



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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March 18, 2015

GTE Mobilnet of Santa Barbara LP dba
Verizon Wireless
c/o Michelle Ellis
Complete Wireless Consulting, Inc.
2009 V Street
Sacramento, CA 95818

PLANNING COMMISSION
HEARING OF MARCH 11, 2015

RE: Verizon at Mora Conditional Use Permit; 14CUP-00000-00024

Hearing on the request of Michelle Ellis, agent for Verizon Wireless, to consider Case No. 14CUP-00000-00024 [application filed on October 28, 2014] for a Conditional Use Permit allowing construction and operation of an unstaffed telecommunications facility with a 50 foot tall antenna support structure designed to resemble a broadleaf tree, in compliance with Sections 35.82.060 (Conditional Use Permits) and 35.44.010 (Telecommunications Facilities) of the County Land Use and Development Code, on property zoned AG-I-10; and to determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15303 and 15304. The application involves AP No. 141-430-018, located at 1867 Mora Avenue, in the Santa Ynez area, Third Supervisorial District.

Dear Ms. Ellis:

At the Planning Commission hearing of March 11, 2015, Commissioner Hartmann moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to:

1. Make the required findings for approval of the project, Case No. 14CUP-00000-00024, specified in Attachment A of the staff report, dated February 19, 2015 including CEQA findings;
2. Determine that the project is exempt from CEQA pursuant to CEQA Guideline Sections 15303 and 15304, as specified in Attachment C of the staff report, dated February 19, 2015;
3. Approve the project, Case No. 14CUP-00000-00024, subject to the conditions included as Attachment B of the staff report, dated February 19, 2015, and as revised at the hearing of March 11, 2015.

Revisions to the Conditions of Approval are shown below in ~~strikeout~~ and underline.

Condition 1 is revised as follows:

Proj Des-01 Project Description. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-K, dated March 11, 2015, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is a request by Michelle Ellis of Complete Wireless Consulting, agent for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and operation of an unstaffed telecommunications facility, in compliance with Sections 35.82.060 and 35.44 of the County Land Use and Development Code, on property zoned AG-I-10. The facility will be located within a 25 ft by 45 ft (1,125 sq ft) fenced lease area on a 4.79 acre parcel located at 1867 Mora Avenue, Assessor Parcel No. 141-430-018.

The facility will consist of nine Verizon Wireless panel antennas in three sectors (three antennas per sector). The antennas will be mounted at a height centerline of 42 ft on a new 50 ft tall antenna support structure designed to resemble a broadleaf tree. A microwave dish will be mounted at an as-yet undetermined height in Sector A. The proposed facility will offload capacity from existing Los Olivos/Eastern Santa Ynez Valley area sites that are currently at or near maximum capacity.

The support equipment for the facility will be located in new 11 ft, 6 inch by 16 ft, 10.5 inch (194 sq ft) prefabricated equipment shelter with a maximum height of 10.5 feet located within the fenced lease area. The equipment shelter will include a new electrical pedestal and will have underground power and Telco utilities; a surge protector; and a coaxial cable ice bridge to protect the cables from inclement weather. Two GPS antennas and two air conditioning units will be mounted on the side of the shelter. Acoustical fencing shall be installed inside of the lease area fence along the entire north side of the lease area.

The lease area will also contain a 32 KW diesel emergency generator and 132 gallon fuel tank located on a new 6 ft by 13 ft (78 sq ft) concrete slab. The emergency generator will temporarily serve the facility in the event of a power failure. In addition, the generator will operate for approximately 15 minutes per week during the daytime, for maintenance purposes. The emergency generator will be located on a concrete pad and stored inside an enclosure within the lease area. In the event of an accidental spill, the fuel would be contained within the enclosure on the concrete pad and would not be discharged off site.

The facility will be served by Pacific Gas and Electric and Verizon by a connection to existing utilities onsite. With the exception of a security light, no exterior lighting is proposed. The security light will be located above the equipment structure door and will be hooded, low-wattage, and directed downward. The light will only be switched on if an emergency required personnel to access the site at night.

The project will require minimal grading (less than 50 cubic yards) for utility trenching. Access and parking for routine maintenance of the facility will be provided by a proposed 12 ft wide access easement over an existing gravel driveway accessed from Mora Avenue. No tree removal is proposed.

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.

