

S14-0007/Verizon Wireless Telecommunications Facility-Missouri Flat – As approved by the Planning Commission on January 22, 2015

Conditions of Approval

Planning Services

1. This Special 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 Plan
Exhibit G.....	Elevation Plan
Exhibit H.....	Equipment Shelter and Generator
Exhibit I.....	Preliminary Grading Plan
Exhibit J.....	Revised Tree Survey, Preservation and Replacement Plan for the Missouri Flat Verizon Site; November 5, 2014
Exhibit K.....	Photosimulations
Exhibit L.....	Radio Frequency Report; June 30, 2014
Exhibit M.....	Project Narrative

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.

Approval of the Special Use Permit allows the construction and operation of a wireless communications facility to support cellular transmission, within the existing 12.42-acre parcel identified by Assessor's Parcel Number 327-213-34, and consisting of the following:

Special Use Permit to allow the construction and operation of a wireless telecommunication facility consisting of a 75-foot tall mono-oak with six panel antennas, equipment shelter, and related ground equipment within a 30 foot x 40 foot 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. 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.

Development Services Division-Planning Services

The following are mitigation measures from the Initial Study/Mitigated Negative Declaration.

2. **MM BIO-1: Pre-Construction Survey.** Prior to the initiation of ground-disturbing construction activities a qualified biologist shall conduct a survey for Brandegees's clarkia during the bloom period (May-July). If construction will begin during the nesting season (February 1-September 1), a qualified biologist shall conduct a survey for nesting birds on and immediately surrounding the construction area, as access allows, no more than 30 days prior to the start of construction. The results of the pre-construction surveys, and any recommended avoidance and impact minimization measures, shall be reported to the County. If any non-listed special-status species or active nest is found on or adjacent to the project site, avoidance and impact minimization measures should be implemented as recommended by the project biologist. If a listed species is found on or adjacent to the project site, the County and appropriate regulatory agencies should be consulted for avoidance and mitigation measures.

This measure shall be added as note on all construction plans.

Monitoring Responsibility: Planning Services

Monitoring Requirement: A survey shall be submitted for review and verification by Planning Services prior to initiation of construction activities.

3. **Oak Tree Canopy Replacement:** The project will remove a total of 875 square feet (0.02 acre) of oak canopy. The applicant shall plant, maintain and monitor the required replacement of oak canopy as described in the *Revised Tree Survey, Preservation and Replacement Plan for the Missouri Flat Verizon Site* in Exhibit J and in accordance with General Plan Policy 7.4.4.4 Option A and Interim Interpretive Guideline to General Plan Policy 7.4.4.4 (Option A). The applicant shall supply Planning Services with proof that the planting has occurred prior to building permit final. Prior to issuance of final occupancy permit, an oak tree maintenance and monitoring agreement shall be secured for the long-term maintenance and preservation of these replanted trees, in accordance with the Interim Interpretive Guideline.
4. **Oak Tree Canopy Preservation:** The applicant shall incorporate into the grading permit plan and implement all tree preservation and protection measures detailed in the *Revised Tree Survey, Preservation, and Replacement Plan for the Missouri Flat Verizon Site* (dated November 5, 2014).
5. **Expiration:** Pursuant to Zoning Ordinance Section 130.22.250, implementation of the project must occur within twenty-four 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.

6. **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 and verification of compliance with applicable Conditions of Approval by Planning Services prior to final occupancy.

7. **Co-location:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this mono-oak when feasible and without an increase in the height of the mono-oak, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by Development Services Division Directors if generators, air conditioners or any other noise making equipment are included in the project proposal. Should the Director find that additional noise may create a significant impact; the Director shall decide if the changes can be approved administratively through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.

8. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures for all carriers shall be painted with substantially consistent colors to meet the screening requirements of Section 130.14.210.F. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The “branches” shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. The branches shall resemble the surrounding trees.

The fenced enclosure shall contain brown slats and shall not have gaps at any portion where it touches ground level. No antenna shall project out past the “branch” tips. Colors of the mono-oak, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the mono-oak causes a reflection of light. All improvements associated with the facility, including equipment shelters, mono-oak, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.

9. **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.

10. **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.
11. **Five-Year Review:** 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 Development Services Division with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation 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 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 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 on a time and materials basis.

12. **Compliance Responsibility:** 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.
13. **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.

14. **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.

15. **Generator Maintenance:** Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9 a.m. and 3 p.m. Monday through Friday.
16. **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 Special Use Permit.

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

Diamond Springs-El Dorado Fire Department

17. **Community Facilities District Fees:** Prior to issuance of a building permit, the applicant shall remit payment of service fee in accordance with the established Community Facilities District for the Diamond Springs/El Dorado Fire Protection District.
18. **Roadway/Access Requirements:** Prior to issuance of a building permit, the applicant shall submit project plans that conforms to standard road requirements under the California Code of Regulations Title 24 Part 9 (California Fire Code) including Sections 503.2.3 (Surface), 503.2.4 (Turning Radius), 503.2.5 (Dead Ends), 503.2.7 (Grade), and 503.4 (Obstruction of Fire Apparatus Access Roads).
19. **Premises Identification:** Prior to issuance of a building permit, the applicant shall submit plans that conforms to the following California Fire Code regulating Site Addressing: Section 505.1 (Address Identification) and 505.2 (Street and Road Signs).
20. **Fire Protection Water Supply:** Prior to issuance of a building permit, the applicant shall submit plans that conforms to the following California Fire Code regulating Fire Protection Water Supply: Sections 507.1 (Required Water Supply), 507.2 (Type of Water Supply), 507.5 (Fire Hydrant Systems or alternative approved suppression method).
21. **Knox Box:** Prior to issuance of building a permit, the applicant shall submit plans that conform to Section 506.1 (Locks and Key Box Maintenance) of California Fire Code.
22. **Fire Protection System:** Prior to issuance of a building permit, the applicant shall submit plans that conform to the California Fire Code 901.4 regulating Fire Protection System.

Environmental Management-Solid Waste and Hazardous Materials Division

23. **Hazardous Materials:** Under the CUPA programs, because the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Department and applicable fees paid.

Air Quality Management District

24. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
25. **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 here: 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.
26. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, 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).
27. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit 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.