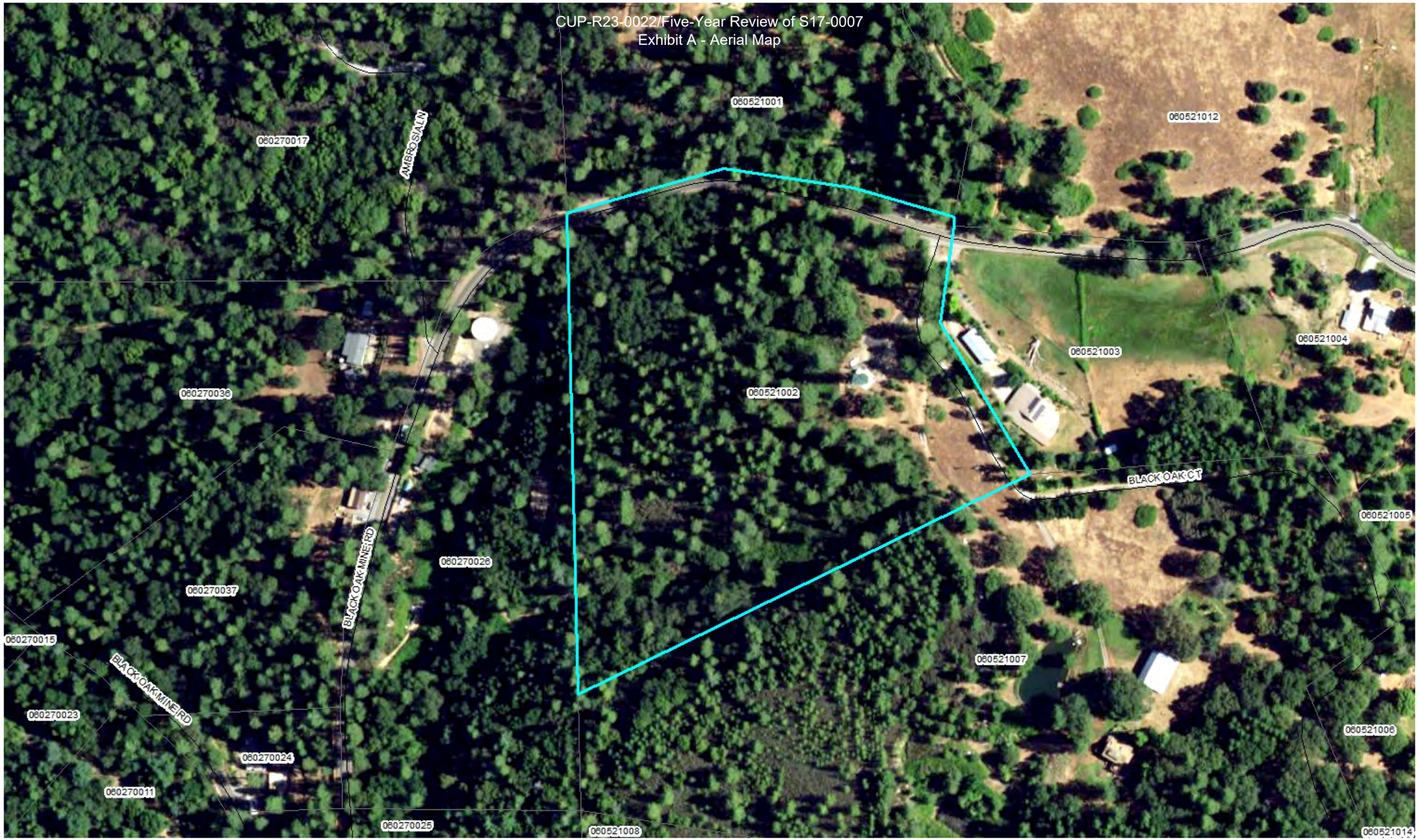
CUP-R23-0022/Five-Year Review of S17-0007
Exhibit A - Aerial Map



