Hearing Officer Transmittal Checklist

Hearing Date
5/7/2013
Agenda Item No.
6

Project Number: R2010-00518
Case(s): Conditional Use Permit Case No. 201000050
Planner: Steve Mar

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____

Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER
R2010-00518-(5)

HEARING DATE
May 7, 2013

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201000050

PROJECT SUMMARY

OWNER / APPLICANT
Deborah Szabo / Sprint

MAP/EXHIBIT DATE
4/5/10

PROJECT OVERVIEW

The applicant, Sprint, is requesting a Conditional Use Permit for the continued operation and maintenance of an existing wireless telecommunications facility (WTF), approved in February 2, 1999, under CUP 98-117, measuring 25 ft. to the tallest point of the facility consisting of a monopole with twelve (12) panel antennas on three (3) sectors, a microwave dish, and appurtenant equipment cabinets contained within a 13 ft. x 32'-8" chain-link enclosed lease area in the A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area) zone pursuant to Los Angeles County Code Section 22.24.150.

LOCATION
34469 N. Rough Road, Acton

ACCESS
via dirt road off of N. Rough Road

ASSESSORS PARCEL NUMBER(S)
3056-008-033

SITE AREA
41 Acres (425 sq. ft. lease area)

GENERAL PLAN / LOCAL PLAN
Antelope Valley Area Plan

ZONED DISTRICT
Soledad

LAND USE DESIGNATION
N1 – Non-Urban (0.5 du/ac)

ZONE
A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)

PROPOSED UNITS
N/A

MAX DENSITY/UNITS
N/A

COMMUNITY STANDARDS DISTRICT
Action CSD

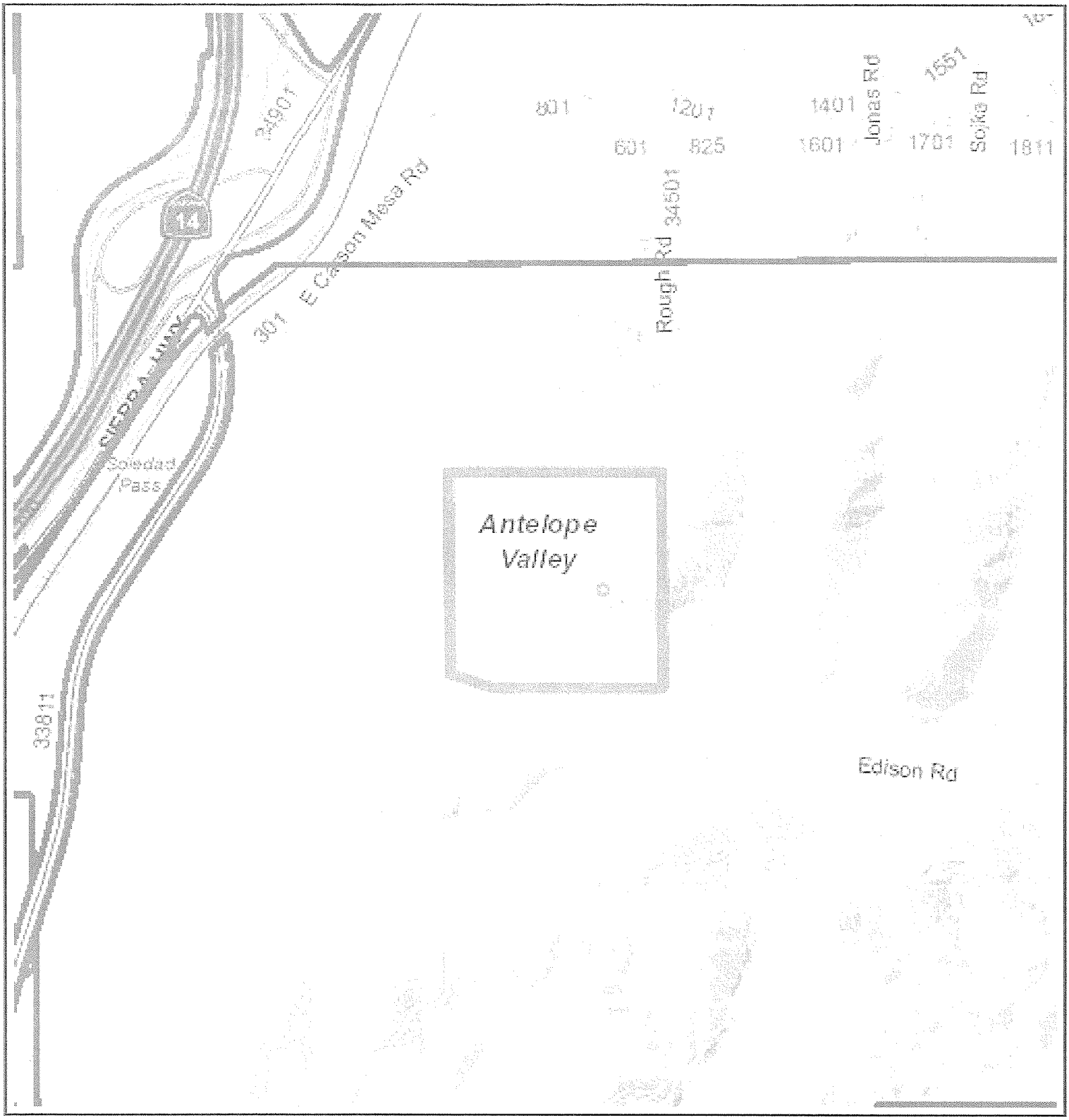
ENVIRONMENTAL DETERMINATION (CEQA)
Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Antelope Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (conditional use permit burden of proof requirements)
  - 22.44.126 (Acton CSD requirements)
  - 22.24.170 (A-2 Zone Development Standards)

