



(Distributed during hearing by staff) PC 4/28/16
COMMUNITY DEVELOPMENT AGENCY #2

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TO: Planning Commission Item: 2. 15-0881

FROM: Aaron Mount, Project Planner

DATE: April 28, 2016

RE: **S15-0001/Swansboro Verizon Cellular Tower (Mono-Pine)**

Two changes to the staff report and initial study are being recommended by Planning staff and the agent for the project.

Condition of Approval Number 12 changed to a mitigation measure as that is the more appropriate application. Condition of Approval Number 17 (Revised Condition # 16) has been revised to include additional wording proposed by the agent and approved by County Counsel. The recommendation has been revised to reflect the proposed changes.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures as presented;
3. Approve Special Use Permit S15-0001 based on the Findings and subject to the Conditions of Approval as presented.

Mitigation Measures

BIO-1: Pre-construction Survey Required: The following shall be incorporated as a note on the grading/improvement plans:

- a. If construction takes place between May and June, the applicant will be required to conduct surveys for the presence of four special status plant species (*Clarkia biloba ssp. brandegeae*, *Clarkia virgata*, *Horkelia parryi*, and *Chlorogalum grandiflorum*); and
- b. If construction is to take place during nesting season of raptors (February 1 to September 1) the applicant will be required to conduct a survey for active nests on and around the project site, and
- c. Within 14 days prior to construction the applicant will be required to conduct a survey for roosting silver haired and Yuma myotis bats.

If any of the species are found, the applicant shall take necessary measures to protect the species in coordination with the state Department of Fish and Wildlife or the California Native Plant Society. Grading and construction activities may begin after appropriate measures are taken.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: This requirement shall be placed on all grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or ground disturbance within the entire project parcel.

CONDITIONS OF APPROVAL

Special Use Permit S15-0001/Swansboro Verizon Cellular Tower (Mono-Pine) Planning Commission/April 28, 2016

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit E-1	Title Sheet, Sheet A-0; December 23, 2015
Exhibit E-2	Plot Plan/Site Topography, Sheet C-1; December 23, 2015
Exhibit E-3	Plot Plan/Site Topography, Sheet C-2; December 23, 2015
Exhibit E-4	Overall Site Plan, Sheet A-1; December 23, 2015
Exhibit E-5	Enlarged Site Plan, Sheet A-2; December 23, 2015
Exhibit E-6	Equipment/Antenna Layouts, Sheet A-3; December 23, 2015
Exhibit E-7	Elevation, Sheet A-4.1; December 23, 2015
Exhibit E-8	Elevation, Sheet A-4.2; December 23, 2015
Exhibit E-9	Generator Specs, Sheet A-5; December 23, 2015
Exhibit F-1	Photo Simulations
Exhibit F-2	Photo Simulations
Exhibit F-3	Photo Simulations
Exhibit F-4	Photo Simulations
Exhibit F-5	Photo Simulations
Exhibit F-6	Photo Simulations Shot Point Map

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.

Approval of the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission within the existing 39.75-acre parcel identified by Assessor's Parcel Number 085-010-06, and consisting of the following:

- a. One 109-foot tall monopine with three sectors with two antennas per sector and two remote radio units (RRU) per sector for a total of six antennas that measure 6x12x7 inches each attached at the 100 foot pole height;
- b. Two four-foot diameter microwave dishes;
- c. One 15-foot by 16-foot 5-inch raised steel platform within a 22-foot by 38-foot Verizon Wireless lease area to house equipment cabinets and associated equipment;
- d. One 15 kVA standby diesel generator with a 132 gallon fuel tank partially surrounded by a sound wall;
- e. One 836-square-foot equipment compound surrounded by beige or tan, slatted and wire-topped chain link fencing; and
- f. A 120-foot long gravel driveway to provide access to the wireless facility.

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.