# Exhibit B

## STAFF COA COMPLIANCE VERIFICATION REPORT

## Conditional Use Permit CUP-R23-022/Five Year Review of S17-0007

## AT&T Telecommunications Facility – Meadow Brook

**Background:**

Special Use Permit S17-0007 was originally approved by the Planning Commission on January 11, 2018. S17-007 condition of approval no. 8 requires review of the ongoing operation under the special use permit by the Planning Commission every five years. Staff has compiled this report on compliance with all conditions of approval in order to aid the Planning Commission in their review of the ongoing use of the site.

**Conditions of Approval:**

1. "This special use permit approval is based upon and limited to compliance with the 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:

   Conditional Use Permit allowing the construction and operation of five new multi-user wireless telecommunications facilities to support wireless transmission within five existing parcels (Site 1-5, Exhibit A) located throughout northern El Dorado County, identified by five individual Assessor's Parcel Numbers (Site 1-5, Exhibit B). Each site would consist of the following:

   a. Five towers ranging in size from 115 to 160 feet (Site 1-5, Exhibit G), with one (1) 35kw standby propane generator, one equipment shelter and one 500 gallon propane tank located upon a 1,050 square foot fenced leased area;
   b. Five 1,050-square foot equipment compounds surrounded by chain link fencing with slats and two rows of barbed wire on top; and
   c. Creation of five new driveways to provide access to each site.

   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.

   *Staff Rationale: The project remains compliant with these conditions. The facility is designed as a 153' steel monopole, camouflaged as a 160-foot tall*

*monopine. The enclosed lease area contains one (1) diesel generator and one (1) walk-in equipment cabinet. Original conditions of approval required that vinyl slats be installed on the chain link fence enclosing the lease area. As evidenced by staff photos, obtained during a February 27, 2024, site visit, no privacy slats were installed. In photographs supplied by the applicant on July 8th, 2024, vinyl slats have been installed on the chain link fence enclosing the lease area. Therefore, the site remains consistent with this condition.*

**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.

   *Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018, and finaled on April 8, 2022. No new structures have been added to support the facility since the previous five-year review in 2018. There has been no further work performed at the site which would generate dust. There was no dust evident at the site during Staff's site visit.*

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.

   *Staff Rationale: No complaints have been received. Therefore, the site remains consistent with this condition.*

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.

   *Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018, and finaled on April 8, 2022. Therefore, the site remains consistent with this condition.*

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.

*Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018, and finaled on April 8, 2022. Site photos dated February 27, 2024, demonstrate that the site has been primarily maintained consistent with this condition. Therefore, the site remains consistent with this condition.*

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.

*Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018, and finaled on April 8, 2022. Therefore, the site remains consistent with this condition.*

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.

*Staff Rationale: All equipment currently on the tower and ground is active. Planning Services has not received any complaints regarding abandoned equipment at this facility.*

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 Department 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. The Planning Commission 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.

*Staff Rationale: This application for a five-year review (CUP-R23-0021) has been submitted to fulfill the requirement of this condition. Therefore, the project is consistent with this condition.*

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.

*Staff Rationale: The project remains compliant with this condition.*

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 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.

*Staff Rationale: No items or resources were discovered during grading and construction activities. No grading has occurred since the original commercial grading permit (no. 267097) was finaled in 2020.*

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.

*Staff Rationale: No human remains were discovered during grading and construction activities. No grading has occurred since the original commercial grading permit (no. 267097) was finaled in 2020.*

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.

*Staff Rationale: ATC Sequoia, LLC built the site in compliance with the project description, exhibits, and associated authorizations. Subsequent commercial building permits for antenna collocations and cable maintenance/installation have been obtained. All collocations and other improvements conform to the conditions of approval herein; therefore, the project remains consistent with this condition.*

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.