STAFF RECOMMENDATION
Approval

CASE PLANNER: Steve Mar
PHONE NUMBER: (213) 974 - 6435
E-MAIL ADDRESS: smar@planning.lacounty.gov



R2010-00518 / CUP201000050

34469 Rough Road, Acton

Printed: Mar 26, 2013

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for an existing wireless telecommunications facility (WTF) in the A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area) Zone pursuant to County Code Section 22.24.150.

PROJECT DESCRIPTION

The applicant, Sprint, is requesting a Conditional Use Permit for the continued operation and maintenance of an existing wireless telecommunications facility (WTF), approved on February 2, 1999, under CUP 98-117, measuring 25 ft. to the tallest point of the facility consisting of a monopole with twelve (12) panel antennas on three (3) sectors, a microwave dish, and ground-mounted appurtenant equipment cabinets contained within a 13 ft. x 32'-8" chain-link enclosed lease area.

EXISTING ZONING

The subject property is zoned A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area), in the Soledad Zoned District.

Surrounding properties are zoned as follows:
North: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)
South: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)
East: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)
West: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)

EXISTING LAND USES

The subject property is developed with wireless telecommunication facilities and vacant land.

Surrounding properties are developed as follows:
North: Vacant, Wireless Telecommunication Facilities, Single-family Residence
South: Vacant, High Power Transmission Lines
East: Vacant
West: Vacant

PREVIOUS CASES/ZONING HISTORY

The Zoning History of this parcel is as follows: M3 (January 22, 1957), A-2-1 (October 31, 1958).

Conditional Use Permit No. 98117 – Approved February 2, 1999 for a wireless telecommunications facility.

The subject property also contains other zoning permit cases authorizing the construction and operation of separate wireless telecommunications facilities, including: Conditional Use Permit No. 95-094, approved March 26, 1996; Conditional Use Permit No.96-058, approved May 29, 1996; Conditional Use Permit No. 98-078, approved November 9, 1998; Conditional Use Permit No. 99-206, approved April 10, 2000; and Conditional Use Permit No. 01-129, approved March 5, 2002.

There are also three existing WTFs currently being processed for new CUPs on the subject property, including: Conditional Use Permit No.200900081; Conditional Use Permit No. 201200083; and Conditional Use Permit No. 201200099.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a conditional use permit for an existing wireless telecommunications facility and no new changes are being proposed. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the N1 – Non-Urban land use designation of the Antelope Valley Area Plan. The N1 land use designation is intended for non-urban uses up to 0.5 dwelling units per acre. The existing wireless telecommunications facility is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*

- *Ensure that development in non-urban areas is compatible with rural life styles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

- *Promote the full use of existing service systems in order to gain maximum benefit from previous public investments.*

- *Maintain high quality emergency response services.*

  The project is a WTF renewal and utilizes the existing development already in use. The project does not propose new development. The facility is located in a remote, non-urban area with no development around it, other than a few other WTF facilities north of the subject site. The project will help insure that there is adequate cellular service for the area.

