

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources -- Housing and Community Programs -- Environmental Health -- Building and Safety -- Code Compliance

AGENDA TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR COUNTY ADMINISTRATION CENTER 2 SOUTH GREEN STREET February 5, 2020 6:00 p.m.*

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PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Reports from Commissioners and Staff
2. Report from the Board of Supervisors Planning Committee Representative
3. Report from the Agricultural Advisory Committee Representative
4. Election of Officers
 - Chair
 - Vice Chair
 - Board of Supervisors Planning Committee (BOSPC) Representatives (2)
 - Alternate BOSPC Representative (1)
 - Agricultural Advisory Committee Representative
5. Minutes of the Meeting of December 4, 2019

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

1. SANGUINETTI/MIEROP,

1. Conditional Use Permit to allow the construction of a new 120± foot tall wireless communications tower and related equipment in a 40± foot by 40± foot compound on Assessor's Parcel Number 061-040-034.
2. Variance VAR19-005 to allow the tower within the one hundred and ten percent (110%) setback of the tower height from property boundaries as required by Section 17.23.090 of the TCOC. The tower would be placed 20± feet from the northern property boundary and 67± feet from the eastern property boundary.

The project site consists of two parcels totaling 6.9+ acres and is located at 19333 Industrial Drive, approximately 1,600± feet south of the intersection of Mono Way and Industrial Drive. Assessor's Parcel Number 061-040-34.

*** The doors to the Administration Building will be opened at 5:30 p.m.**

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday through Friday, 8:00 a.m. to 4:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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SANGUINETTI/MIEROP

Applicant:	AT&T c/o Complete Wireless Consulting	TRS:	Section 3, Township 1 North, Range 15 East
Owner:	Matthew Sanguinetti & William Mierop	Supervisor District:	4
APN:	061-040-19 and 061-040-34	Zoning:	M-2 and M-2:PD
Address:	19333 Industrial Drive	General Plan:	HI (2018 GP)
Notification:	500 feet	Project Size:	6.9± acres
Submittal Date:	August 1, 2019	CEQA:	Exempt under Section 15303
Water/Sewer:	TUD/TUD	Power:	PG&E

- Project Description:** Conditional Use Permit to allow the construction of a new 120± foot tall wireless communications tower and related equipment in a 40± foot by 40± foot compound on Assessor's Parcel Number 061-040-034.

Variance VAR19-005 to allow the tower within the one hundred and ten percent (110%) setback of the tower height from property boundaries as required by Section 17.23.090 of the TCOC. The tower would be placed 20± feet from the northern property boundary and 67± feet from the eastern property boundary.

- CEQA Determination:** After reviewing the project and its setting, the Environmental Coordinator for the has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 10,000 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

- Project Setting:** The project site consists of two parcels totaling 6.9± acres and is located at 19333 Industrial Drive, approximately 1,600± feet south of the intersection of Mono Way and Industrial Drive. Assessor's Parcel Number 061-040-34 contains the M-2:PD zoning. The project site is currently developed with the Lehman Trucking and A and L concrete mixing facility. The project site is fairly level and is located at an approximate elevation of 2,320± feet above mean sea level. The project site is located within the area that is subject to the East Sonora Design Guidelines.

- Project Objective:** Conditional Use Permit CUP19-009 would allow for the development of a 120± foot tall wireless communications tower, antennas, standby generator, and associated support equipment within a 40± foot by 40± fenced compound on APN 061-040-34. Access to the site will be provided off Industrial Drive via a 20± foot wide graveled access road within a non-exclusive access and utility easement. The lease site will be accessed through Assessor's Parcel Number 061-040-19 (Attachment 2).

The tower is within the 110% setback as required by Section 17.23.090 of the TCOC. Since the tower is 120 feet in height, the required 110% setback would be 132± feet from any property boundary. The tower is proposed to be located 20± feet from the northern property boundary and 67± feet from the eastern property boundary. The applicant has therefore applied for Variance VAR19-005 to allow the tower within the setbacks. The property to the north is APN 061-040-19, which is under the same ownership as the proposed facility and will be providing access to the facility. The parcel to the east is owned by Sierra Pacific Industries. Sierra Pacific Industries did not respond to the project notification letter which was mailed to them.