Condition 3 is revised as follows:

Aest-04 BAR Required. The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and

landscaping shall be compatible with vicinity development and shall conform in all respects to BAR approved plans (Case No. 14BAR-00000-00223). **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning Clearance. Prior to final BAR approval, the BAR shall conduct field matching of the colors and materials of the faux tree to ensure their compatibility with the surrounding area.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

Condition 10 is revised as follows:

Tel-01 Tree Design. The Permittee shall adhere to the following design specifications for the tree: branch foliage must vary in density, spacing, size and angle to avoid rigid symmetry; overall tree shape shall integrate with the context of the site; colors of the faux trunk and branches shall be non-reflective; the exterior surface of the faux trunk shall emulate the texture of a real tree; all antennas (panels, microwave and GPS), mounting brackets, and coaxial cables shall be completely screened from public view by the faux foliage and painted to match; and the overall design shall substantially conform to and implement the visual effect represented in the photo simulations accompanying the project application.

PLAN REQUIREMENTS: Construction plans evidencing compliance with the ~~monopine~~ faux broadleaf tree specifications shall be submitted by the Permittee to P&D permit processing planner.

TIMING: This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D compliance monitoring staff shall conduct a project compliance inspection prior to Final Building Inspection Clearance.

Condition 11 is revised as follows:

Tel-02 Landscaping. Landscaping shall be installed along the north side of the lease area and maintained per the BAR and County-approved landscaping plan, which shall be shown on project plans. The project shall include landscaping that, to the maximum extent feasible, reduces visibility of the telecommunications equipment and facilities and security light from the parcel to the north. The landscaping shall consist of privet hedge or other BAR-approved plants. The type, size, density and configuration of new plants shall be selected to maximize successful establishment and growth to achieve this landscaping objective within a reasonable period of time after installation. At the discretion of the County, a biologist/arborist may be employed to provide consultations and assist with field inspections as necessary to monitor establishment and success of such landscaping. Such biologist/arborist, if employed by the County, shall be retained at the sole expense of the Permittee.

PLAN REQUIREMENTS: Final landscape and irrigation plans shall be approved by the BAR and submitted by the Permittee to the County for review and approval prior to issuance of Zoning Clearance. **TIMING:** All landscaping and irrigation shall be completed and installed prior to Final Building Inspection Clearance. Plant locations may be adjusted in the field (as directed by P&D staff) to achieve landscaping objectives.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and shall periodically conduct field checks to monitor maintenance thereafter. If the Permittee fails to either install or maintain according to the approved plan, the County may consider it a permit violation.

Condition 36 is added as follows:

Special Condition Noise -01 Acoustical Fencing. In order to block facility-related noise from the property to the north, acoustical fencing shall be installed inside of the lease area fence along the north side of the lease area. **PLAN REQUIREMENTS:** Acoustical fencing shall be identified on BAR-

approved final zoning plans submitted by the Permittee to the County prior to issuance of Zoning Clearance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

The attached findings and conditions reflect the Planning Commission's actions of March 11, 2015.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on March 23, 2015 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$648.26 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 14CUP-00000-00024
Planning Commission File
Owner: Dennis L. Merchant, 1867 Mora Avenue, Santa Ynez, CA 93460
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Doreen Farr, Third District Supervisor
Joan Hartmann, Third District Commissioner
Jenna Richardson, Deputy County Counsel
✓ Joyce Gerber, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval

DMB/dmw

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 and 15304. Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit, the review authority shall first make all of the following findings, as applicable:

2.1.1 **The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.**

The subject 4.79-acre parcel is zoned Agriculture (AG-I-10) and is located within the Santa Ynez Community Plan Community Plan Rural Area of the County. Adjacent parcels are zoned AG-I-10 and AG-I-20 (Rancho Estates/Rural Home Sites). Surrounding development consists of five to 10-acre parcels developed with low-density residential uses and agriculture. The subject parcel is developed with a single family dwelling, guest house, and agricultural accessory structures, as well as fenced pastures used for horse boarding.

The facility consists of one 50 ft tall antenna support structure designed to resemble a faux broadleaf tree, and a 94 sq ft pre-fabricated equipment storage building with a maximum height of 10.5 feet. Antennas will be concealed within the crown of the tree. A backup generator on a 78 sq ft concrete slab will also be located within the approximately 1,125 sq ft lease area. The lease area will be fenced with corral board or other BAR-approved fencing. The facility will be accessed by an existing driveway.

