

CONDITIONS OF APPROVAL

Conditions of Approval

Exhibit A: Project plans, prepared by Delta Groups Engineering (including Landscape Plan, prepared by Helix Environmental Planning, dated December 5, 2022, and recommended Fence Plan)

- I. This permit authorizes the removal of the existing 70 foot 6 inch tall guyed lattice tower and related equipment, satellite dish, shed, 12 foot 6 inch tall lattice tower, and chain link fencing; replacement with a 6 foot chain link fence with green slats and barbed wire above, construction of an approximately 140 foot tall wireless communication facility camouflaged as a monopine with 9 panel antennas and associated wireless equipment, generator within the existing equipment building, outdoor propane tank, repainting of the equipment building, landscape screening, and other miscellaneous improvements located within the existing building and site enclosure, as indicated on the approved Exhibit "A", including plans, landscape plans, and recommended fence plan. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. The applicant shall obtain approval from the California Public Utilities Commission and the Federal Communications Commission to install and operate this facility.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" with required plan revisions reflecting a maximum height of 140 feet and recommended fence plan on file with the Planning Department. Any changes on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. A copy of the text of these conditions of approval incorporated into the full-

size sheets of the architectural plan set.

2. Plans shall be revised to replace the proposed 6-foot-tall chain link fence (with barbed wire) with an 8-foot solid board fence (without barbed wire) in substantial compliance with the Fence Plan, Exhibit “A”. The fence shall be set back 40 feet from the edge of the right-of-way to meet the required residential front yard setback.
3. Plans shall include a final landscape plan, prepared by Helix Environmental Planning, dated December 5, 2022. The landscape plan shall be accompanied by a landscape contract with Helix Environmental Planning for planting size and specifications, installation, irrigation, tree establishment period requirements, and tree replacement, and maintenance, consistent with the recommendations of this report. The contract shall include a requirement that Helix Environmental Planning provide a compliance letter to Planning Department staff prior to final of the building permit and a final compliance letter at the conclusion of the three-year landscape establishment period.
4. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. In addition to showing the materials and color call, outs for all facility improvements (equipment building, fencing, doors, WCF pole, foliage, etc.) shall be shown on the elevation plan. The applicant shall supply a color and material board for final Planning Department review and final approval, providing darker foliage color, and otherwise in substantial compliance with the use approval. All equipment on the monopine shall match the faux monopine tree foliage color. Materials and colors shall be reviewed and approved by Planning Staff.
5. Any new electric and telecommunications power lines extended from adjacent power poles shall be placed underground.
6. If lighting is included in the building plans, all lighting must be manually controlled and must not be visible (downcast shielded light only) from neighboring properties.
7. Details showing compliance with the FCC occupational exposure guidelines and safety measures.
8. Details showing compliance with Cal fire requirements identified in the wireless code, if required by the fire agency. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply if applicable. All wireless communication facilities shall be designed and operated in such a manner to minimize the risk of igniting or intensifying a fire. To this end, all the following measures shall be

implemented for all wireless communication facilities, when determined necessary by the County Fire Marshal or Fire District Fire Chief:

- a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings. Building sprinklers shall be provided; and
 - b. Rapid entry (KNOX) systems shall be installed as required by the Fire Chief; and
 - c. Type and location of vegetation, screening materials and other materials within 10 feet of the facility and all new structures, including telecommunication towers, shall be reviewed for fire safety purposes by the Fire Chief. Requirements established by the Fire Chief shall be followed; and
 - d. All tree trimmings, debris, and refuse surrounding the facility shall be regularly removed from the site; and
 - e. For the protection of emergency response personnel, each wireless facility shall have an on-site emergency power shut-off ("kill switch") to de-energize all facilities at the site in the event of an emergency.
9. The applicant shall join the road maintenance association and include provisions to pave the road surface along the eastern property frontage prior to final of the building permit. The applicant shall provide a copy of the road maintenance association agreement to the project planner. The pavement shall be an "all weather" surface. "All Weather Surface" is defined as a minimum 6" of compacted aggregate base rock, Class II or equivalent and certified in writing by a licensed engineer to 95% compaction for grades up to and including 5%.
- B. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
1. The application submittal shall adhere to the County Design Criteria and County Code 7.79. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
- C. Meet all requirements of the Environmental Planning section of the Planning Department:
1. All project design and construction shall comply with the recommendations

of the soils report.

2. Final plans shall reference the subject soils report by title, author, and date. Final Plans should also include a statement that the project shall conform to the soil report's recommendations.
 3. After plans are prepared that are acceptable to all reviewing agencies, please submit a completed Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. The author of the soils report shall sign and stamp the completed form. Please note that the plan review form must reference the final plan set by the last revision date. Any updates to report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report.
 4. Final plans shall provide contact information for the archaeologist of record.
 5. Plans submitted for the building application shall include a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website: www.sccoplanning.com under the "Environmental" tab, "Erosion and Stormwater Pollution Control", then "Construction Site Stormwater BMP Manual". Part 2 of the manual lists Stormwater Pollution Control Plan requirements; please use this as a guide for preparing the plan.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- E. Meet all requirements and pay any applicable plan check fee of the Cal Fire.
1. Note on the plans "these plans are in compliance with California building and fire codes (2019 edition) and Santa Cruz County amendments".
 2. Show on the plans, details of compliance with the access road requirements. The access road shall be 12 feet minimum unobstructed width and maximum twenty percent slope. The access road fronting the project property corner to property corner shall conform to the minimum width standard.
 - a. Access road / driveway requirements:
 - i. The access road / driveway shall be an "all weather" surface. "All Weather Surface" is defined as a minimum 6" of compacted aggregate base rock, Class II or equivalent, and certified in writing by a licensed engineer to 95% compaction for grades up to and including 5%. For grades in excess of

5% but not exceeding 15%, oil and screeds shall be applied to a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95% compaction. For grades exceeding 15%, 2" of asphaltic concrete shall be applied over a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95%.