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5. Zoning: The project site is currently zoned M-2 under Title 17 of the TCOC. The purpose of the M-2 district is to provide an area for heavy industry. Wireless communication facilities are permitted within the M-2 zoning district subject to securing a Conditional Use Permit. The development of the wireless communication facility and access road will not impact the ability of the site to be used for industrial purposes.

The purpose of the :PD combining district is to provide a more desirable living environment than would be possible through the strict application of ordinance requirements and to encourage a creative approach in land development. The :PD district was established on APN 061-040-34 in 1983. No standards or requirements were ever established under the :PD zoning on this site. Therefore, the proposed project does not conflict with the :PD zoning.

The applicant has submitted all the required materials for a wireless communications facility application in accordance with Section 17.53.050(B) of the TCOC (Attachments 2-8). The project has been designed and conditioned to comply with all applicable provisions of Chapter 17.53 of the TCOC.

The applicant has applied for a variance to allow the tower within the required 110% setback of the tower height from property boundaries. The 120± tower would be located 20± feet from the northern property boundary and 67± feet from the eastern property boundary. The required findings of the Variance and staff's response to each point can be found in #16 below in this report.

6. General Plan: Implementation Program ES-B.a in the East Sonora Community Plan in Volume III of the 2018 General Plan directs the County to continue to maintain and implement the East Sonora Design Guidelines for new mixed use, commercial, and industrial development, which outline desirable site design elements as well as architectural elements for mixed use, commercial, and industrial projects. The project's consistency with the East Sonora Design Guidelines is demonstrated and discussed in #13, #14, and #15 below in this report.

The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of CUP19-009 and Variance VAR19-005 would allow the construction of a wireless communications facility to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

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7. East Sonora Design Guidelines: The East Sonora Design Guidelines encourage development to be located near or adjacent to existing developed areas to preserve corridors of natural undisturbed areas. The proposed wireless facility will be located on a parcel that is developed with a trucking and concrete business in an industrially developed area.

The guidelines encourage the retention of on-site vegetation to integrate into the landscaping. The project will incorporate the existing vegetation as landscaping on site to help screen the support equipment from surrounding views. The project does not propose to remove any trees.

The guidelines encourage exterior equipment and service areas to be concealed with architectural features that are compatible with adjacent buildings. In the response to the Incomplete Application Letter sent by the County, AT&T proposed to change the design of the fence surrounding the facility to an 8' tall composite wood fence in a brown or gray color. This type of fencing is shown as the encouraged example to use to screen equipment. The project will be conditioned to require the fence to be composite wood to comply with the East Sonora Design Guidelines and to improve screening of the facility.

8. Alternative Site Analysis: Section 17.53.050(B)(6) requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site. The following alternative sites were considered:

- 19333 Industrial Drive, APN 061-040-19. This is the parcel that the driveway access is proposed to go through. This site was originally considered by AT&T to place antennas on top of an existing silo on the structure and place the support equipment at the base. However, the owner was not willing to move forward with this location due to the negative impact on truck traffic and operations of the existing facility.
- 18974 Waylon Way, APN 061-140-068. This site was originally considered for a new 104± foot tall monopole tower. This site is lower in elevation than surrounding parcels, so the tower would have needed to be 50-75 feet taller in height. The tower would have needed to be placed in a location further from the targeted residences and coverage area. Therefore, this site was ultimately rejected.
- AT&T also looked for collocation opportunities on the two towers within 2 miles of the currently proposed site. However, neither tower would be able to provide adequate coverage to fill the identified coverage gap.