Development Services Division (Planning)

2. The following conditions of approval, as amended from COC04-0048, shall be completed prior to issuance of any development permits for the parcel:
 - a. An irrevocable offer of dedication, 25 feet from the centerline of One Eye Creek Road, for road and public utility purposes, including all slope easements, shall be offered to the County across the frontage of the subject parcel. The offer of dedication shall be made on a form approved by the ~~Department of~~ Transportation Division.
 - b. A STOP sign per Standard Plan 105A shall be placed at the intersection of One Eye Creek Road and Mosquito Road.
 - c. A "Not a County Maintained Road" sign, 24x30-inches, black on white, shall be placed on One Eye Creek Road at the intersection with Mosquito Road.
 - d. A street sign in conformance with Standard Plan 105 (B-1) shall be installed at the intersection of One Eye Creek Road and Mosquito Road.
 - e. The property owner shall have the parcel evaluated by a septic system design consultant and the findings submitted to the El Dorado County Environmental

Management ~~Department~~ Division to determine if the parcel can support an on-site septic disposal system prior to application for a building permit.

- f. The applicant shall improve that portion of One Eye Creek Road fronting the subject property to Standard Plan 101-C providing for a minimum unrestricted roadway width of 18 feet with 2-foot shoulders. The roadway improvements and surfacing shall be subject to the review and approval of the ~~Department of~~ Transportation Division and the Mosquito Fire Protection District. Letters evidencing satisfaction with this condition shall be provided to the Planning ~~Department~~ Division.
3. Pursuant to County Code Section 130.54.060, 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.
4. 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.
5. 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 Zoning Ordinance. The pole shall have simulated bark, and the RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch leaves. The branches shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural Pine tree. No antenna shall project out past the branch tips. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
6. 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.
7. 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. to 3:00 p.m. Monday through Friday.
8. Prior to 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 make the actual and full payment of Planning and Building Division processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit. The applicant shall also schedule an inspection by the Planning Division prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
9. 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.

10. 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 to include dated photos of the tower and 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.

11. 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.

~~12. The following shall be incorporated as a note on the grading/improvement plans:~~

- ~~d. If construction takes place between May and June, the applicant will be required to conduct surveys for the presence of four special status plant species (*Clarkia biloba ssp. brandegeae*, *Clarkia virgata*, *Horkelia parryi*, and *Chlorogalum grandiflorum*); and~~
- ~~e. If construction is to take place during nesting season of raptors (February 1 to September 1) the applicant will be required to conduct a survey for active nests on and around the project site, and~~
- ~~f. Within 14 days prior to construction the applicant will be required to conduct a survey for roosting silver haired and Yuma myotis bats.~~

~~If any of the species are found, the applicant shall take necessary measures to protect the species in coordination with the state Department of Fish and Wildlife or the California Native Plant Society. Grading and construction activities may begin after appropriate measures are taken.~~

~~The Planning Division shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.~~

12. The project will remove less than 0.01 percent of oak canopy. The applicant shall plant, maintain and monitor the required replacement of oak canopy as described in the *Biological Assessment for the Verizon Swansboro Site, Foothill Associates (dated January 18, 2016)* and in accordance with General Plan Policy 7.4.4.4 Option A and Interim Interpretive Guideline to General Plan Policy 7.4.4.4 (Option A). The applicant shall submit an updated canopy assessment for review by the County with submittal of grading/building permits. The applicant shall supply Planning Services with proof that the planting has occurred prior to building permit final. Prior to issuance of final occupancy permit, an oak tree maintenance and monitoring agreement shall be secured for the long-term maintenance and preservation of these replanted trees, in accordance with the Interim Interpretive Guideline.

13. The applicant shall incorporate into the grading permit plan and implement all tree preservation and protection measures detailed in the *Biological Assessment for the Verizon Swansboro Site, Foothill Associates (dated January 18, 2016)*.

14. 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.

15. 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.

16. 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.

17. The applicant shall repair all damage to the access roads caused by installation of the cell tower facility (One Eye Creek Road and the access to the cell tower facility site).

Air Quality Management District

18. Fugitive Dust: The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
19. Paving: Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials (Rule 224).
20. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

21. 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 (Section 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.
22. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., emergency standby engine greater than 50hp, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors (Rule 501 and 523).
23. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.