The proposed lease area and monopole will be set back approximately 566 feet from Mora Avenue and 805 feet from Baseline Avenue. The design of the antenna support structure as a faux broadleaf tree effectively utilizes the existing onsite and surrounding trees so that the site blends into the surrounding natural environment. As a result, the proposed 50 ft tall antenna support structure will be partially visible from Mora Avenue, Baseline Avenue, and surrounding adjacent properties. The shelter will not be visible from public viewing areas, but will be partially visible from the adjacent parcels to the north and west. The Central Board of Architectural Review (CBAR) conceptually reviewed the proposed design and determined that the proposed design of the facility would be compatible with the existing visual character of the surrounding area. The project is conditioned to require 1) the antennas to be painted in a non-reflective color to blend into the existing natural setting and reduce their visibility; 2) the project to receive preliminary and final CBAR approval prior to issuance of the Zoning Clearance; 3) that the only exterior lighting is a security light that will be Dark Sky compliant and approved by the CBAR; and 4) that all onsite vegetation as well as project landscaping be maintained for the life of the project (Conditions 3, 4, 11, 12, and 13).

Therefore, the project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

2.1.2 Within the inland area, significant environmental impacts will be mitigated to the maximum extent feasible.

No significant environmental impacts will result from the project. The project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

The proposed project consists of the construction and use of an unstaffed telecommunications facility within an approximately 1,125 sq ft lease area with ground disturbance on slopes of less than 10 percent, landscaping, and trenching where the surface is restored. A 50 ft high antenna support structure, 194 sq ft prefabricated equipment shelter, and 78 sq ft concrete slab with a diesel emergency generator and fuel tank will be located inside of the fenced lease area. The 50-foot tall antenna support structure will be designed to look like a broadleaf tree. This design will blend the facility in with the existing mature trees in the surrounding rural, agricultural area to the maximum extent feasible. The 1,125 sq ft lease area will be located on flat ground in a pasture. No trees are located within the footprint of the facility or utility trench.

To ensure that the project operates within FCC limits, the County required the applicant to submit a report prepared by a qualified third party that estimates the proposed project's radio frequency emissions and determines whether or not they comply with the Federal requirements. As discussed in Section 4.2 of this staff report and incorporated herein by reference, the applicant provided a Radio Frequency Electromagnetic (RF-EME) Compliance report prepared by Sitesafe Inc. dated June 19, 2014. The report concludes that "The Max MPE (maximum permissible exposure) predicted is 0.2% Occupational at Verizon Wireless Alpha sector on top of the barn roof to the northeast." The barn is located approximately 190 ft from the telecommunications facility. The closest residences to the proposed telecommunications facility are located approximately 288 ft to the south (on an adjacent parcel); 496 ft to the southwest (on the subject parcel); and 454 ft to the east (a guesthouse, also on the subject parcel). The report verifies that the facility would operate in compliance with the applicable FCC limits. Additional conditions include the requirement for final CBAR approval to ensure that the project is visually compatible with the surrounding area, and the requirement for monitoring of radiofrequency emissions to ensure compliance with FCC standards.

As discussed in Section 4.3 of this staff report and incorporated herein by reference, an Environmental Noise Analysis was performed for the project by Bollard Acoustical Consultants Inc. dated July 30, 2014. Based on the results of the analysis, the noise generated by the project will be less than the County's threshold of 65dBA at the nearest property line.

Therefore, this finding can be made.

2.1.3 Streets and highways are adequate and property designed to carry the type and quantity of traffic generated by the proposed use.

The unstaffed facility will not generate traffic other than during installation and for periodic maintenance required on an as-needed basis. Access to the project site will be provided from Mora Avenue, a public road. The existing roadway infrastructure is adequate to serve the facility. Therefore, the existing streets are sufficient to serve the project and this finding can be made.

2.1.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated February 19, 2015 and incorporated herein by reference, the facility will be unstaffed and will not require any public services such as water, sewage, police or fire. Power and telephone service currently exist at the site and will be sufficient to serve the project. Therefore, this finding can be made.

2.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated February 19, 2015 and incorporated herein by reference, the facility complies with the Federal health and safety standards and therefore will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. Additionally, the antennas support structure is designed to resemble a broadleaf tree, which blends the facility in with the surrounding natural environment. The faux tree support structure will reduce the visibility of the antennas. The facility has been carefully sited and designed to be visually compatible with the surrounding area. Therefore, this finding can be made.

