standards. The results of the core drilling shall be analyzed by a qualified professional and incorporated into the geotechnical report submitted as part of the building permit application, subject to review by the Planning and Building Department.