



### Draft Conditions of Approval

<b>Staff:</b>	Gary Helfrich	<b>Date:</b>	12 / 10 / 2020
<b>Applicant:</b>	Complete Wireless Consulting; Matthew Moore	<b>File No.:</b>	UPE19-0089
<b>Owner:</b>	Bo Dean Inc.	<b>APN:</b>	120-210-009
<b>Address:</b>	4500 Porter Creek Road.		

**Project Description:** Request for a Use Permit an intermediate freestanding commercial telecommunications facility, including a 126-foot high monopine, associated ground equipment cabinet, a 30kw diesel generator with a 210 gallon diesel fuel tank for backup emergency power, located within a 2,500 square foot lease area to be enclosed by a 6 foot fence on a ±30 acre parcel located at 4500 Porter Creek Road.

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**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:**

**"Compliance with the conditions below have been verified" BY \_\_\_\_\_ DATE \_\_\_\_**  
**Contact Permit Sonoma Planning at (707) 565-2404**

3. **Type and Use:** This Use Permit allows for an Intermediate Freestanding Commercial Telecommunication Facility, including a 126-foot high monopine, associated ground equipment cabinet, a 30kw diesel generator with a 210 gallon diesel fuel for the purpose of backup emergency power, located within a 2,500 square foot lease area to be enclosed by a 6 foot fence.
4. **File Materials:** This approval is based on the application initially submitted on 17 December, 2019 and other materials submitted thereafter, including but not limited to, revised studies, plans, visual assessment, and proposal statement.

5. **Site Condition:** The faux 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.
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. **Lighting:** All exterior lighting shall be "Dark-sky" compliant and fully shielded to avoid nighttime light pollution. Reference can be made to the International Dark Sky Association website for guidance on exterior lighting: [www.darksky.org](http://www.darksky.org). All exterior lighting shall be downward facing, located at the lowest possible point to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky. Light fixtures shall not be located at the periphery of the property and shall not wash out structures on any portions of the project site. Security lighting shall be put on motion sensors. Flood lights and uplights are not permitted. Luminaries shall have a maximum output of 1000 lumens per fixture. Total illuminance beyond the property line, created by simultaneous operation of all exterior lighting, shall not exceed 1.0 lux. Color temperature of exterior light sources shall be 3000 Kelvin or lower.
9. **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.
10. **Reception Interference:** The applicant/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the applicant's/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. Compliance with this condition is the responsibility of the landowner.

12. **Access Driveway:** Prior to Building Permit application, the applicant/operator shall demonstrate that they have rights to access the subject leased area and construct the access driveway with formalized documentation such as an access and utility easement.
13. **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
14. **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.
15. **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:**

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

16. 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 permit(s). Construction inspections shall have occurred and the building permit(s) finalized prior to occupancy of new or remodeled structure(s).
17. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.
18. This project is located within the State Response Area. Materials shall meet or exceed requirements for construction within the wildland urban interface area.
19. The project shall be designed and constructed to comply with the Sonoma County Green Building Green Building Standards Code. Plans shall show all required compliance elements.
20. 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:**

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

21. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (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.**

22. Prior to any construction, or changes in use of existing building or facilities, 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.
23. 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.
24. 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.

25. 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 707-565-1152
  - d. This is not required when the facility falls under exemptions allowed in code.
26. The applicant/operator shall provide evidence to Sonoma County Fire that 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.
27. Due to the scope of this project a Fire Services Pre-Construction meeting or occupancy fire inspection is required at the applicant's/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:**

28. 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:**

29. 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 <sup>1</sup> , 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
<sup>1</sup> 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.		

30. Backup power shall be supplied by a generator capable of running at least 72 hours without refueling. The generator shall be Generac SD030 in a Level 2 sound enclosure or equivalent. Substitution of equivalent equipment with similar or lower noise is allowed, subject to approval by Permit Sonoma. Exercise and self-test cycles shall be set for between 10:00 a.m. and 2:00 p.m. on weekdays. The generator is for emergency backup power only and is exempt from standards found in Condition 29.

Radioactivity, Electrical Disturbance or Electromagnetic Interference:

31. 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.

Nonionizing Electromagnetic Radiation:

32. The facility shall be operated so that it shall not result in human exposure to non-ionizing electromagnetic radiation (NIER) in excess of the levels specified in the most current standard governing human exposure to NIER 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:**

**The Use Permit and operation of the use are subject to the following general provisions:**

33. 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.
34. 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.

35. 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.
36. 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.