

CONDITIONS OF APPROVAL

Special Use Permit S04-0042-R/South Shingle Springs Planning Commission/October 23, 2014

1. The authorization for the cellular communication facilities allowed by this permit is based upon and limited to compliance with the project descriptions and conditions of approval set forth below. Further, any deviations from the project(s) descriptions, 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 described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation hearings.

The original project description is as follows: Construction of a new wireless communication facility consisting of a 100-foot steel mono-pole with 6 panel antennas, 3 mounted at a centerline of 100 feet and 3 mounted at 94 feet, and related ground equipment shelter placed within a 30-foot by 30-foot lease area, enclosed by a 6-foot chain link fence with barbed wire atop and a 12-foot wide gate on the east side of the enclosure. Access to the site is provided via a private driveway from the west side of South Shingle Springs Road, 2 miles north of the intersection with Latrobe Road in the Shingle Springs area. This special use permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation and ongoing maintenance.

The approval of the special use permit revision (S04-0042-R) is based upon and limited to compliance with the approved project description, the following hearing exhibits, and Conditions of Approval set forth below:

Exhibit E.....Site Plan
Exhibit F.....Photos, Dated: July 7, 2014

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:

- a. Approval of the five-year review of the existing cellular telecommunications facility located at 6170 South Shingle Road in the Shingle Springs area.
2. All site improvements shall conform to the site plan and elevations, ~~attached as Exhibit Sheets T-1, A-1, A-2, A-3, and A-4, dated March 2, 2006.~~ (Exhibit E and F)

3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Development Services shall verify the painting of the structures prior to final inspection of the facility.
4. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall 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.
5. 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.
6. 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 Development Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
7. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five (5) years. At each five year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission 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: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part o 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 Deputy Director of Planning to cover the cost of processing a 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 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.

8. 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.
9. 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.
10. The applicant shall be subject to a site plan review fee of \$50.00 payable to El Dorado County Fire Protection District. The site plan review fee shall be due to the District prior to commencement of any work performed.
11. The applicant shall construct a minimum 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. Road grades shall not exceed 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
12. The applicant shall provide a fire district approved turn-a-round within 50 feet of the project site.
13. The applicant shall provide a high priority "Knox" box with key to the equipment shelter.
14. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Storm Water Management Plan, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
15. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.

16. The applicant shall place a minimum of four-inch thickness of three-quarter inch Class II aggregate base along a 12 foot wide access easement from the leased area to the existing driveway.
17. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction. If existing access way is determined to be adequate by the fire district, this condition shall be deemed fulfilled.