*Staff Rationale: S17-0007 was approved by the El Dorado County Planning Commission on February 13, 2018. The County filed the Notice of Determination and associated processing fees on February 14, 2018. No additional modifications have been requested as part of this five-year review. Therefore, the project is consistent with this condition.*

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.

*Staff Rationale: There has been no legal action against the project since the initial approval of the site or as a result of this five-year compliance review. Therefore, the project is consistent with this condition.*

**Mitigation Measures (All Sites)**

15. Mitigation Measure #1:

Special-Status Bat Species:

A qualified biologist shall conduct a preconstruction survey within 14 days prior to clearing or grading operations and removal of trees. If no bats are observed, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If special-status bat species are present and roosting on or within 100 feet of the Study Area, then the biologist shall establish an appropriate buffer around the roost site. At minimum, no trees shall be removed until the biologist has determined that the bat is no longer roosting in the tree. Additional mitigation measures for bat species, such as installation of bat boxes or alternate roost structures, would be recommended only if special-status bat species are found to be roosting within the project area.

Pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for various bat species.

*Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018,*

*and finaled on April 8, 2022. No grading has occurred since the original commercial grading permit (no. 267097) was finaled in 2020. No grading operations or tree removal has been proposed as part of this five-year review. Therefore, the site remains consistent with this condition.*

16. Mitigation Measure #2:

All vegetation clearing including removal of trees and shrubs shall be completed between September 1 and February 14, if feasible. If vegetation removal and grading activities begin during the nesting season (February 15 to August 31), a qualified biologist shall conduct a pre-construction survey of the project footprint for active nests. Additionally, the surrounding 500 feet shall be surveyed for active raptor nests where accessible. The pre-construction survey shall be conducted within 14 days prior to commencement of ground-disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If nests are found and considered to be active, the project biologist shall establish buffer zones to prohibit construction activities and minimize nest disturbance until the young have successfully fledged. Buffer width will depend on the species in question, surrounding existing disturbances, and specific site characteristics, but may range from 20 feet for some songbirds to up to 500 feet for raptors. If active nests are found within any trees slated for removal, then an appropriate buffer shall be established around the trees and the trees shall not be removed until a biologist determines that the nestlings have successfully fledged or until the nest is no longer active. In addition, a pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for the active avian nests. If construction activities are proposed to begin during the non-breeding season (September 1 through January 31), a survey is not required and no further studies are necessary.

*Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018, and finaled on April 8, 2022. No grading has occurred since the original commercial grading permit (no. 267097) was finaled in 2020. No vegetation clearing, including removal of trees and shrubs, has been proposed as part of this five-year review. Therefore, the site remains consistent with this condition.*

**Mitigation Measures (Site Specific)**

17. Mitigation Measure #3 (Site Sierra Springs)

Oak Woodland
Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems,

shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permits.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

*Staff Rationale: N/A – this site specific condition does not apply to this facility.*

18. Mitigation Measure #3 (Site 4 Balderson Station)

Oak Woodland
Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permits.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

*Staff Rationale: N/A – this site specific condition does not apply to this facility.*

**Environmental Management Department**

19. 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.

    *Staff Rationale: Site photos dated February 27, 2024 demonstrate that the site has been primarily maintained consistent with this condition. Therefore, the project is consistent with this condition.*

20. 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.

    *Staff Rationale: During the site visit, conducted on February 27, 2024, the generator was not observed in operation. Per the applicant, the generator is run only for testing purposes approximately ten minutes daily, during the prescribed hours. Therefore, the project is consistent with this condition.*

**Air Quality Management District**

21. Asbestos Dust: *For APNs 092-031-52 & 099-130-05:* 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.

    *Staff Rationale: N/A – this site specific condition does not apply to this facility. Additionally, The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

22. Fugitive Dust: *For APNs 092-031-52, 093-160-08, 046-380-61, 061-720-55 & 099-130-05:* 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)

*Staff Rationale: N/A – this site specific condition does not apply to this facility. Additionally, The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

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

*Staff Rationale: The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

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

*Staff Rationale: The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

25. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).

