

**S15-0013/Verizon Wireless Outingdale Communication Facility (Mono-Pine)** - As approved by the Planning Commission on October 13, 2016

**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:

Revised Exhibit E .....Site and Equipment Sheets  
Exhibit I .....Oak Canopy Analysis

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 Conditional Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission within the existing 10.06-acre parcel identified by Assessor's Parcel Number 046-361-60, and consisting of the following:

- a. One 150-foot tall monopine with (4) sectors with (3) antennas per sector and (3) remote radio units (RRU) per sector for a total of twelve antennas;
- b. One 30KW Generac Standby Generator w/132 Gallon diesel tank;
- c. Two 6-foot diameter microwave antennas;
- d. Two GPS antennas;
- e. One 900-square foot equipment compound surrounded by eight-foot Concrete Masonry Unit (CMU) block wall;
- f. Outdoor ground equipment within the Verizon Wireless lease area; and
- g. A 1,500 gallon water tank with irrigation line extending north to the two proposed new oak trees.

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. Pursuant to County Code Section 130.54.060, implementation of the project must occur within 24 months of approval of this Conditional 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.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color to comply with the screening requirements of Section 130.14.210.F of the County Code. 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.
4. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
5. 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.
6. For colocation purposes, no further review by the Planning Commission shall be required provided that 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).
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. and 3:00 p.m., Monday through Friday.
8. All fences will be constructed from non-combustible materials.
9. 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 Services' processing fees for the Conditional Use Permit and Building Permits prior to issuance of a Building Permit. 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.

10. 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.
11. Due to the ever-changing technology of wireless communication systems, this Conditional Use Permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission 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 Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

12. 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.
13. 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.

14. 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.

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

If construction activities occur during the nesting season (March to September), the applicant will be required to have a pre-construction survey for presence of special-status bird species or any nesting bird species within 500 feet of proposed construction areas. The survey shall be conducted by a qualified biologist. If active nests are identified in these areas, California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and

Wildlife Service (USFWS) shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

The results of the pre-construction survey and any avoidance recommendations shall be submitted to the County. If any non-listed special-status species are found on or adjacent to the project site, work should be stopped in the immediate area and the project biologist should be consulted for avoidance measures. If a listed species is found on or adjacent to the project site, necessary measures to protect the species in coordination with the CDFW or the California Native Plant Society shall be taken. Grading and construction activities may begin 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 order to offset the minor tree canopy removal, two interior live oaks (*Quercus wislizeni*) shall be planted to the northwest of the proposed lease area, as shown on the Conceptual Planting Plan (Exhibit I). The trees will be monitored for a period of 10 years. As the project will impact 0.01 acre of oak canopy, replanting two oak trees will meet and/or potentially exceed the requirement for the replacement of oak tree canopy at a 1:1 ratio.
17. The large heritage oak located approximately 60 feet east from the lease area shall be protected from all construction and grading activity. Measures to provide protection to oak trees shall include:
  - a. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of the tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of the tree. Removing limbs which make up the dripline does not change the protected area.
  - b. Temporary orange construction fencing or a similar protective barrier shall be installed one foot outside the dripline prior to initiating project construction, in order to avoid damage to the trees and their root systems.
  - c. No signs, ropes, cables (except cables which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the oak trees.
  - d. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of the

protected oak trees.

- e. Any soil disturbance (scraping, grading, trenching, and excavation) is to be avoided within the driplines of the protected oak trees. Where this is necessary, an International Society of Arboriculture (ISA) Certified Arborist will provide specifications for this work, including methods for root pruning, backfill specifications and irrigation management guidelines.
- f. All underground utilities and drain or irrigation lines shall be routed outside the driplines of oak trees. Trenching within protected tree driplines is not permitted. If utility or irrigation lines must encroach upon the dripline, they should be tunneled or bored under the trees under the supervision of an ISA Certified Arborist.
- g. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of the oak trees.
- h. No sprinkler or irrigation system shall be installed in such a manner that it sprays water within the driplines of the oak trees.
- i. Tree pruning that may be required for clearance during construction must be performed by an ISA Certified Arborist or Tree Worker and in accordance with the American National Standards Institute (ANSI) A300 pruning standards and the ISA "Tree Pruning Guidelines".
- j. Landscaping beneath the oak trees may include non-plant materials such as boulders, decorative rock, wood chips, organic mulch, non-compacted decomposed granite, etc. Landscape materials shall be kept two feet away from the base of the trunk. The only plant species that shall be planted within the driplines of the oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.
- k. Any fence/wall that will encroach into the dripline protection area of any protected tree shall be constructed using grade beam wall panels and posts or piers set no closer than 10 feet on center. Posts or piers shall be spaced in such a manner as to maximize the separation between the tree trunks and the posts or piers in order to reduce impacts to the trees.
- l. In the instance where there is not enough room on a work site, 4-inches of new mulch with metal plates or  $\frac{3}{4}$  inch plywood placed over the mulch, will be installed.

In the event that oak trees are severely impacted by trimming and construction activities, or that the oak canopy does not regenerate, the entirety of the oak canopy lost shall be replaced in accordance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4. The applicant shall submit an updated canopy monitoring

plan for review by the county.

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

18. In accordance with California Fish and Game Code Section 711.4, the applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.
19. 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.

#### **Environmental Management-Solid Waste and Hazardous Materials Division**

20. Under the 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 to the Community Development Agency / Environmental Management Division via CERS (California Environmental Reporting System) and applicable fees paid.

#### **Air Quality Management District**

21. 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 if a Grading Permit is required from Building Services. (Rules 223 and 223.1)
22. Paving: Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224)
23. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

24. 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](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.
25. 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).
26. 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.
27. Prior to issuance of a building permit, the applicant shall develop, implement, and maintain a Wildland Fire Safe Plan compliant with the State Fire Safe Regulations and approved by the Pioneer Fire Department.