The following policies of the Antelope Valley Area Plan are applicable to the proposed project:

- *Encourage development of services to meet the needs of Antelope Valley residents including health, education, welfare, police and fire, governmental operations, recreation, cultural, and utility services. Such services should be expanded at a rate commensurate with population growth.*

- *Review and improve disaster preparedness and emergency response capabilities as necessary.*

  The project will help insure that there is adequate cellular service in the area for personal and emergency use.

Zoning Ordinance and Development Standards Compliance

Title 22 of the Los Angeles County code (Zoning Ordinance) does specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.24.150 of the County Code, development of radio and television stations and towers is a permitted use in Zone A-2 (Heavy Agricultural), provided that a CUP is obtained.

Neighborhood Impact/Land Use Compatibility

Allowing the wireless telecommunications facility to continue operating will ensure that local cellular service will remain readily available. The WTF on the subject property is compatible with the surrounding environment and provides a needed service to the community. The WTF is located in a remote area and is surrounded by rural, vacant land. Several other WTFs are located within close proximity to the project. No physical or other alterations are being proposed for the current existing facility.

The applicant carries the Burden of Proof to substantiate all facts as follows:

A. That the requested use at the location proposed will not:
   1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
   2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
   3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The project has been operating as a WTF for more than ten years and has not negatively impacted the surrounding areas or residents. The site is located on a mountaintop with other sites and it is not located in an area that is easily accessed.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing site is built according to required development standards.

C. That the proposed site is adequately served:
   1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
   2. By other public or private service facilities as are required.

The facility is accessed by a dirt road. The existing road is designed for heavy trucks, such as fire trucks, to be able to access the property. Unauthorized access to the road is restricted by a locked gate.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2010-00518-(5), Conditional Use Permit Number 201000050, subject to the attached conditions.

Prepared by Steve Mar, Regional Planning Assistant II
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Plan, Land Use Map

MM:SM
5/7/13

[DRAFT] FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2010-00518-(5)
CONDITIONAL USE PERMIT NO. 201000050

1. **ENTITLEMENT REQUESTED.** The applicant, Sprint, is requesting a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of an existing wireless telecommunications facility (WTF) pursuant to County Code Section 22.24.150 in the A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area Zone.

2. **HEARING DATE.** May 7, 2013.

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**

4. **PROJECT DESCRIPTION.** The project is a Conditional Use Permit for the continued operation and maintenance of an existing wireless telecommunications facility (WTF), approved on February 2, 1999, under CUP 98-117, measuring 25 ft. to the tallest point of the facility and consisting of a monopole with twelve (12) panel antennas on three (3) sectors, a microwave dish, and ground-mounted appurtenant equipment cabinets contained within a 13 ft. x 32'-8" chain-link enclosed lease area.

5. **LOCATION.** The subject property is located at 34469 N. Rough Road in the unincorporated community of Acton and in the Soledad Zoned District.

6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing WTF located about 0.32 miles south of the southern terminus of N. Rough Road. Access to the site is via an existing unnamed dirt road. The monopole contains twelve total panel antennas contained on three sectors, each sector containing four antennas. An existing microwave dish is mounted about halfway up the monopole. The total height of the facility is 25 ft. Existing equipment cabinets, along with the monopole, are contained within a 13 ft. by 32.67 ft. lease area surrounded by 6-ft. high chain link fence.

7. **EXISTING ZONING.** The subject property is zoned A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area), in the Soledad Zoned District.
   The existing zoning for the surrounding properties are as follows:
   North: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)
   South: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)
   East: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)
   West: A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area)

8. **EXISTING LAND USES.** The subject property contains wireless telecommunications facilities and vacant land. The existing land use for the surrounding properties are as follows:
   North: Vacant, Wireless Telecommunications Facilities, Single-family Residence
   South: Vacant, High Power Transmission Lines
   East: Vacant
   West: Vacant

9. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows: M3 (January 22, 1957), A-2-1 (October 31, 1958).

Conditional Use Permit No. 98117 – Approved February 2, 1999 for a wireless telecommunications facility.

The subject property also contains other zoning permit cases authorizing the construction and operation of separate wireless telecommunications facilities, including: Conditional Use Permit No. 95-094, approved March 26, 1996; Conditional Use Permit No.96-058, approved May 29, 1996; Conditional Use Permit No. 98-078, approved November 9, 1998; Conditional Use Permit No. 99-206, approved April 10, 2000; and Conditional Use Permit No. 01-129, approved March 5, 2002.