9. Aesthetics/ Visual Analysis: Major wireless communication facilities shall be installed in such a manner as to maintain and enhance existing native vegetation and suitable landscaping shall be installed to screen the facility. Site inspections by staff determined that the existing natural vegetation to the east of the site and along Industrial Drive will be sufficient to screen the support equipment from surrounding views. No trees will be removed as a result of the project. Additionally, due to the topography of the area, the support equipment will not be visible from any public location. Therefore, no additional landscaping was required for the project. Conditions of approval for the project will ensure that the natural vegetation will be properly maintained.

Section 17.53.120(A)(5) states that all major wireless communication facilities shall be designed as stealth facilities or shall otherwise blend with the surrounding landscape unless evidence is submitted to and accepted by the decision-making body, and a

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- finding is made that locating it on a less visible site is infeasible. The Planning Commission has 3 options to ensure consistency with Section 17.53.120(A)(5).
- Option 1: The project site is located in an area that is characterized by heavy industrial and commercial development and operations. The visual quality of the area is characterized by industrial buildings and paved and graveled lots. Gray is the dominating color tone in the area. The project site is surrounded by the Sierra Pacific Industries mill to the southeast, the Cal Waste Transfer Station to the southwest, and an electric substation to the northwest. Therefore, the Planning Commission may make the decision that the tower as originally proposed, as shown in Attachments 3 and 7, is designed to otherwise blend with the built environment and surrounding area. The Commission may add a condition to paint the tower a different color or other minor alterations for the tower to blend better with the environment. Complete Wireless Consulting has indicated that the tower can be painted to any color specification as requested by the Planning Commission.
- Option 2: The Planning Commission may add a condition that the tower must be designed as a stealth tower. This condition would be required to be met prior to the issuance of a building permit and would require submittal of revised elevational plans at the time of application for a building permit. The Land Use and Natural Resources Division would ensure consistency with this condition upon review of the building permit application. The applicant has submitted revised simulations, as shown in Attachment 8, showing the tower as a tree. However, there are other options for stealth towers which would be permitted and may better suit the industrial area, such as a stealth water tank design.
- Option 3: A wireless communications facility is not required to be designed as a stealth facility or otherwise blend with the surrounding landscape if evidence is submitted to and accepted by the decision-making body and a finding is made that locating it on a less visible site is infeasible. If the Planning Commission accepts the evidence and can make this finding, the tower can be approved as originally proposed, as shown in Attachments 3 and 7.

Evidence is included in the alternative site analysis as to why locating the tower on a less visible site is infeasible. Alternative site 1 that was presented in the analysis was to utilize the existing silo structure on APN 061-040-19. However, the property owner did not agree to this location because of the negative impact on truck traffic and operations of the existing facility. Alternative site 2 that was presented in the analysis was to place a new tower at 18974 Waylon Way, APN 061-140-068. However, due to the topography and elevation of this site, this location would require a 150 to 175 foot-tall tower, which is 30 to 55 feet taller than the currently proposed tower. This increased height would result in increased visibility from public views and negative aesthetic impacts. Two existing towers within 2 miles of the current site were also analyzed for co-location opportunities. However, neither site would be able to meet AT&T's objectives and provide service to the identified area. Therefore, the currently proposed location was chosen as providing the most amount of people with internet service and wireless coverage in the identified area with the least amount of impacts, including visual impacts.

Complete Wireless Consulting, on behalf of AT&T, has requested to keep the original design due to the industrial nature of the project site and surrounding area. They indicated that changing the design to a stealth monopine tower would require increasing the height of the tower by 10% to account for the foliage of the tree, resulting in a total height of 132± feet instead of the currently proposed total height of 120± feet. Increasing the height would increase the visual impacts caused by the

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project as the tower would be more readily visible to surrounding public views.

