

CONDITIONS OF APPROVAL

**Conditional Use Permit Revision CUP-R22-0018/Syres Cell Tower Replacement
Planning Commission/April 27, 2023**

Planning Services

- 1. This Conditional Use Permit Revision is based upon and limited to compliance with the project description, project exhibits labeled Exhibits F through J, and Conditions of Approval (COA) set forth below:

- Exhibit F.....Site Plan
- Exhibit H.....Radio Frequency Report
- Exhibit IPhoto-Simulations
- Exhibit JHazardous Materials Statement

The project includes the construction and operation of a 70-foot-tall monopine as a replacement of an existing 51.1-foot-tall monopole, along with 12 antennas and supporting radios. The telecommunications facility would be housed within the existing 1,500-square-foot lease area. The monopine replacement would include six (6) new antennas, six (6) new radios, one (1) antenna mount, two (2) hybrid trunks, and an ice bridge (Exhibit F).

Special Use Permit S98-0021 approved the construction and operation of a 12-foot-wide gravel and paved access road, equipment shelter, and related ground equipment, including emergency standby. Conditional Use Permit Revision CUP-R22-0018 would not result in any changes to the existing access road or expansion of the lease area. Existing ground equipment would be removed and replaced with updated equipment. The project does not include installation of a backup 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 COAs set forth below include the COAs from the original approval of Special Use Permit S98-0021, as approved by the Planning Commission on January 14, 1999, for the existing telecommunications facility – some of which have been modified to reflect this revision and/or updated COA vernacular.

In regard to the original COAs:

The original COAs have been renumbered to accommodate the inclusion of the project description as COA #1, which is common practice at this time, and to accommodate the removal of some original COAs, as described below.

Original COA #7 has been modified to reflect the current name of the carrier formerly known as Nextel (now T-Mobile).

Original COA #8 has been deleted since the monopole is being replaced with a monopine per this Conditional Use Permit Revision. A new Facility Maintenance COA has been added to require maintenance and upkeep of the facility.

Original COA #9 has been deleted and replaced with an Obsolete Equipment COA that requires removal of obsolete or unused communication facilities within six (6) months of non-use or abandonment.

Original COA #11 was deleted at the time of the original approval and is being removed from the list for clarity.

Original COA #12 has been deleted since there will be no generator on-site with implementation of this Conditional Use Permit Revision.

Original COA #13 has been deleted since, while not removed, the mobile home was converted to an Accessory Dwelling Unit under permit #159264.

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 COAs 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 COAs hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. ~~1-~~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 Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards.
3. ~~2-~~ 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.
4. ~~3-~~ The applicant is subject to any and all requirements of the Diamond Springs/El Dorado Fire Protection District prior to obtaining a building permit.
5. ~~4-~~A six-foot chain-linked fence with brown vinyl slats, topped with barbed wire, and fast-growing evergreen trees shall be placed around the perimeter of the leased site to provide additional screening for the electronic equipment shelter area. Existing tree

coverage that functions as screening shall be maintained and/or replaced to prevent greater visual exposure to the tower.

6. ~~5.~~ The applicant shall assume full responsibility for resolving television reception interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt by Planning Services, of any written complaint.
7. ~~6.~~ The applicant shall obtain a building permit from Building Services.
8. ~~7.~~ Antennas of a similar nature and size may be mounted below the ~~Nextel~~ T-Mobile antennas, subject to the approval of the Planning and Building Department Director; excepting microwave antennas, which will require a new use permit or an amendment(s) to the existing use permit and review and approval by the Planning Commission.
- ~~8.~~ The monopole shall be painted green to aid in blending in with the surrounding trees.
- ~~9.~~ In terms of cumulative effects, the tower shall be removed if the use is discontinued for one year or more.
9. ~~10.~~ The applicant shall consent to the co-location of other Personal Communications Service (PCS) users. Any increase in pole height shall require ~~an amendment~~ a revision to the this Conditional Use Permit.
- ~~11.~~ This use permit is approved for a time period of ~~five (5) years~~ and authorized structures and monopole shall be removed at that time. However, upon application, the Planning Commission, after public hearing may extend this period. Should the extension be denied, the applicant has one year to remove the structures and the monopole tower authorized herein.
- ~~12.~~ Noise from any proposed on-site generator shall not exceed 65 dB daytime and 45 dB nighttime at all property lines.
- ~~13.~~ The temporary mobile (hardship) home on site must either be removed or its application renewed prior to the issuance of any building permit for the communication site.
10. **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.

11. **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.
12. **Facility Maintenance:** All improvements associated with the communication facility, including equipment shelters, antennae, antenna branches/leaf socks, and fencing shall be properly maintained at all times. Supporting equipment within the lease area shall be screened from view by earth-tone slats placed within the chain link fencing surrounding the lease area. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
13. **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, through their efforts, schedule an inspection by Planning Services prior to building permit final for any building permit for verification of compliance with applicable Conditions of Approval.
14. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six (6) 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.
15. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all Conditions of Approval contained in this Conditional Use Permit Revision. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
16. **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 Revision and building permit prior to issuance of any grading or building permits.
17. **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 landowner 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.

18. **Five Year Review:** Due to the ever-changing technology of wireless communication systems, this Conditional Use Permit shall be reviewed by the Planning Division every five (5) years. At each five (5) year review, the permit holder shall provide Planning Services 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, and a Radio Frequency Report demonstrating compliance with current FCC emission regulations. Planning Services 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:
- 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 the County to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five (5) year review in a timely fashion shall not invalidate the Conditional Use Permit. The applicant shall pay a fee as determined by the Planning and Building Department to cover the cost of processing a five (5) year review.

19. **Archaeological Resources:** The following shall be incorporated as notes on the grading/improvement plans: In the event archaeological 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 archeologist 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 archaeological resource," the archeologist 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 "non-unique archaeological resource.

20. **Human Remains:** 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 (2) 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, 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

21. **Administrative Permit:** It is not anticipated that any oak trees would need to be removed as part of this tower replacement. In the event that any oak trees would need to be removed or would be impacted, the County of El Dorado will require submittal and approval of an Administrative Permit during the building permit process pursuant to Title 130.39 of the Oak Resource Ordinance and Oak Resource Management Plan.