2.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.2 and 6.3 of the staff report dated February 19, 2015, and incorporated herein by reference, the project will be in conformance with all applicable provisions of the LUDC, and the Comprehensive Plan, including the Santa Ynez Valley Community Plan. Therefore, this finding can be made.

2.1.7 Within rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

The project site is located within the Rural area of the Santa Ynez Community Planning area. The 50 foot tall antenna support structure, which will be partially visible from public viewing areas, will resemble a broadleaf tree, with the antennas concealed inside the crown. The equipment shelter will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 1,125 sq ft lease area will be surrounded by corral board or other CBAR-approved fencing to blend with the surrounding horse pastures and agricultural use. As discussed in Sections 4.1 and 6.2 of the staff report dated February 19, 2015 and incorporated herein by reference, the Central Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux broadleaf tree antennas support structure would be the most appropriate support structure to visually blend the facility in to the existing rural, agricultural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

2.2 ADDITIONAL FINDINGS PER LUDC SECTION 35.44.010.G

In addition to the findings required to be adopted by the review authority in compliance

with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permit), Section 35.82.080 (Development Plans) and Section 35.82.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

2.2.1 The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.

The project site is located within the Rural area of the Santa Ynez Community Planning area. The 50 foot tall antenna support structure, which will be visible from public viewing areas, will be designed to resemble a broadleaf tree, with the antennas concealed inside the crown. The equipment shelter will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 1,125 sq ft lease area will be surrounded by corral board or other CBAR-approved fencing to blend with the surrounding horse pastures and agricultural use. As discussed in Sections 4.1 and 6.2 of the staff report dated February 19, 2015 and incorporated herein by reference, the Central Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux broadleaf tree antennas support structure would be the most appropriate support structure to visually blend the facility in to the existing rural, agricultural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

2.2.2 The facility is located to minimize its visibility from public view.

The lease area and monopole will be set back approximately 566 feet from Mora Avenue and 805 feet from Baseline Avenue. The design of the antenna support structure as a faux broadleaf tree effectively utilizes the existing onsite and surrounding trees so that the facility blends into the surrounding natural environment. As a result, the antenna support structure will not be substantially visible from public viewing areas.

The support facilities will be enclosed within a pre-fabricated equipment storage building located within a pasture, and will not be visible from public viewing areas. The pre-fabricated equipment storage building is designed with a non-reflective finish. The antenna support structure will be coated with non-reflective material resembling tree bark. The leased premises will remain unlit except for a manually operated switch light which limits lighting to the area of the equipment in the immediate vicinity of the antennas support structure. The project is designed to minimize its visibility from public views. Therefore, this finding can be made.

2.2.3 The facility is designed to blend into the surrounding environment to the greatest extent feasible.

The lease area and monopole will be set back approximately 566 feet from Mora Avenue and 805 feet from Baseline Avenue. The antenna support structure will not be substantially visible from public viewing areas as it is camouflaged as a faux broadleaf tree to blend in and integrate with the natural environment. This design will maximize the structure's compatibility with the surrounding area, and effectively utilizes the existing surrounding vegetation so that the site blends into the surrounding rural, agricultural area. The antennas and equipment storage shelter will be finished and/or painted in a non-reflective colors and textures to blend them into the existing natural setting and further reduce their visibility to the maximum extent feasible. Therefore this finding can be made.

2.2.4 The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D (additional development standards for telecommunication facilities).

a. **An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:**

1. **Would not increase the visibility of the facility or decrease public safety, or**
2. **Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or**
3. **Would avoid or reduce the potential for environmental impacts.**

As discussed in Section 6.3 of the staff report dated February 19, 2015 and incorporated herein by reference, the project complies with all required development standards. Therefore, this finding can be made.

2.2.5 The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

As discussed in Section 4.2 of this staff report and incorporated herein by reference, a radiofrequency emissions report (Sitesafe Inc., June 19, 2014) concluded that the predicted Maximum Permissible Exposure (MPE) generated due to the proposed cell site operation would be 0.2% FCC's occupational limit on top of the barn roof located approximately 190 ft to the northeast. The closest residence to the facility is located 288 ft away. As a part of the project conditions (condition no. 15, "FCC Compliance"), a verification measurement report will be required within 30 days of final building clearance to confirm adherence to these requirements. Therefore, this finding can be made.