*Staff Rationale: The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

26. 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.

*Staff Rationale: The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

27. New Point Source: Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, 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)

    Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (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.

    *Staff Rationale: The El Dorado Air Quality Management District reviewed and approved the building permits associated with this telecommunication site. No additional modifications were required during construction activities and no additional modifications have been requested as part of this five-year review. Therefore, the project remains consistent with this condition.*

**Planning Commission**

28. Any routine maintenance that requires running the generators or automatic recycling of the generators shall be performed between the hours of 9:00 a.m to 5:00 p.m Monday through Friday.

    *Staff Rationale: During the site visit, conducted on February 27, 2024, the generator was not observed in operation. Per the applicant, the generator is run only for testing purposes approximately ten minutes daily, during the prescribed hours. Therefore, the project is consistent with this condition.*

29. The applicant shall provide to Planning Services, evidence of the condition of Victory Mine Road prior to issuance of Building Permits. After construction activities cease the applicant shall provide evidence to Planning Services of the post-construction condition

of Victory Mine Road. Any damage sustained to Victory Mine Road by construction activities shall be repaired by the project applicant.

*Staff Rationale: Building permit no. 267065 for the project was issued on July 10, 2018, and finaled on April 8, 2022. Therefore, the site remains consistent with this condition*

**S17-0007/AT&T CAF2** – As approved by the Board of Supervisors on February 13, 2018

## Conditions of Approval

### 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 1-5, Exhibit A .....Location Map
   Site 1-5, Exhibit B.....Assessor's Parcel Map
   Site 1-5, Exhibit C.....General Plan Designation Map
   Site 1-5, Exhibit D .....Zoning Designation Map
   Site 1-5, Exhibit E.....Aerial Map
   Site 1-5, Exhibit F .....Plan Set (11 pages)
   Site 1-5, Exhibit G .....Visual Simulations
   Site 1-5, Exhibit H .....Zoning Propagation Map
   Site 1-5, Exhibit I.....Radio Frequency Report
   Site 1-5, Exhibit J.....Proposed Mitigated Negative Declaration and Initial Study

   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 five new multi-user wireless telecommunications facilities to support wireless transmission within five existing parcels (Site 1-5, Exhibit A) located throughout northern El Dorado County, identified by five individual Assessor's Parcel Numbers (Site 1-5, Exhibit B). Each site would consist of the following:

   a. Five towers ranging in size from 115 to 160 feet (Site 1-5, Exhibit G), with one 35kw standby propane generator, one equipment shelter and one 500 gallon propane tank located upon a 1,050 square foot fenced leased area;
   b. Five 1,050-square foot equipment compounds surrounded by chain link fencing with slats and two rows of barbed wire on top; and
   c. Creation of five new driveways to provide access to each site.

   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. The project was completed per this requirement.

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. No interference has been reported and the project is in compliance with this requirement.

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. No revisions have been made to this project since the original buildout and the project was completed per the original COA.

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. The site was constructed in compliance with this COA. No revisions have been made to this project since the original buildout and the project was completed per the original COA.

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. No modification have been made to the project since the original buildout and it is still in conformance with this COA.

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. This project is still in operation with no obsolete or unused equipment onsite.

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 Department 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. The Planning Commission 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. This document and attachments are provided to comply with the five year review.

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. Applicant agrees with this COA.

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 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. The project passed all inspections associated with the original permits. No modifications have been made to this project since the original build out and the project is still in compliance. This note was placed on approved drawing in compliance with this requirement.