10. Wildlife Habitat: The Tuolumne County Wildlife Habitat Maps indicate that the project site contains the residential park (rsp) habitat type, which is considered a fourth priority habitat, which are areas of relatively low value to wildlife. Therefore, no mitigation for cumulative impacts to wildlife were required for the proposed project.
- The California Department of Fish and Wildlife's Natural Diversity Data Base (CNDDDB) maps identified that the Tuolumne fawn lily (*Erythronium tuolumnense*) has been found in the vicinity of the project site, however habitat for this species was not present on the site.
11. Airport Land Use Commission (ALUC): The project was heard by the ALUC at its meeting on October 3, 2019 as required by Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040 of the TCOC. The ALUC determined that the proposed project is consistent with the Tuolumne County Airport Land Use Compatibility Plan with one added condition. This condition has been incorporated into the project's Conditions of Approval (see condition 21 below).
12. Adjoining Property Owners: Property owners within 1,000 feet (16 parcels) of the proposed project were notified via mail on August 16, 2019. No responses were received.
13. Advisory Agencies: The project was reviewed by several State and County agencies. Their responses have been incorporated into the project's conditions of approval.
14. Topics evaluated but not significant:
- Traffic
 - Noise
 - Flora/Fauna
 - Utilities
 - Landscaping
 - Cultural Resources
 - Parking
 - Lighting
15. CUP Findings: Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff's response to each point:
- A. *The proposed project is consistent with the Tuolumne County General Plan.*
- Consistency with the General Plan is discussed and demonstrated in #6 above.
- B. *The proposed project is in accordance with the Tuolumne County Ordinance Code.*
- Consistency with the Ordinance Code is discussed and demonstrated in #5, #8, #9 above in this report.
- C. *The proposed project will not overburden existing municipal facilities.*
- The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The use of the facility is not expected to overburden electrical facilities.
- D. *The size and terrain of the project site are suitable for the proposed use.*
- The site topography is described in #3 of this report. The project site is suitable for

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the proposed wireless communications facility and access road.

- E. *The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.*

The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

16. Variance Findings:

Section 17.68.070 of the TCOC requires that evidence be provided prior to issuance of a variance showing that the proposed project meets the necessary findings for a variance. Below are the required findings and staff's response to each point.

- A. *Because of special circumstances or conditions, applicable to the property, building, or use, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications. The special circumstances or conditions were not created or caused by the applicant.*

The project site is currently developed as a trucking and cement mixing facility. The currently proposed placement of the tower within the 110% setback will allow for minimal impacts to the existing business and operations on site. Due to the size and configuration of the parcel and height of the tower, there are not many areas on the site that would meet the required 132± foot setback. The currently proposed site has been determined to be the least intrusive site that can offer the maximum number of people with wireless coverage in an area which has been identified as being deficient in service.

- B. *Granting the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*

Other variances for cell towers within the 110% setback have been approved by the County.

- C. *Granting of the variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the property.*

Wireless communications facilities are permitted within the M-2 zoning district subject to securing a Conditional Use Permit.

- D. *Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

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The proposed wireless communication facility will be used to close a coverage gap for residents and visitors in the area. The placement of the tower within the 110% setback as proposed will allow for the least amount of impact to the existing trucking and concrete facility use on site.

- E. *Granting of the variance will not, under the circumstances of the particular case, be substantially detrimental to the health or safety of persons residing or working in the neighborhood.*

See the response to #15 above.

Prepared by: Natalie Rizzi, Land Use Coordinator

RECOMMENDATION

1. Community Development Department Staff recommends approval of Conditional Use Permit CUP19-009 based upon the following findings and subject to attached Conditions 1 through 36:
 - A. The proposed project is consistent with the Tuolumne County General Plan.
 - B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
 - C. The proposed project will not overburden existing municipal facilities.
 - D. The size and terrain of the project site are suitable for the proposed use.
 - E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
 - F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
2. Community Development Department Staff recommends approval of Variance VAR19-005 based on the following findings and subject to Conditions 1 through 36:
 - A. Because of special circumstances or conditions applicable to the property, building, or use, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications. The special circumstances or conditions were not created or caused by the applicant.
 - B. Granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
 - C. Granting of the variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the property.
 - D. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

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- E. Granting of the variance will not, under the circumstances of the particular case, be substantially detrimental to the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not under the circumstances of the particular case, be substantially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
 - F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.
3. Community Development Department Staff Recommends that the Planning Commission direct the Community Development Department Director to file the NOE pursuant to Section 15303 of the *State CEQA Guidelines*.