2.2.6 The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

As discussed in Sections 4.1 and 6.3 of the staff report dated February 19, 2015, and incorporated herein by reference, the purpose of the proposed facility to offload capacity from an existing Verizon cell site in the hills south of Lake Cachuma (as opposed to improving the cellular coverage area). The existing facility, identified by Verizon as the "Santa Ynez gamma sector", is currently at or near its maximum capacity as a result its use by of network users other than Verizon. Verizon's assessment of need for additional capacity is based on their monitoring of device performance on its network, and information from user complaints about service. The proposed Verizon at Mora facility would boost the capacity available on the network, so Verizon devices in that area would have full operational abilities. The target area to be covered by this improvement is a low, wide area of the valley floor located along the west side of Highway 154. This is in contrast to a tower designed to improve coverage, which would target a concentrated area immediately surrounding the facility. As such, light-of-sight requirements for transmission of radio waves require antennas to be of a sufficient height for radio signals to reach the target area. The applicant and project engineer have stated that 50 ft is the shortest antenna support structure that would meet the project's objectives (see e-mails dated 2/27/15 and 3/2/15 included in Attachment I of this staff report and incorporated herein by reference). A 50 ft tower would allow a 42 ft antenna centerline, which is necessary to reach all of the area that is affected by decreased capacity. A lower tower (and thus lower antenna centerline) would require more towers to achieve the same objective. Moreover, a lower centerline would increase the electromagnetic emissions (EME) on the ground, potentially above the safe public exposure threshold. A 42 ft centerline accommodates a 35 ft limit for the bottom of antennas, resulting in a site where EME is below the public exposure limits. This height also allows room for future growth. Therefore, this finding can be made.

2.2.7 The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

As discussed in Section 6.3 of the staff report dated February 19, 2015 and incorporated herein by reference, collocating would not meet the objective for the project, which is to offload capacity from an existing telecommunications facility that are currently at or near maximum capacity. A search area was identified that would allow the proposed tower to meet the project objectives. There are six existing or proposed towers within approximately two miles of the search area. These are owned by GTE Mobilnet (31 ft high); Sprint (65 ft high); Cingular Wireless (65 ft high); Radio Representatives, Inc (298 ft high); AT&T (65 ft); and the Santa Ynez Valley Airport (36 ft). These sites are located between 1.61 and 2.29 miles from the search area, but none are within the radius required to offload capacity from the existing facility that is at its maximum capacity. As discussed in Section 4.1 of this staff report and incorporated herein by reference, and as described in Finding 2.2.6 above, 50 ft is the shortest tower height that would meet the project objectives. The 50 ft support structure is designed as a faux broadleaf tree. This design maximizes the structure's compatibility with the surrounding rural, agricultural area so that the site blends into the surrounding natural environment. The antennas and equipment storage building will be finished and painted in non-reflective colors and textures to blend them into the existing natural setting and further reduce their visibility to the maximum extent feasible. Therefore the applicant has demonstrated that the facility design and location is the least intrusive means feasible to provide the needed coverage and this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

Verizon Telecommunications Facility at Mora Avenue

Case No. 14CUP-00000-00024

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-K, dated March 11, 2015, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is a request by Michelle Ellis of Complete Wireless Consulting, agent for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and operation of an unstaffed telecommunications facility, in compliance with Sections 35.82.060 and 35.44 of the County Land Use and Development Code, on property zoned AG-I-10. The facility will be located within a 25 ft by 45 ft (1,125 sq ft) fenced lease area on a 4.79 acre parcel located at 1867 Mora Avenue, Assessor Parcel No. 141-430-018.

The facility will consist of nine Verizon Wireless panel antennas in three sectors (three antennas per sector). The antennas will be mounted at a centerline of 42 ft on a new 50 ft tall antenna support structure designed to resemble a broadleaf tree. A microwave dish will be mounted at an as-yet undetermined height in Sector A. The proposed facility will offload capacity from existing Los Olivos/Eastern Santa Ynez Valley area sites that are currently at or near maximum capacity.