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. Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

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. Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

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.Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

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 (All Sites)**

15. Mitigation Measure #1:
Special-Status Bat Species:
A qualified biologist shall conduct a preconstruction survey within 14 days prior to clearing or grading operations and removal of trees. If no bats are observed, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.
If special-status bat species are present and roosting on or within 100 feet of the Study Area, then the biologist shall establish an appropriate buffer around the roost site. At minimum, no trees shall be removed until the biologist has determined that the bat is no longer roosting in the tree. Additional mitigation measures for bat species, such as installation of bat boxes or alternate roost structures, would be recommended only if special-status bat species are found to be roosting within the project area.
Pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for various bat species.Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

16. Mitigation Measure #2:
All vegetation clearing including removal of trees and shrubs shall be completed between September 1 and February 14, if feasible. If vegetation removal and grading activities begin during the nesting season (February 15 to August 31), a qualified biologist shall conduct a pre-construction survey of the project footprint for active nests. Additionally, the surrounding 500 feet shall be surveyed for active raptor nests where accessible. The pre-construction survey shall be conducted within 14 days prior to commencement of ground-disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.
If nests are found and considered to be active, the project biologist shall establish buffer zones to prohibit construction activities and minimize nest disturbance until the young have successfully fledged. Buffer width will depend on the species in question,

surrounding existing disturbances, and specific site characteristics, but may range from 20 feet for some songbirds to up to 500 feet for raptors. If active nests are found within any trees slated for removal, then an appropriate buffer shall be established around the trees and the trees shall not be removed until a biologist determines that the nestlings have successfully fledged or until the nest is no longer active. In addition, a pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for the active avian nests. If construction activities are proposed to begin during the non-breeding season (September 1 through January 31), a survey is not required and no further studies are necessary.

Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

**Mitigation Measures (Site Specific)**

17. Mitigation Measure #3 (Site Sierra Springs)

Oak Woodland
Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permits.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

18. Mitigation Measure #3 (Site 4 Balderson Station)

Oak Woodland

Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and

regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permit.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

**Environmental Management Department**

19. 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.

20. 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**

21. Asbestos Dust: *For APNs 092-031-52 & 099-130-05:* 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. Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

22. Fugitive Dust: *For APNs 092-031-52, 093-160-08, 046-380-61, 061-720-55 & 099-130-05:* 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 ($PM_{10}$) in the form of dust. The project shall adhere to the regulations

Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

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)

23. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224). This project was constructed in compliance with this requirement.

24. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings. This project was constructed in compliance with this requirement.

25. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning). Acknowledged by applicant.

ARB's

26. 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.ARBisresponsibleforenforcementofthisregulation.
Acknowledge by applicant.

27. New Point Source: Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, 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)

Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (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. This project was constructed in compliance with this requirement.

**Planning Commission**

28. Any routine maintenance that requires running the generators or automatic recycling of the generators shall be performed between the hours of 9:00 a.m to 5:00 p.m Monday through Friday.

29. The applicant shall provide to Planning Services, evidence of the condition of Victory Mine Road prior to issuance of Building Permits. After construction activities cease the applicant shall provide evidence to Planning Services of the post-construction condition of Victory Mine Road. Any damage sustained to Victory Mine Road by construction activities shall be repaired by the project applicant.

Project is still in conformance with original plans and specs with no modifications since the original inspections were performed.

CUP-R23-0022/Five-Year Review of S17-0007
Exhibit D - Applicant Current Site Photographs (Including Vinyl Slats)



CUP-R23-0022/Five-Year Review of S17-0007
Exhibit D - Applicant Current Site Photographs (Including Vinyl Slats)





CUP-R23-0022/Five-Year Review of S17-0007
Exhibit D - Applicant Current Site Photographs (Including Vinyl Slats)






NOTICE
AUTHORIZED PERSONNEL ONLY
DANGER
NO TRESPASSING
DANGER
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**S17-0007/AT&T CAF2** – As approved by the Board of Supervisors on February 13, 2018

## Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

### 1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this project. In accordance with CEQA section 15074.1, the Planning Commission finds that the substitute mitigation measures are equivalent or more effective in mitigation or avoiding potentially significant impacts and that the substitute mitigation measures would not cause any potentially significant impacts on the environment.