There are also three existing WTFs currently being processed for new CUPS on the subject property, including: Conditional Use Permit No.200900081; Conditional Use Permit No. 201200083; and Conditional Use Permit No. 201200099.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**
The project site is located within the N1 – Non-Urban land use designation of the Antelope Valley Area Plan. The N1 land use designation is intended for non-urban uses up to 0.5 dwelling units per acre. The existing wireless telecommunications facility is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*

- *Ensure that development in non-urban areas is compatible with rural life styles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

- *Promote the full use of existing service systems in order to gain maximum benefit from previous public investments.*

- *Maintain high quality emergency response services.*

The project is a WTF renewal and utilizes the existing development already in use. The project does not propose new development. The facility is located in a remote, non-urban area with no development around it, other than a few other WTF facilities north of the subject site. The project will help insure that there is adequate cellular service for the area.

The following policies of the Antelope Valley Area Plan are applicable to the proposed project:

- *Encourage development of services to meet the needs of Antelope Valley residents including health, education, welfare, police and fire, governmental operations, recreation, cultural, and utility services. Such services should be expanded at a rate commensurate with population growth.*

- *Review and improve disaster preparedness and emergency response capabilities as necessary.*

The project will help insure that there is adequate cellular service in the area for personal and emergency use.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Title 22 of the Los Angeles County code (Zoning Ordinance) does specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.24.150 of the County Code, development of radio and television stations and towers is a permitted use in Zone A-2 (Heavy Agricultural), provided that a CUP is obtained.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** Allowing the wireless telecommunications facility to continue operating will ensure that local cellular service will remain readily available. The WTF on the subject property is compatible with the surrounding environment and provides a needed service to the community. The WTF is located in a remote area and is surrounded by rural, vacant land. Several other WTFs are located within close proximity to the project. No physical or other alterations are being proposed for the current existing facility.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way.

14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

15. **PUBLIC COMMENTS.** No public comments have been received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The project site is located within the N1 – Non-Urban land use designation of the Antelope Valley Area Plan. The N1 land use designation is intended for non-urban uses up to 0.5 dwelling units per acre. The existing wireless telecommunications facility is consistent with the permitted uses of the underlying land use category.

    Therefore, the proposed use will be consistent with the adopted general plan for the area.

17. The project has been operating as a WTF for more than ten years and has not negatively impacted the surrounding areas or residents. The site is located on a mountaintop with other sites and it is not located in an area that is easily accessed.

    Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

18. The existing site is built according to required development standards.

    Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features

prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

19. The facility is accessed by a dirt road. The existing road is designed for heavy trucks, such as fire trucks, to be able to access the property. Unauthorized access to the road is restricted by a locked gate.

    Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

20. The project is a conditional use permit for an existing wireless telecommunications facility and no new changes are being proposed.

21. Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

22. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.

23. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use will be consistent with the adopted general plan for the area; and

B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000050 is Approved subject to the attached conditions.

MM:SM
5/7/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2010-00518-(5)
CONDITIONAL USE PERMIT NO. 201000050

PROJECT DESCRIPTION

The project is a conditional use permit (CUP) for an existing wireless telecommunications facility (WTF) in the A-2-1 (Heavy Agricultural – 1 acre Minimum Required Area) Zone subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, 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 this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on May 7, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.

13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.

14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.

15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings

shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATIONS FACILITIES)

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

19. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

20. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.

21. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.

22. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

23. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

24. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.

25. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.

26. The maximum height of the facility shall not exceed 25 feet above finished grade.

27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.

28. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.

29. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours.

30. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.

31. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

32. The facility shall be secured by fencing, walls, gates and/or locks.

33. Appurtenant equipment boxes shall be screened or camouflaged.

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

This site has been on air for the last ten years and has not negatively impacted the surronding areas or residents. this site is located on a mountain top with other sites and it is not located in an area that is easily accessed.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing site is build to its minimal standards. Due to the ground elevation of this site there is not a need for additional height. due to the nature of the property, this site is not impacting the future developmetn of this area.

C. That the proposed site is adequately served:
1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

this site is accessed by dirt road. the existing road has been developed for heavy trucks (fire) to be able to access the property. the access is semi-private, all parties with an interest in the property have keys to access the loccked gate.