The support equipment for the facility will be located in new 11 ft, 6 inch by 16 ft, 10.5 inch (194 sq ft) prefabricated equipment shelter with a maximum height of 10.5 feet located within the fenced lease area. The equipment shelter will include a new electrical pedestal and will have underground power and Telco utilities; a surge protector; and a coaxial cable ice bridge to protect the cables from inclement weather. Two GPS antennas and two air conditioning units will be mounted on the side of the shelter. Acoustical fencing shall be installed inside of the lease area fence along the entire north side of the lease area.

The lease area will also contain a 32 KW diesel emergency generator and 132 gallon fuel tank located on a new 6 ft by 13 ft (78 sq ft) concrete slab. The emergency generator will temporarily serve the facility in the event of a power failure. In addition, the generator will operate for approximately 15 minutes per week during the daytime, for maintenance purposes. The emergency generator will be located on a concrete pad and stored inside an enclosure within the lease area. In the event of an accidental spill, the fuel would be contained within the enclosure on the concrete pad and would not be discharged off site.

The facility will be served by Pacific Gas and Electric and Verizon by a connection to existing utilities onsite. With the exception of a security light, no exterior lighting is proposed. The security light will be located above the equipment structure door and will be hooded, low-wattage, and directed downward. The light will only be switched on if an emergency required personnel to access the site at night.

The project will require minimal grading (less than 50 cubic yards) for utility trenching. Access and parking for routine maintenance of the facility will be provided by a proposed 12 ft wide access easement over an existing gravel driveway accessed from Mora Avenue. No tree removal is proposed.

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.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to BAR approved plans (Case No. 14BAR-00000-00223).
TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning Clearance. Prior to final BAR approval, the BAR shall conduct field matching of the colors and materials of the faux tree to ensure their compatibility with the surrounding area.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Special Condition – Tree Preservation.** Existing trees located on the subject parcel shall be preserved and protected to the maximum extent feasible for the life of the project. Trees which are removed or die shall be replaced with those of a comparable size, species and density as approved by P&D staff. **PLAN REQUIREMENTS:** The permittee shall submit a tree preservation plan to P&D staff that shows the type and location of all trees located on the subject parcel to be preserved for the life of the project. **TIMING:** The tree preservation plan shall be reviewed and approved by P&D staff prior to issuance of Zoning Clearance.

MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

5. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of the Zoning Clearance, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

6. **EM-01 Emergency Generator.** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a weekly basis for a period not to exceed 15 minutes. Non-emergency operation beyond 15 minutes per week shall be prohibited. **Timing:** The exercise period shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 15 minutes per week shall be prohibited. **Plan Requirements:** The Permittee shall restate the provisions for compliance on all building plans.

MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

7. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

8. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to

prevent dust generation. Reapply as needed.

- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide P&D and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.

TIMING: The dust monitor shall be designated prior to grading and/or building permit issuance. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed. P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

- 9. **Bio-20 Equipment Washout-Construction.** The Owner/Applicant shall designate one or more washout areas for the washing of concrete tools, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Zoning Clearance / Grading / Building permits. Building and Safety staff shall ensure compliance prior to and throughout construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

- 10. **Tel-01 Tree Design.** The Permittee shall adhere to the following design specifications for the tree: branch foliage must vary in density, spacing, size and angle to avoid rigid symmetry; overall tree shape shall integrate with the context of the site; colors of the faux trunk and branches shall be non-reflective; the exterior surface of the faux trunk shall emulate the texture of a real tree; all antennas (panels, microwave and GPS), mounting brackets, and coaxial cables shall be completely screened from public view by the faux foliage and painted to match; and the overall design shall substantially conform to and implement the visual effect represented in the photo simulations accompanying the project application. **PLAN REQUIREMENTS:** Construction plans evidencing compliance with the faux broadleaf tree specifications shall be submitted by the Permittee to P&D permit processing planner. **TIMING:** This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D compliance monitoring staff shall conduct a project compliance inspection prior to Final Building Inspection Clearance.