1.2 No significant impacts to the environment as a result of this project were identified in the initial study.

1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

### 2.0 GENERAL PLAN FINDINGSThe project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by County Environmental Management and Transportation for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within each of the ten parcels. The operation of the facilities will require no water, sewer, or solid waste service as they are unmanned facilities. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the towers and ground equipment shelters would not generate solid waste.

2.2 **The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.1.2.1 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is within high and very high fire hazard areas. The El Dorado County, Garden Valley and Georgetown Fire Protection

Districts, as well as the State Department of Forestry and Fire Protection (Cal Fire), were given the opportunity to comment and had no additional conditions of approval to apply to the project. However, standards for construction and vegetation maintenance will apply during the construction and operation phases of the project. The facilities will not require the use of potable water or wastewater, as they are unmanned facilities.

2.3 **The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, the project will utilize existing gravel driveways and roads accessed off public roads. The Transportation Department and the El Dorado County, Georgetown, Garden Valley Fire Protection Districts, and CalFire reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plans were reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the El Dorado County, Garden Valley and Georgetown Fire Protection Districts for compliance with County and fire codes.

2.4 **The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to Oak Resources per the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed Project includes the removal of individual oak trees as well as the trimming of oak tree canopy on sites 1, and 4. All sites are over an acre in size with over one percent area of oak tree canopy. A technical study and oak tree or oak woodland removal permit shall be required for these sites. This project was analyzed under the Oak Resources Management Plan, at the request of the project applicant.

## 3.0 ZONING FINDINGS

### 3.1 The project is consistent with Section 130.40.130(A).

To minimize the number of communication facilities through encouraging the joint use of towers, service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and develop new sites that are multi-carrier.

Rationale: The applicant has considered alternative locations for new towers and has identified the proposed Project sites as essential to creating the network linkages required to reach last-mile customers. The towers are of designed to blend with the surrounding environment, and project sites 1-3 would allow two additional carriers and project site 4 and 5 would allow one additional carrier to collocate at each facility in the future. Project Site 4 Balderson Station is approximately 350 feet southwest of a future communication tower approved October 26, 2017. The future communication tower is designed for broadband equipment and has limited co-location capabilities. The proposed AT&T equipment would be unable to colocate onto the future communication tower.

### 3.2 The project is consistent with Section 130.40.130(B)(6)(b).

In all zone districts, other than commercial, industrial, and research and development zone districts, which require a Minor Use Permit, new towers or monopoles shall be subject to approval of a Conditional Use Permit by the Planning Commission.

Rationale: The project sites are not located in commercial, industrial, and research and development zone districts (Site Exhibits D). The applicant has submitted a Conditional Use Permit application for each site to be reviewed by and subject to the approval of the Planning Commission.

### 3.3 The project is consistent with Section 130.40.130(C-H).

Section 130.40.130(C-H) of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

*C. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.*

Rationale: Photo-simulations of each Project site's facility are provided in Exhibit J of the Staff Report. These photos demonstrate how the facilities are designed to blend with the surrounding environment (Site Exhibits J).

*D. Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:*

*1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rationale: The Project sites are located in previously disturbed areas. The surrounding areas are dominated by rolling hills interspersed with pine and oak canopy. The project has been designed such that trees and topography will screen the towers when possible. Five of the towers are designed as broadleaf monopine towers. The towers have a manufacturer-applied non-reflective coating to prevent glare.

2. *Setbacks. Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit.*

Rationale: All Project sites are consistent with the setback standards for Residential, Agricultural, Rural, and Resource Zones (Site Exhibits F).

Agricultural, Rural, and Resource Zones: Section 130.21.030 identifies maximum setback for non-agricultural structures from the front, side, and rear of a parcel boundary for Agricultural, Rural, and Resource Zones. The setback for all these zones are 30 feet.

