



SONOMA COUNTY BOARD OF SUPERVISORS

EXHIBIT "A"

DRAFT Conditions of Approval

Date:	October 8, 2024	File No.:	UPE22-0051
Site Address:	9300 Mill Station Rd. Sebastopol, CA 95472	APN:	061-141-001
Applicant:	Melissa Keith obo Assurance Development and Vertical Bridge	Landowner:	Robert E. Cuellar

Project Description: Use Permit allows for a 70-foot-tall intermediate freestanding commercial telecommunication facility, including a monopole designed to appear as a faux water tower along with associated ground equipment surrounded by an 8-foot tall slatted fenced with landscaping located within a 2,500-square foot lease area. Facility is located on a 2,500 square-foot leased section of a 14.35-acre parcel zoned as DA (Diverse Agriculture).

Prior to issuance of a Building Permit, evidence must be submitted to the file that all of the following conditions have been met.

FEES:

- 1. Planning Condition Compliance Fee:** At the time of submitting a building permit application, the applicant/operator shall submit a Condition Compliance Review fee deposit to Permit Sonoma, with the appropriate amount to be determined consistent with the ordinance in effect at the time. In addition, the applicant/operator shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
- 2. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full.** Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.

PLANNING (Permit Sonoma):

"Compliance with the conditions below have been verified" BY _____ DATE _____
Contact Permit Sonoma Planning at (707) 565-2397

3. **Type and Use:** This Use Permit allows for a Freestanding Intermediate Commercial Telecommunications Facility, including a 70-foot-tall monopole pine, and associated ground equipment all located within a 2,500-square-foot lease area enclosed by a 6-foot fence with landscaping.
4. **File Materials:** This approval is based on the application initially submitted on August 31, 2022 and other materials submitted thereafter, including but not limited to, revised studies, visual assessment, alternative sites analysis and proposal statement.
5. **Site Condition:** The aesthetic characteristics of the tower shall be maintained in good condition and replaced as needed to maintain high quality visual appearance, including monitoring and replacing branches or leaves as they are damaged by sun and weather to ensure a continued realistic look. The approved colors are those consistent with the native foliage of the area, any variation to the approved materials and colors may be acceptable only if reviewed and approved by staff finding the variation would give the tower a more realistic appearance of a tree without compromising public safety. The antennas shall be concealed within the faux tree by use of blending color and through the use of antenna socks. The approved colors are the following:
 - Pole/trunk and branches are a mixture of light brown/beige/tan of natural appearance; and
 - Leaves are green
6. **Grading/Building Permits:** The applicant/operator shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications. All building and/or grading permits shall have the following note printed on plan sheets:
 - a. "In the event that archaeological resources, such as pottery, arrowheads, midden or culturally-modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County Permit Sonoma - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult and/or notify the appropriate Tribal Representative from Tribes known to Permit Sonoma to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone, or other cultural materials, such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions, whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age, including trash pits older than fifty (50) years of age. When contacted, a member of Permit Sonoma Project Review staff and the archaeologist shall visit the

site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to the designated Tribal Representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

- b. If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Permit Sonoma staff, the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."
 - c. Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.
7. **Radiofrequency Monitoring:** No later than 60 days after replacement and/or modification of any equipment that increases output and/or radiated energy, the applicant/operator shall hire a third-party firm to conduct an independent Radio Frequency (RF) monitoring report to verify that the facility is operating within Federal standards. The monitoring report shall measure radiation at the property line at a point on a direct line between the monopole and the nearest residential structure. The final monitoring report shall be provided to Permit Sonoma Project Review staff for their review. If it is determined that the site is out of compliance with the Federal Communications Commission (FCC) regulations for human exposure to RF electromagnetic fields, the applicant/operator will be required to bring the cell site into compliance within fifteen days. On the fifteenth day, a follow-up monitoring visit shall be conducted by the third-party firm to confirm the site has come into compliance with FCC regulations. If compliance with FCC regulations is not achieved, the Use Permit shall be subject to revocation.
8. **Trash, Litter, and Graffiti:**
- a. The applicant/operator shall remove all graffiti from the premises under the control of the operator within 72 hours of discovery of its application.
 - b. A phone number shall be posted for the public to report graffiti to the applicant/operator.
 - c. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.
 - d. Within the subject site, the premises under the control of the applicant/operator

is to be maintained free of litter at all times.

9. **Lighting:** Exterior lighting shall be low-mounted, downward-casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and streetlights shall have full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.
10. **Reception Interference:** The applicant/operator of the facility shall be responsible for mitigation of any interference with local television or radio reception, in accordance with the applicant/operator's applicable FCC license requirements.
11. **Facility Decommissioning:** Upon abandonment or termination, the entire facility (including all equipment, towers, antennas, etc.), shall be removed and the site restored to its pre-construction condition or other authorized use.
12. **Accidental Discovery:** All activities must cease if Tribal cultural resources are uncovered during construction. Immediately upon discovery, the applicant/operator must contact the appropriate Federal Agency, Permit Sonoma, and the Tribe. The applicant/operator must work with an archaeologist meeting the Secretary of Interior qualifications to isolate the area of discovery and protect the cultural resources.
13. **Conformance with Statutes:** This use shall be constructed, maintained, and operated in conformance with all applicable County and State statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule, or regulation shall be considered a violation of the Use Permit, making it subject to revocation or modification.
14. **Other Telecommunication Users:** The facility operator and property owner shall endeavor to make available any unutilized space for future co-located or multiple-user telecommunication facilities, including space for those entities providing similar, competing services.