- ii. The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time.
- iii. The access road shall have a vertical clearance of 13'-6" for its entire width and length, including turnouts.
- iv. An approved turn-a-round shall be provided for access roads and driveways in excess of 150 feet in length.
- v. Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- vi. All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
- vii. The driveway shall be thereafter always maintained to these standards.
- viii. Note on the plans "a 100-foot clearance shall be maintained around and adjacent to the building or structure to provide additional fire protection or fire break by removing all brush, flammable vegetation, or combustible growth.

Exception: single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

- b. Note on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."
- c. The submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewer and reviewing agency.

- III. Prior to any site disturbance or physical construction on the subject property the following condition(s) shall be met:
 - A. Pre-Construction Meeting: The applicant is required to hold a preconstruction meeting and submit the preconstruction survey to the Environmental Planning staff confirming absence of nesting species. If species are determined to be present by the project biologist's letter, the environmental Planning staff will confirm that the required buffer has been put in place, as determined by the qualified biologist.
- IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All required mitigation measures shall be implemented during construction, as specified in the Mitigation Monitoring and Reporting Program attached to these conditions.
 - B. All site improvements shown on the final approved Building Permit plans shall be installed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - D. The project must comply with all recommendations of the approved soils reports.
 - E. The wireless communication facility may not be connected to a power source or operated until a final inspection and clearance from the Santa Cruz County Planning Department has been received.
 - F. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
 - G. If intact or undisturbed cultural deposits are exposed during construction, all work within 100 feet of the find will halt, and a qualified professional archaeologist shall be contacted for further review and recommendations. If the find is significant, appropriate mitigation measures shall be formulated and implemented.
- V. Operational Conditions
 - A. In the event that future County inspections of the subject property disclose

noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- B. The operator of the wireless communication facility must submit within 90 days of commencement of normal operations (or within 90 days of any major modification of power output of the facility) a written report to the Santa Cruz County Planning Department documenting the measurements and findings with respect to compliance with the established Federal Communications Commission (FCC) Non-Ionizing Electromagnetic Radiation (NEIR) exposure standard. The wireless communication facility must always remain in continued compliance with the NEIR standard established by the FCC. Failure to submit required reports or to remain in continued compliance with the NEIR standard established by the FCC will be a violation of the terms of this permit.
- C. The operator of the wireless communication facility must submit within 90 days of commencement of normal operations a noise study evaluating compliance with the noise levels pursuant to the County General Plan. Noncompliance shall require revision to the noise attenuation in the building and/or generator enclosure to achieve compliance with the General Plan.
- D. The exterior finish and materials of the wireless communication facility must be maintained on an annual basis to continue to blend with the existing utilities infrastructure. Additional paint and/or replacement materials shall be installed as necessary to blend the wireless communication facility with the existing utilities infrastructure.
- E. The existing trees and proposed shrubs and trees provide screening to adjacent residences and shall be maintained and not removed. Any trees or shrubs lost in a fire or that die of natural causes shall be replaced in the same location. This condition applies for the duration of the operation of the wireless communication on site.
- F. Outdoor noise producing construction activities shall only take place on nonholiday weekdays between the hours of 8:00 a.m. and 6:00 p.m., unless allowed at other times by the Director.
- G. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
- H. If, as a result of future scientific studies and alterations of industry-wide standards resulting from those studies, substantial evidence is presented to Santa Cruz County by the FCC that radio frequency transmissions may pose a hazard to human health and/or safety, the applicant shall cease operations until the Santa Cruz County Planning Department has set a public hearing and in its sole discretion, has either

revoked this permit or modified the conditions of this permit to be in compliance with FCC radio frequency standards.

- I. If future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the operator of the wireless communication facility must make those modifications which would allow for reduced visual impact of the proposed facility as part of the normal replacement schedule. If, in the future, the facility is no longer needed, the operator of the wireless communication facility must abandon the facility and be responsible for the removal of all permanent structures and the restoration of the site as needed to re-establish the area consistent with the character of the surrounding natural landscape.
 - J. Termination/Abandonment of Wireless Communication Facilities. The site shall be restored as nearly as possible to its natural or preconstruction state within six months of termination of use or abandonment of the site. The applicant shall enter into a site restoration agreement, subject to the approval of the Director.
- IV. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter any stipulation or settlement modifying or affecting the interpretation

or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

- D. Successors Bound. “Development Approval Holder” shall include the applicant and the successor’(s) in interest, transferee(s), and assign(s) of the applicant.
-

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.