

CONDITIONS OF APPROVAL

Special Use Permit Revision S04-0008-R/Verizon Co-Location Planning Commission/August 13, 2015

Revisions to the existing conditions approved under S04-0008 are shown in strikeout/underline format.

El Dorado County Planning Services

This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below. 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:

1. A Special Use Permit to construct the following within a 900 square foot lease area within property known as APN 323-230-12:
 - a. A 107.5-foot steel monopine;
 - b. Six panel antennas mounted at a centerline of 98.1 feet;
 - c. Six panel antennas mounted at a centerline of 88 feet.
 - d. A prefabricated ground equipment shelter with air conditioning units;
 - e. A sublease area with seven equipment cabinets enclosed by 6 foot high chain link fence with 1 foot barbed wire top; and,
 - f. A backup generator.

The entire lease area shall be enclosed by a 6-foot-high chain link fence with a 10-foot-wide gate on the north side of the enclosure.

~~The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.~~

The previously approved uses of S04-0008 remain unchanged and all conditions remain in full force and affect.

Revision S04-0008-R consists of the following:

This Special Use Permit revision is based upon and limited to compliance with the project description, staff report exhibits A through J, and conditions of approval set forth below. 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 shall constitute a violation of permit approval.

Verizon Wireless is requesting a minor revision to Special Use Permit S04-0008 to allow co-location of eight 6-foot antennas (two per sector), eight diplexers, four RRUS12 (1 per sector), and one raycap at the 71-foot centerline; up to four outdoor equipment cabinets with equipment cover and other supporting equipment, and a 30kW backup emergency generator on a 6-foot by 25-foot concrete pad; two separate 6-foot utility easements for connection to existing monopine and existing utility pole; perimeter chain-link fencing to match existing; and access from a 15-foot non-exclusive access easement containing an existing paved driveway and approved fire 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.

PROJECT CONDITIONS

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D of S04-0008 and Exhibits A through J of S04-0008-R.
3. For co-location purposes, no further review by the Planning Commission shall be required provided that ~~all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carrier installs no more than 12 panel antennas per carrier at any one time, and that there shall not be an increase in overall height of the tower and branches~~the project is not determined to constitute a substantial change of the physical dimensions of the tower or base station as identified by the criteria set forth in section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455).
4. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The pole shall have simulated bark, and the branches shall be extended down the pole below the existing canopy. 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. 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.
7. 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 condition.
8. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services ~~Department~~Division every five years. At each five-year review, the permit holder shall provide the Development Services ~~Department~~Division with a status report on the then current use of the subject site and related equipment. The Development Services Division shall review the status and determine whether to:
 - a. Allow the facility to continue to operate under all applicable conditions or modify the conditions of approval in order to reduce identified adverse impacts; 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.

El Dorado County Building Services

9. The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.

El Dorado County Department of Transportation

10. If more than 1 acre of land shall be disturbed while installing the wireless facility, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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.

11. 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.
12. The applicant shall place a minimum of 4-inch thickness of three quarter-inch class 2 aggregate base along a 12-foot wide access easement from the leased area to Cold Springs Road. If existing access way is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.
13. 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 is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.
14. The El Dorado County Fire Protection District shall review the site and access road for accessibility and turnaround area requirements.

El Dorado County Fire Protection District

15. The project shall comply with the following requirements of the El Dorado County Fire Protection District:
 - a. The applicant shall pay a site plan review fee of \$50.00.
 - b. The applicant shall provide an approved Fire District turn-around within 150 foot of the project site.
 - c. The access roads shall have a 13-foot 6-inch vertical clearance and be capable of supporting a 40,000 pound load.
 - d. The minimum turning radius shall be 25 feet.
 - e. The road grades shall not exceed 15 percent.
 - f. The applicant shall provide high-priority “knox” access for the gate and prefab shelter.
 - g. The gates to the facility shall comply with the Fire Prevention Officers standard.
 - h. The applicant shall provide a fire extinguisher in the shelter, minimum 2A10BC.
 - i. The District may impose additional requirements depending on building construction and use.

El Dorado County Resource Conservation District

16. The applicant shall be required to comply with the District’s Erosion Control Requirements and Specifications, which include but shall not be limited to the following:
 - a. The applicant shall implement erosion and sediment control measures during construction. Suitable measures include permanent seeding of disturbed areas (excluding areas that will be covered by the 2-inch crushed gravel) and straw rolls around the perimeter of the work site.
 - b. The applicant shall control non-storm water discharges (e.g. wash water), potentially hazardous materials such as hydraulic fluid from construction vehicles and paint materials, and all potential pollutants on the construction site.

S04-0008-R Additional Conditions

Planning Services

17. **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.
18. **Tree Protection:** Tree protection measures for the 16-inch oak tree as identified in arborist report, dated April 9, 2015, shall be integrated into the construction design of the co-location.
19. **Lighting:** All outdoor lighting shall conform to Exhibits F, Sheets A-3 and A-4, and Section 130.14.170 of the Zoning Ordinance, and shall 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 the fixture meets the full cut-off standards, shall require a fixture substitution that meets that requirement.
20. **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.
21. **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.
22. **Payment of Processing Fees:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit.
23. **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

24. **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 inspections 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.

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

25. **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.

Environmental Management Division

26. Under the CUPA programs, if 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 must be submitted to the Community Development Agency / Environmental Division and applicable fees paid.

County of El Dorado Air Quality Management District

27. Fugitive Dust: 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, if the project requires a Grading Permit, 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. (Rules 223 and 223.1).

28. Paving: Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224).

29. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

30. 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.

31. 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).

NOTE: The Specifications for the Generac SD030 30kW Diesel Generator Set online appears to indicate the proposed engine is 51 HP.(See attached, page 5 near bottom).

32. 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.