11. **Tel-02 Landscaping.** Landscaping shall be installed along the north side of the lease area and maintained per the BAR and County-approved landscaping plan, which shall be shown on project plans. The project shall include landscaping that, to the maximum extent feasible, reduces visibility of the telecommunications equipment and facilities and security light from the parcel to the north. The landscaping shall consist of privet hedge or other BAR-approved plants. The type, size, density and configuration of new plants shall be selected to maximize successful establishment and growth to achieve this landscaping objective within a reasonable period of time after installation. At the discretion of the County, a biologist/arborist may be employed to provide consultations and assist with field inspections as necessary to monitor establishment and success of such landscaping. Such biologist/arborist, if employed by the County, shall be retained at the sole expense of the Permittee. **PLAN REQUIREMENTS:** Final landscape and irrigation plans shall be approved by the BAR and submitted by the Permittee to the County for review and approval prior to issuance of Zoning Clearance. **TIMING:** All landscaping and irrigation shall be completed and installed prior to Final Building Inspection Clearance. Plant locations may be adjusted in the field (as directed by P&D staff) to achieve landscaping objectives.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and shall periodically conduct field checks to monitor maintenance thereafter. If the Permittee fails to either install or maintain according to the approved plan, the County may consider it a permit violation.

12. **Tel-03 Colors and Painting.** The pre-fabricated equipment storage building shall be designed with a brown non-reflective aggregate finish in accordance with the approved BAR plans. **PLAN REQUIREMENTS:** Color specifications shall be identified on final zoning plans submitted by the Permittee to the County prior to issuance of Zoning Clearance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

13. **Tel-05 Exterior Lighting.** Except as otherwise noted in the Project Description and development plans, the antenna support structure shall not be lighted. The leased premises shall likewise be unlit except for a manually operated switch light that limits lighting to the area of the equipment in the immediate vicinity of the antenna support structure. The light fixture shall be fully shielded, full cut off and downcast so as to avoid spillage onto adjacent areas and shall be kept off except when maintenance personnel are actually present at night. **PLAN REQUIREMENTS:** The Permittee shall restate the lighting limitations on the construction plans. Plans for exterior lighting, if any are provided, shall be submitted to the County for review and approval. **TIMING:** This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and respond to any complaints.

14. **Tel-06 Underground Utilities.** Except as otherwise noted in the Project Description and development plans, all utilities necessary for facility operation, including coaxial cable, shall be placed underground. Conduit shall be sized so as provide additional capacity to accommodate utilities for other telecommunication carriers should collocation be pursued in the future. **PLAN REQUIREMENTS:** The Permittee shall restate the provisions for

utility undergrounding on all building and grading plans. **TIMING:** This condition shall be satisfied prior to issuance of the Zoning Clearance.

MONITORING: P&D staff shall check plans prior to issuance of Zoning Clearance.

15. **Tel-08 FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (“FCC”), including but not limited to, safety signage, Maximum Permissible Exposure (“MPE”) Limits, and any other similar requirements to ensure public protection or (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction. Compliance shall be governed by the following:
- a. Permittee shall hire a qualified professional acceptable to the County (wholly independent of Permittee), to perform radio frequency (“RF”) field test that measures actual RF electromagnetic exposure at the site. This RF field-testing shall measure all ambient sources of RF energy at the site & report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole. Measurements shall be made by the responsible professional who will author the report to the County. Report of the results and the author's/professional's findings with respect to compliance with federally established MPE standards shall be submitted to the County w/in 30 days of Final Building Clearance. Permittee shall pay for the cost of the field measurements and preparing the report. The facility shall cease & desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - b. Every 5 years, Permittee shall hire a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards. In the event the adopted RF standards change, Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards, w/in 90 days of the date the change becomes effective. If calculated levels exceed 80% of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site. Permittee shall pay for the cost of preparing the reports. For joint-carrier sites, cumulative reporting may be delegated to one carrier upon the agreement of all carriers at the site. Procedures, penalties & remedies for non-compliance with these reporting requirements shall be governed by the provisions of the Telecommunications Ordinance & FCC regulations.
 - c. Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is w/in the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated in “a” above.

PLAN REQUIREMENTS: All building plans shall include provisions for MPE compliance. **TIMING:** Initial verification of compliance with RF public MPE standards shall be accomplished no later than 30 days following Final Building Clearance. Continued verification of compliance with MPE requirements shall be accomplished by RF field test

reports submitted every 5 years following initial verification. P&D planner shall review all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard. P&D planner shall monitor changes in RF standards, as well as equipment modifications, additions & RF exposures at the site as reported by the Owner/Applicant that might trigger the requirement for field-testing at intervening times between regular test periods.

