

S17-0005/Cal.net Towers North – As approved by the Planning Commission on October 26, 2017

Conditions of Approval

**Site 1 withdrawn by applicant at October 26, 2017 Planning Commission hearing.*

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:

- Site *2-10, Exhibit ALocation Map
- Site *2-10, Exhibit B.....Assessor’s Parcel Number Map
- Site *2-10, Exhibit C.....General Plan Land Use Map
- Site *2-10, Exhibit DZoning Map
- Site *2-10, Exhibit E.....Aerial Map
- Site *2-10, Exhibit F.....Overall Site Plan, Site Layout, and Antenna Layout
- Site *2-10, Exhibit GElevation Plan
- Site *2-10, Exhibit HTower Foundation Plan
- Site *2-10, Exhibit I.....Antenna Specifications
- Site *2-10, Exhibit J.....Visual Simulations
- Site *2-10, Exhibit KRadio Frequency Report

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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:

Conditional Use Permit allowing the construction and operation of nine new single-carrier wireless communications facility to support wireless broadband transmission within nine existing parcels (Site 2-10, Exhibit A) located throughout northern El Dorado County, identified by nine individual Assessor’s Parcel Numbers (Site 2-10, Exhibit B). Each site would consist of the following:

- a. Nine towers ranging in size from 40 to 120 feet (Site 2-10, Exhibit G), three Ubiquiti point to point radio antenna, four Telrad Breeze30000 point to multipoint radios and one DragonWave Horizon Compact point to point radio ;
- b. Three surge protectors and up to four outdoor equipment cabinets on a 13- by 15-foot concrete pad;
- c. One 40- by 40-foot (1,600-square foot) equipment compound surrounded by chain link fencing with tan slats and two rows of barbed wire on top; and
- d. Improvements to the existing driveway off Seacrest Court to meet fire code standards and include a hammerhead turn-around.

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.

Planning Department

2. In compliance with County Code Section 130.54.060, implementation of the project must 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. 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. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color to comply with the screening requirements of Section 130.40.130.D.1 of the County Code. The pole, and the radio frequency antennas shall be painted with non-reflective. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
5. 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.
6. 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.
7. 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 condition.

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 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 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.

9. 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. 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 archeological resource", contingency funding, and a time allotment sufficient to allow recovering an archeological 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 archeological 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.

11. 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.

12. All outdoor lighting shall conform to Section 130.34 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Development Services.

13. In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee after approval, but prior to the County filing the Notice of Determination (NOD) on the project. The current fee plus a \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The payment is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources. The NOD must be filed within five

working days from the project approval. The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

14. 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.

Mitigation Measures

15. Under the MBTA, nests that contain eggs or unfledged young are not to be disturbed during the breeding season. Nesting or attempted nesting by migratory birds and birds-of-prey is anticipated from 15 February to 31 August. The following measures are recommended for Sites 2, 3, 5, and 6:
 - *Tree and vegetation removal shall occur outside of the nesting season (February 15 through August 31 annually). All tree removal shall occur between September 1 and February 14, which is outside of nesting season for MBTA and Fish and Game Code protected birds. If work occurs outside the nesting season, there will be no need to conduct a preconstruction survey for active nests.*
 - *If project work occurs during the nesting season, a qualified biologist shall conduct a preconstruction survey for nesting birds of prey and other birds protected by the MBTA and Fish and Game Code within 30 days prior to the start of construction. The survey area shall cover the Project, a 500 ft radius for nesting raptors, and a 100 ft radius for all other MBTA and Fish and Game Code protected birds. If no active nest of a bird of prey, MBTA bird, or other CDFW-protected bird is found, then no further mitigation measures are necessary.*
 - *Should an active nest of a protected bird be identified, an exclusion zone of 500 feet shall be established around the nest if it is a bird of prey, and 100 feet if it is a protected bird other than a bird of prey. Buffer sizes may be adjusted at the discretion of the biologist depending on the species of bird, the location of the nest relative to the project, the existing level of disturbance, and other site-specific conditions. No work will be allowed in the exclusion zone until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller ESA will protect the active nest. Tree and vegetation removal should occur during the non-breeding*

season of 1 September and 14 February. If work occurs during the nesting season, a qualified biologist shall conduct a preconstruction survey for active nests within two weeks prior to the start of construction. The survey area shall cover the Project, a 500 ft radius for nesting raptors, and a 100 ft radius for all other MBTA and Fish and Game Code-protected birds.

