

**Conditional Use Permit CUP23-0004/Pleasant Valley Road** Monopine – As approved by the Planning Commission on August 24, 2023

**Conditions of Approval**

**Planning Services**

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, the following project exhibits, and Conditions of Approval set forth below:

Exhibit A.....	Location/ Vicinity Map
Exhibit B.....	Assessor’s Parcel Map
Exhibit C.....	Land Use Designation Map
Exhibit D.....	Zoning Designation Map
Exhibit E.....	Aerial Site Map
Exhibit F.....	Site Plan
Exhibit G.....	Tolling Agreement
Exhibit H.....	Proposed Negative Declaration and Initial Study

A CUP to allow the construction and ongoing operation of a new 100-foot-tall telecommunications facility with a stealth monopine design. The facility is proposed to include twelve (12) antennas, six (6) remote radio units (RRU), one (1) two-foot microwave dish antenna, one (1) GPS antenna, required antenna cabling, and two (2) ground mounted radio cabinets on a raised concrete pad within a 40-foot by 40-foot fenced lease area. There is no diesel-powered standby backup generator proposed for this project at this time. The leased area would be surrounded by an eight-foot-tall chain-link fence.

The applicants reviewed four (4) other sites with the potential to provide coverage for the service gap in this area. The alternative sites were either determined to not provide the coverage of the chosen site or property owner interest could not be obtained. The chosen site was deemed to be the most appropriate location for the installation of a wireless facility based on propagation and radio frequency cover studies conducted. The chosen site is the least intrusive and will create improved wireless coverage for the underserved wireless users in the surrounding area.

Any deviations from the project description, exhibits, or Conditions of Approval 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 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.

2. **Permit 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.
3. **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.
4. **Facility Maintenance:** 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.
5. **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.
6. **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.
7. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all Conditions of Approval contained in this CUP. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
8. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the CUP and building permit prior to issuance of a building permit.
9. **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 CUP.

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

10. **Archeological Resources:** 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. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

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.

#### **Air Quality Management District (AQMD)**

11. **Fugitive Dust:** Mitigation measures for dust control shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
12. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.

13. **Painting/Coating:** The application of architectural coatings shall adhere to AQMD Rule 215, Architectural Coatings.
14. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only dry vegetation originating from the property may be disposed of using an open outdoor fire and burning shall adhere to AQMD Rule 300, Open Burning.
15. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§2249 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at CARB’s website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment>. Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.
16. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration 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.
17. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.

#### **Department of Transportation (DOT)**

18. **Encroachment Permit:** Applicant shall obtain an encroachment permit from DOT and construct the roadway encroachment on Pleasant Valley Road to the satisfaction of DOT.
19. **Site Access:** Applicant shall design and pave the project encroachment consistent with County Standard Plan 103B-1 to include a driveway culvert to maintain existing roadside drainage. Design the site improvements to ensure adequate stopping sight distance per Caltrans Highway Design Manual Chapter 200 is provided and maintained at the project driveways in both directions.

#### **El Dorado County Fire Protection District**

20. **Fire Department Access:** The applicant shall provide Fire Department access with a High Security Knox Box mounted near gate access.
21. **Fire Extinguisher:** The applicant shall provide a 2A10BC fire extinguisher that is mounted and readily accessible.
22. **Vegetative Fire Clearances:** Prior to June 1<sup>st</sup> each year, there shall be vegetation clearance around all Emergency Vehicle Access (EVA) and the property in accordance with Public Resources Code Section 4291 and El Dorado County Ordinance 5101.

### **Surveyor**

23. **Boundary Monuments:** All boundary monuments disturbed during project construction shall be identified and/or reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

### **Stormwater**

24. **Erosion and Sediment Control:** An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project will disturb an acre or more of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

### **Planning Commission**

25. **Bald Eagle Protection Measures:** Applicant shall equip the structure with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.