BUILDING (Permit Sonoma):

"Compliance with the conditions below have been verified" BY _____ DATE _____
Contact Building Plan Check at 707-565-2095.

15. The applicant/operator shall apply for and obtain building-related permits from Permit Sonoma for new structures. The necessary applications appear to include, but may not be limited to, building, and grading permits. Construction inspections shall have occurred, and the required permits finalized prior to the operation of the facility.

16. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.
17. If any changes to plans, drawings, documents, or specifications are required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. These changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents, or specifications that are proposed for change.

GRADING & STORM WATER (Permit Sonoma):

"Compliance with the conditions below have been verified" BY _____ DATE _____
Contact Permit Sonoma Grading & Storm Water at (707) 565-1691

18. Grading and/or building permits require review and approval by the Grading & Storm Water Section of Permit Sonoma prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.

FIRE AND EMERGENCY SERVICES:

"Compliance with the conditions below have been verified" BY _____ DATE _____
Contact Fire and Emergency Services at 707-565-2191.

19. Prior to any construction, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code, as adopted and amended by Sonoma County Code, shall be obtained from the Sonoma County Fire and Emergency Services Department. The applicant/operator shall demonstrate all existing use permit conditions are in compliance and recommend changes to address previously approved conditions set by the Fire Code Official.
20. The applicant/operator shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code, as adopted, and amended by Sonoma County Code, including, but not limited to fire apparatus access roads; access to building openings and roofs; premises identification and road naming; gate access and key boxes; fire protection water supplies; and building features:
 - a. **Access roads:** minimum emergency access is required to provide safe concurrent access for emergency fire equipment and civilian evacuation and shall allow unobstructed traffic circulation during a wildfire or other emergency.
 - b. **Premises Identification and Road Naming:** Approved Road names and signs, address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road shall be provided.

- c. **Gates:** Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the Fire Code Official.
21. The applicant/operator shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code, as adopted and amended by Sonoma County Code, will be obtained from Sonoma County Fire or the Local Fire Code Official.
 22. Prior to any business operation, the applicant/operator shall provide evidence to Sonoma County Fire that the prevention, control, and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with Chapter 50 of the California Fire Code, as adopted and amended by Sonoma County Code as follows:
 - a. Provide CUPA Exemption form.
 - b. Provide CERS ID Number.
 - c. Contact Hazmat CUPA Division for inspection clearance 707-565-2024.
 - d. This is not required when the facility falls under exemptions allowed in Code.
 23. The applicant/operator shall provide evidence to Sonoma County Fire that the facility demonstrates compliance with Chapter 49 of the California Fire Code, as adopted and amended by Sonoma County Code. This condition may be met by obtaining County Fire approval of a fire protection plan prepared by a qualified individual.
 24. Due to the scope of this project a Fire Services Pre-Construction meeting or occupancy fire inspection is required at the applicant/operator's cost with the local fire authority included. This requirement can be waived by written approval by the Fire Code Official.

HEALTH (Permit Sonoma):

"Compliance with the conditions below have been verified" BY _____ DATE _____
Contact Permit Sonoma Health at (707) 565-1924

Operational Requirements:

Septic:

25. This is an unmanned facility with no water or sewage facilities. Therefore, no occupancy at the site is allowed and site visits shall not exceed two hours.

Noise:

26. Noise shall be controlled in accordance with the standards set in the Noise Element of the Sonoma County General Plan, as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.

In order to ensure noise is limited, the generator shall be placed within an acoustical enclosure offered by the manufacturer.

Radioactivity, Electrical Disturbance or Electromagnetic Interference:

27. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance or electromagnetic interference adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Radio Frequency Emissions:

28. The facility shall be operated so that it shall not result in human exposure to radio frequency (RF) emissions in excess of the levels specified in the most current standard governing human exposure to radio frequency emissions utilized by the Federal Communications Commission (FCC) in its licensing decision for the applicable facility. The applicant/operator shall be responsible for demonstrating that the facility complies with this standard by providing a copy of an FCC-issued permit, license, or waiver, evidence that the FCC has categorically excluded this facility, or an engineered study demonstrating that the facility meets all applicable FCC requirements.

GENERAL CONDITIONS:

29. Ground-level vegetation screening shall be maintained to effectively screen the fenced area from the view of the public right of way.
30. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review, if warranted.

31. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints, provided that the goals of these conditions can be safely achieved in some other manner. The applicant/operator must submit a written request to Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g., lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma and shall not affect the original permit approval date or the term for expiration of the permit.
32. This permit may be subject to suspension, revocation or modification by the Board of Zoning Adjustments if the Board finds: (a) there has been noncompliance with any of the conditions; (b) the circumstances under which the permit was granted have changed and the public health, safety and welfare require the suspension, revocation, or modification; (c) the permit was granted in whole or in part, on the basis of a misrepresentation or omission of a material statement by the Applicant/Business Owner/Operator; or (d) the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
33. In any case where a Use Permit has not been used within two years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two-year period the permit approval may be extended for not more than one year by the authority which granted the original permit, pursuant to Section 26-92-130 of the Sonoma County Code.
34. If work must be performed during the nesting season (February 1 and August 31), a pre-construction nesting bird and raptor survey shall be performed in all areas within 250 feet of proposed activities. If nests are found, an appropriately sized no-disturbance buffer should be placed around the nest at the direction of the qualified biologist conducting the survey. Buffers should remain in place until all young have fledged, or the biologist has confirmed that the nest has been naturally predated.