The County will implement the Measure above.

Environmental Management Department

16. Under the Certified Unified Program Agencies (CUPA) program, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site must be submitted online at the California Environmental Reporting System Website (<http://cers.calepa.ca.gov/>) and applicable fees paid to El Dorado Community Development Services / Environmental Management Department.
17. When filing our “Section 6: Construction and Demolition Debris Recycling Acknowledgement of the El Dorado County Building Permit Application, select Option 4 and write in “Towers” to the right of the sections. Towers are exempted from the construction and demolition (C&D) debris recycling requirements.

Air Quality Management District

18. Asbestos Dust: *For APNs 062-111-07, 060-200-52, & 060-430-61:* 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. Fugitive Dust: *For APNs 060-090-24, 061-720-01, 061-540-14, 073-031-09, 060-361-48, 060-180-27, & 062-500-33:* The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of 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 (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)
20. Paving: Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224)

21. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
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 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.
23. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., emergency standby engine greater than 50hp, 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 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.

Table 1. Project Site Descriptions (*Site 1 withdrawn by applicant at October 26, 2017 Planning Commission hearing.*)

Project No. /Tower Height	Property Owner/ Site Address	APN and Parcel Size	Portion of APN that is Project Site	Anchoring and Cabling Configuration	Access	General Plan Land Use Designation	Zone District	Distances from Tower to Nearest Residence/Neighbor; Visibility (see Attachment D)
2 100ft tower	Frank/Francis Clark 2040 Sliger Mine Road	061-720-01 13.35 ac	234 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet installed on tower base, to secondary power pole installed on tower base, to shed, to existing utility pole 98 ft east for power.	Roquero Cerro Road, private driveway	Medium Density Residential (MDR)	Residential, Three-Acre (R3A)	130 ft to residence, 228 ft to neighbor. From approximately 0.15 miles away on Sliger Mine Road, and along Roquero Cerro Road where there are no trees, approximately 10 ft of the top of the tower is visible. Closer to the site, pine and oak trees along the roadways block the view of the tower.
3 120ft tower	Carol Blessum 5400 Reservoir Road	061-540-14 5.4 ac	5,227 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet installed on tower base, underground cabling in 6 x 18-in trench in 2-in schedule 80 PVC from cabinet to proposed secondary pole 250 ft east, aerial to existing PG&E pole 50 ft southeast for power.	Reservoir Road, private driveway	Low Density Residential (LDR)	Residential Estate, Five- Acre (RE-5)	330 ft to residence and nearest neighbor. 100 to 150-foot ponderosa pines surround the tower. Because the adjacent properties are similarly forested, and because tall pines line the roads, the view of the tower is screened from all areas off the property.

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4 120ft tower	James/Debra Kenobbie 8140 Wild Horse Trail	062-500-33 5.785 ac	3,049 ft ²	. Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet to a proposed secondary power pole installed 50 ft southeast from cabinet, aerial from pole to existing PG&E pole 50 ft southeast for power.	Wild Horse Trail, private driveway	Low Density Residential (LDR)	Residential Estate, Five-Acre (RE-5)	224 ft to residence, 770 ft to neighbor The only clear view of the tower (top 70 ft of the tower) from outside the property is from Wild Horse Trail at the property gate. Beyond this location, tall pine trees that line the road block the view of the tower. There is no clear line of sight from other roads in the area.
5 100ft tower	Terry/Janet Bowman 3680 Greenwood Road	060-090-24 11.17 ac	486 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet to existing PG&E pole 75 ft east for power.	Greenwood Road, private driveway	Rural Residential (RR)	Limited Agriculture, Ten-Acre (LA-10)	110 ft to residence, 700 ft to neighbor Due to the height of the forest surrounding the site, approximately 10 feet of the tower is only visible from a distance (0.3 linear mi away). The curves in the road and travel speed limit the amount of time the tower is visible. The trees along the road block the view of all but less than 10 feet of the tower as the viewer approaches the tower from the east on Greenwood Road. Less than 5 feet of the tower is visible within 500 ft of the tower due to road cut and pine trees that block the view.
6 120ft tower	Kathleen Russel 3550 Brumarba Heights, Garden Valley	060-200-52 56.992 ac	669 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet to proposed secondary pole 25 ft southeast to existing PG&E pole 56 ft south for power.	Brumarba Heights, private driveway and private road	Agricultural Lands (AL)	Planned Agriculture, Twenty-Acre (PA-20)	735 ft to residence, 622 ft to neighbor From Acsarben Drive, approximately 5 feet of the top of the tower is visible. From other public access roads, tall pine and oak trees downslope from the tower location block the view of the tower. Approximately 25 feet of the tower is visible from the driveway of the property.