MONITORING: P&D planner shall review all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard. P&D planner shall monitor changes in RF standards, as well as equipment modifications, additions & RF exposures at the site as reported by the Owner/Applicant that might trigger the requirement for field-testing at intervening times between regular test periods.

16. **Tel-09 Project Review.** Five years after issuance of the Zoning Clearance for the project and no more frequently than every five years thereafter, the Director of P&D may undertake inspection of the project and require the Permittee to modify its facilities subject to the following parameters:

- a. **Modification Criteria.** Modifications may be required if, at the time of inspection it is determined that: (i) the Project fails to achieve the intended purposes of the development standards listed in the Telecommunications Ordinance for reasons attributable to design or changes in environmental setting; or (ii) more effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the Project was initially approved.
- b. **Modification Limits.** The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the Permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the Permittee shall not be required to undertake changes that exceed ten percent (10%) of the total cost of facility construction. The decision of the Director as to modifications required herein shall be deemed final unless appealed in compliance with the provisions of the County Code.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for emissions compliance on all building plans. **TIMING:** Building permit valuation data shall be used for the purpose establishing the estimated cost of installing the facility. At the time of subsequent inspection and upon reasonable notice, the Permittee shall furnish supplemental documentation as necessary to evaluate new technology, capacity and coverage requirements of the Permittee.

MONITORING: P&D compliance monitoring staff shall conduct periodic inspections and ascertain whether more effective mitigation is available with regard to design and technology. In the event of violation, the permit shall be referred to Zoning Enforcement for abatement.

17. **Tel-10 Collocation.** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters: (i) the party seeking the collocation shall be responsible for all facility modifications, environmental review,

conditions of approval, associated costs and permit processing; (ii) the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk; (iii) the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and (iv) the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

18. **Tel-11 Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

PLAN REQUIREMENTS: The Permittee shall notify the County of changes in ownership to any or all of the telecommunications facility. **TIMING:** Notification of changes in facility ownership shall be given by the Permittee and/or succeeding carrier to the County within 30 days of such change.

19. **Tel-12 Site Identification.** The Permittee shall clearly identify each piece of equipment installed at a site with the Permittee's name and site number to distinguish from other telecommunication carriers' equipment, including but not limited to: antennas, microwave dishes, equipment shelters, support poles, and cabinetry. The Permittee shall be responsible for clearly marking with permanent paint, tags, or other suitable identification all facility equipment belonging to the Permittee as stated on the site plans.

TIMING: This condition shall be satisfied prior to Final Building Inspection Clearance. **MONITORING:** P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

20. **Tel-13 Facility Maintenance.** The facility shall be maintained in a state of good condition at all times. This includes, but is not limited to: painting; landscaping; site identification; equipment repair; and keeping the facility clear of debris, trash, and graffiti.

21. **Tel-15 Agreement to Comply.** The facility owner and property owner shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to P&D. Such form may be obtained from the P&D office prior to issuance of Zoning Clearance. The facility owner and property owner shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.

22. **Tel-16 Abandonment-Revocation.** The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension. In the event the Owner requests that the facility or structures remain, the Owner must apply for necessary permits for those structures within one year of discontinued use. Compliance shall be governed by the following provisions:

- a. Prior to Issuance of Zoning Clearance, the Permittee shall post a performance security. The security shall equal 10 percent of the installation value of the facility as determined at the time of granting the building permit. The performance security shall be retained until this condition is fully satisfied.

- b. Prior to demolition of the facility, the Permittee shall submit a restoration plan of proposed abandonment to be reviewed and approved by a County approved biologist.
- c. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

23. **Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].

COUNTY RULES AND REGULATIONS

24. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
25. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
26. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
27. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060].
28. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.

29. **Rules-22 Leased Facilities.** The Operator and Owner 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.
30. **Rules-23 Processing Fees Required.** Prior to issuance of a Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
31. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
32. **Rules-31 Condition Compliance Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Pay fees prior to issuance of the Zoning Clearance as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - c. Note the following on each page of grading and building plans “This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval”;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
33. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

34. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
35. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
36. **Special Condition Noise -01 Acoustical Fencing.** In order to block facility-related noise from the property to the north, acoustical fencing shall be installed inside of the lease area fence along the north side of the lease area. **PLAN REQUIREMENTS:** Acoustical fencing shall be identified on BAR-approved final zoning plans submitted by the Permittee to the County prior to issuance of Zoning Clearance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