Site 2 Meadow Brook (LA-10) is at minimum 142 feet from any setback line;

Site 3 Tiger Lilly (RL-10) – minimum 35 feet;

Site 4 Balderson Station (FR-160) – minimum 38 feet;

Residential Zones: Section 130.24.030 identifies maximum setbacks from the front, secondary front, side, and rear of a parcel boundary for Residential Zones. The setbacks for the Residential Zones in which the Project sites are located are 30 feet minimum.

Site 1 Sierra Springs (RE-10) is at minimum 30 feet from any setback line;

Site 5 Pilot Hill (RE-5) – minimum 130 feet;

3. *Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

   Rationale: Maintenance personnel would visit the site approximately once per month, at which time the facility would be inspected to ensure proper operation. Conditions are recommended to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations.

*E. Radio Frequency (RF) Requirements: Section 130.40.130.E of the County Code requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC).*

Rationale: Submitted RF analysis reports, confirm compliance with the applicable FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Site Exhibits K).

*F. Availability. Section 130.40.130.F requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: Project Site 1 Sierra Springs, Site 2 Meadow Brook and Site 3 Tiger Lilly have the ability to accommodate two additional carriers. Project Site 4 Balderson and Site 5 Pilot Hill each have the capability to support one additional carrier, however no specific location or quantities of antennae have been identified for any towers. Any separate future collocation would require a revision to this conditional use permit and/or building permit, subject to review by the County.

*G. Section 130.40.130.G of the Zoning Ordinance requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned.*

Rationale: There is no equipment on the sites currently. The project has been conditioned to comply with this requirement.

*H. Section 130.40.130.H of the Zoning Ordinance states certain notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rationale: None of the project parcels are located within 1,000 feet of a school or located on residentially zoned land governed by CC&Rs. Therefore, these notification requirements do not apply to this project.

## 4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 **The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0 General Plan Findings, the conditional use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: At 0.24 to 0.76 percent of the public safety standard established by the FCC for microwave frequencies, the risk of Radio Frequency (RF) emissions to the surrounding public at all Project sites is remote (Site Exhibits I). The use will not significantly conflict with surrounding uses. As discussed in Section 2.0 and 3.0 above, the project is consistent with applicable General Plan Policies and conforms to the requirements of the County Zoning Ordinance. As designed and conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

4.3 **The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: As discussed in Section 3.2 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.40.130(B)(6)(b) subject to approval of a conditional use permit by the Planning Commission. The applicant has submitted applications for a conditional use permit to be reviewed by and subject to the approval of the Planning Commission.

## Conditions of Approval

### 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 1-5, Exhibit A .....Location Map
   Site 1-5, Exhibit B.....Assessor's Parcel Map
   Site 1-5, Exhibit C.....General Plan Designation Map
   Site 1-5, Exhibit D .....Zoning Designation Map
   Site 1-5, Exhibit E.....Aerial Map
   Site 1-5, Exhibit F .....Plan Set (11 pages)
   Site 1-5, Exhibit G .....Visual Simulations
   Site 1-5, Exhibit H .....Zoning Propagation Map
   Site 1-5, Exhibit I.....Radio Frequency Report
   Site 1-5, Exhibit J.....Proposed Mitigated Negative Declaration and Initial Study

   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 five new multi-user wireless telecommunications facilities to support wireless transmission within five existing parcels (Site 1-5, Exhibit A) located throughout northern El Dorado County, identified by five individual Assessor's Parcel Numbers (Site 1-5, Exhibit B). Each site would consist of the following:

   a. Five towers ranging in size from 115 to 160 feet (Site 1-5, Exhibit G), with one 35kw standby propane generator, one equipment shelter and one 500 gallon propane tank located upon a 1,050 square foot fenced leased area;
   b. Five 1,050-square foot equipment compounds surrounded by chain link fencing with slats and two rows of barbed wire on top; and
   c. Creation of five new driveways to provide access to each site.

