

CONDITIONS OF APPROVAL

Special Use Permit Revision S01-0032-R-6/American Tower Corporation Strawberry Site Planning Commission/November 12, 2015

Revisions to the existing conditions approved under S01-00032-R-6 are shown in
strikeout/underline format.

El Dorado County Planning Services

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

Exhibit CSite Plan
Exhibit DElevation

Special use permit revision S01-0032-R-6 is based upon and limited to compliance with
the approved project description and Conditions of Approval set forth below:

Exhibit ALocation Map
Exhibit BAssessor's Parcel Number Map
Exhibit CGeneral Plan Land Use Designations Map
Exhibit DZoning Designations Map
Exhibit EAerial Photo
Exhibit F-1Title Sheet, Sheet T-1
Exhibit F-2Overall Site Plan, Sheet C-1
Exhibit F-3General Notes and Site Plan, Sheet A-1
Exhibit F-4Elevations, Sheets A-2 through A-5
Exhibit GProject Description; July 6, 2015
Exhibit HVisual Simulations and Site Photos; 6/14/15
Exhibit IPublic Comment Received; 9/11/15

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:

Approval of the Special Use Permit allowing the construction and operation of a multi-user wireless telecommunication facility within an existing 14.71-acre parcel identified as APN 038-400-19 and consisting of the following:

- a. One, 125-foot steel monopine;
- b. A 10,000 square foot lease area enclosed by a 6-foot tall wood fence;

- c. Two antenna sectors with one antenna per sector (2 total antennas) and two tower mounted amplifiers (TMA's) per sector mounted at a height of 118 feet above ground level;
- d. Three antenna sectors with four antennas per sector (12 total antennas) mounted at a height of 101 feet above ground level;
- e. Three antenna sectors with four antennas per sector (12 total antennas) mounted at a height of 90 feet above ground level;
- f. Two antenna sectors with three antennas per sector (6 total antennas) and two TMA's per sector mounted at a height at 73 feet above ground level; and,
- g. Support equipment housed within the enclosed leased area or within the 810 square foot equipment shelter.

Approval of special use permit revision S01-0032-R6 allowing the conversion of the existing 125-foot tall monopine to a 120-foot monopole by removing the existing branches. The monopole will remain a dark brown color and monopine bark will remain. All existing antennas and mounting hardware will be painted to match the existing bark.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

- 2. **Development Fees:** All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
- 3. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

4. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased, or the facility has been abandoned. The applicant shall notify the Planning Services at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project conditions.
5. **Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. ~~No antenna shall project out past the "branch" tips.~~ All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the ~~branches~~ monopole. Colors of the ~~monopole~~ monopole, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, and fencing shall be properly maintained in good visual repair at all times. The ~~monopole~~ monopole shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep. Colors of the panels, equipment enclosure, and other improvements viable to the public shall be maintained to ensure the appearance remains consistent. Planning Services shall verify the painting of the structures and antennas ~~and verify antenna projections within the "branches" prior to issuance of final occupancy for the any building permit being finalized.~~
6. **Panel Antenna Screening:** All panel antennas shall be ~~fitted with antenna socks, with simulated needles that shall be in a color that closely matches the antenna branches. The socks shall be painted to match the color of the monopole. The painting shall be approved by Planning Services prior to issuance of any building permit and photographs of sock installation shall be provided to Planning Services within three months of project approval or no later than June 14, 2013 being finalized.~~
7. **Five-Year Review:** ~~Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services 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 special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.~~

~~By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development~~

~~Services Director to cover the cost of processing a five year review on a time and materials basis.~~

87. **Building Permits:** The building permits required by Condition No. ~~4211~~ for the construction of any collocations shall not be issued until the building permits for any prior collocations have been finalized.
98. **Condition Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis.
- ~~409.~~ **Co-location:** For co-location purposes, no further review by the Planning Commission shall be required provided that ~~all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carrier installs no more than three antenna sectors and four antennas per sector (12 total antennas per carrier at any one time), and that there shall not be an increase in overall height of the tower~~ the project is not determined to constitute a substantial change of the physical dimensions of the tower or base station as identified by the criteria set forth in section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455).
- ~~4410.~~ **Television Interference:** The applicant shall assume full responsibility for resolving television reception interference, ~~if any, or other electrical interference~~ caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt ~~by Planning Services~~ of any written television interference complaint.

El Dorado County Building Services

- ~~4211.~~ Project facilities shall be subject to a building permit from El Dorado County Building Services.

El Dorado County Department of Environmental Management

- ~~4312.~~ The applicant shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department-Hazardous Materials Division for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation.

El Dorado County Fire Protection District

- ~~4413.~~ The project shall comply with all requirements of the El Dorado County Fire Protection District.

S01-0032-R-6 Additional Conditions

Development Services Division, Planning Services

14. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use 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.
15. Any routine maintenance that requires running the generator or automatic recycling of the generator shall be performed between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.
16. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
17. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.