Project No. /Tower Height	Property Owner/ Site Address	APN and Parcel Size	Portion of APN that is Project Site	Anchoring and Cabling Configuration	Access	General Plan Land Use Designation	Zone District	Distances from Tower to Nearest Residence/Neighbor; Visibility (see Attachment D)
7 120ft tower	John Pulse 1030 View Ridge Lane	060-180-27 10.01 ac	3,049 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet to residence 100 ft north, to existing 110-V outlet for power.	View Ridge Road, private driveway	Rural Residential (RR)	Rural Lands, Ten-Acre (RL-10)	178 ft to residence, 451 ft to neighbor 100- to 150-foot ponderosa pine trees surround the tower. Although approximately 10 feet of the top of the tower extends above the trees in its immediate vicinity, the tower is not visible from locations off the property.
8 40ft tower	William/ Sandra Harke 6060 Ambrosia Lane	060-361-48 5.67 ac	173 ft ²	anchored to existing shed, Cabling from antennas to equipment cabinet inside existing shed, to existing 110-V outlet for power.	Ambrosia Lane, private driveway	Rural Residential (RR)	Residential Estate, Ten-Acre (RE-10)	183 ft to residence, 592 ft to neighbor The 40-foot tower is only visible from the cleared area that surrounds the structures on the property. Ponderosa pine trees around and downslope from the property block the view of the tower from other locations.
9 120ft tower	Donald Raty 4341 Raty Lane	060-430-61 3.7 ac	1,307 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet to residence garage 215 ft northeast, to existing 110-V outlet for power.	Raty Lane, private driveway	Medium Density Residential (MDR)/ Rural Residential (RR)	Residential Estate, Five-Acre (RE-5)	221 ft to residence, 173 ft to neighbor The 120-foot tower is in a clearing surrounded by pine trees similar in height to the tower. The tower is visible sporadically through gaps in the trees from and near the property. Due to intervening trees, hills, and structures, the tower is not visible from CA 193 (west), Raty Lane (east), and Meadowbrook Road (south and east).

Project No. /Tower Height	Property Owner/ Site Address	APN and Parcel Size	Portion of APN that is Project Site	Anchoring and Cabling Configuration	Access	General Plan Land Use Designation	Zone District	Distances from Tower to Nearest Residence/Neighbor; Visibility (see Attachment D)
10 120ft tower	Greg Montillier 4841 Traverse Creek Road	062-111-07 242.75 ac	1,307 ft ²	Six ft chain link fence installed around facility. Cabling from antennas to equipment cabinet to existing PG&E pole 110 ft south-southwest for power.	Bear Creek Road, private driveway	Natural Resource (NR)	Timber Production Zone (TPZ)	167 ft to residence, 574 ft to neighbor. Approximately 15 feet of the top of the tower is visible from Traverse Creek Road 0.25 mile southwest from the tower. The tower is visible for approximately 0.07 mile traveling north, then east on Bear Creek Road. Traveling west on Bear Creek Road for about 0.36 mile, the tower is visible from the approximately 150 feet of roadway that is not lined by trees.