   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 Department 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. The Planning Commission 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 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.

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 (All Sites)**

15. Mitigation Measure #1:

Special-Status Bat Species:

A qualified biologist shall conduct a preconstruction survey within 14 days prior to clearing or grading operations and removal of trees. If no bats are observed, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If special-status bat species are present and roosting on or within 100 feet of the Study Area, then the biologist shall establish an appropriate buffer around the roost site. At minimum, no trees shall be removed until the biologist has determined that the bat is no longer roosting in the tree. Additional mitigation measures for bat species, such as installation of bat boxes or alternate roost structures, would be recommended only if special-status bat species are found to be roosting within the project area.

Pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for various bat species.

16. Mitigation Measure #2:

All vegetation clearing including removal of trees and shrubs shall be completed between September 1 and February 14, if feasible. If vegetation removal and grading activities begin during the nesting season (February 15 to August 31), a qualified biologist shall conduct a pre-construction survey of the project footprint for active nests. Additionally, the surrounding 500 feet shall be surveyed for active raptor nests where accessible. The pre-construction survey shall be conducted within 14 days prior to commencement of ground-disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If nests are found and considered to be active, the project biologist shall establish buffer zones to prohibit construction activities and minimize nest disturbance until the young have successfully fledged. Buffer width will depend on the species in question,

surrounding existing disturbances, and specific site characteristics, but may range from 20 feet for some songbirds to up to 500 feet for raptors. If active nests are found within any trees slated for removal, then an appropriate buffer shall be established around the trees and the trees shall not be removed until a biologist determines that the nestlings have successfully fledged or until the nest is no longer active. In addition, a pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for the active avian nests. If construction activities are proposed to begin during the non-breeding season (September 1 through January 31), a survey is not required and no further studies are necessary.

**Mitigation Measures (Site Specific)**

17. Mitigation Measure #3 (Site Sierra Springs)

Oak Woodland
Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permits.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

18. Mitigation Measure #3 (Site 4 Balderson Station)

Oak Woodland

Alteration of on-site individual oak trees and oak tree woodland, or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the adopted Oak Resource Management Plan (ORMP). In addition, a project specific technical report and mitigation plan addressing impacts to on-site individual oak trees and oak tree woodlands consistent with the guidelines and

regulations of the adopted ORMP must be prepared and approved by the County prior to project approval. The technical report must disclose the percentage of impacted oak woodland on-site and the related mitigation plan must indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. This shall be completed prior to issuance of building permit.

Monitoring Requirement: The applicant shall provide a project specific technical report and mitigation plan addressing impacts to on-site oak woodlands prior to on-site work which may affect oak trees, including their canopy or root systems. The applicant shall also provide evidence of implementation of mitigation through provision to the County evidence of a deed restriction or conservation acquisition, in-lieu fee payment, on-site replacement planting and deed restriction or conservation easement; on-site replacement planting, or any combination thereof, consistent with the ORMP.

Monitoring Responsibility: Planning Services

**Environmental Management Department**

19. 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.

20. 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**

21. Asbestos Dust: *For APNs 092-031-52 & 099-130-05:* 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.

22. Fugitive Dust: *For APNs 092-031-52, 093-160-08, 046-380-61, 061-720-55 & 099-130-05:* 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 ($PM_{10}$) 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)

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

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

25. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).

26. 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.

27. New Point Source: Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, 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)

Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (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.

**Planning Commission**

28. Any routine maintenance that requires running the generators or automatic recycling of the generators shall be performed between the hours of 9:00 a.m to 5:00 p.m Monday through Friday.

29 The applicant shall provide to Planning Services, evidence of the condition of Victory Mine Road prior to issuance of Building Permits. After construction activities cease the applicant shall provide evidence to Planning Services of the post-construction condition of Victory Mine Road. Any damage sustained to Victory Mine Road by construction activities shall be repaired by the project applicant.