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CONDITIONS OF APPROVAL SANGUINETTI/MIEROP CONDITIONAL USE PERMIT CUP19-009 & VARIANCE VAR19-005

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the Property Owner and Applicant, and their successors in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the Property Owner, Applicant and their agents, employees, or contractors during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the Property Owner, Applicant and their agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County, which shall not be unreasonably withheld, conditioned or delayed. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County the reasonable cost of such resources upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, upon notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.53.250)
2. ED Secure a Grading Permit from the Engineering Division of the Department of Public Works prior to any grading on the project site. (TCOC, Section 12.20.050)
3. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)
4. ED Secure a Road Encroachment Permit from the Engineering Division of the Department of Public Works for access onto and work within any County road right-of-way. The encroachment shall be constructed to county standards, including paving the first 20 feet off the existing edge of pavement. (TCOC, Section 12.04.010)

Conditions to be met prior to issuance of a Building Permit:

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5. LU "Anti-climbing" features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.53.120(A)(4) and 17.53.120(A)(6))
6. LU An agreement to maintain the cellular tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)
7. LU The fence enclosing the wireless facility shall be a composite wood fence in a neutral color to match the surrounding environment. (East Sonora Design Guidelines)

Conditions to be met during the construction phase of the cellular communications facility:

8. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.53.190(A))
9. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Title 12)
10. ED The applicant shall submit an erosion control plan for any construction to take place between October 15 and May 15 of any year. In the absence of such approved and implemented plan, all construction shall cease on or before October 15. (TCOC, Title 12)
11. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.

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- B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
- C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
- D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.
- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

- 12. ED Exposed serpentine gravel is prohibited on the project site (Health and Safety Code, Section 93106)
- 13. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)

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- 14. AG All equipment brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. (Food and Agriculture Code, Section 5401)
- 15. AG All material brought to the site, including rock, gravel, road base, sand, and top soil, shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
- 16. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to issuance of a Certificate of Occupancy:

- 17. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)
- 18. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County. The tower and support equipment shall be designed, constructed and painted in accordance with the plans approved by Tuolumne County. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant and may require an amendment to CUP18-015. (TCOC, Section 17.68.150)
- 19. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))
- 20. ED/LU The driveway shall be graveled up to the tower enclosure. (TCOC, Section 17.68.150)

The following conditions also shall apply to the project site:

- 21. LU/ALUC Provide notification to the FAA in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations at least thirty days prior to construction by filing a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. (Tuolumne County Airport Land Use Compatibility Plan, Policy 2.1.5.2(c)(1))
- 22. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
- 23. LU The property owner shall be responsible for the satisfactory storage and removal of

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all garbage, refuse, rubbish and recyclables accumulated on the premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)

- 24. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be initially painted and thereafter repainted as necessary with tones to match the surrounding vegetation and environment. (TCOC, Section 17.53.120(A)(4))

- 25. EH The handling, use or storage of hazardous materials on-site shall be in compliance with Chapter 13.24 of the Tuolumne County Ordinance Code, Chapter 6.95 of the California Health and Safety Code, and Title 19 of the California Code of Regulations. The handling, storage or use of hazardous materials, above threshold quantities, including but not limited to the fuel for the standby generator, shall be permitted by the Tuolumne County Division of Environmental Health, Certified Unified Program Agency. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)

- 26. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)

- 27. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)

- 28. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. Signage on site shall be in accordance with the EME report prepared by Occupational Safety and Compliance Engineering, completed on November 26, 2018 and revised on May 1, 2019. (TCOC, Sections 17.53.130 and 17.68.150)

- 29. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.53.190(D))

- 30. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10,	50 L _{eq.} (1 hour) ¹	45 L _{eq.} (1 hour) ¹

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C-O, C-1, C-S, BP	
-------------------	--

¹Leq. 1 hour refers to the average noise level measured over a one hour period.
(TCOC, Section 17.53.190(C))

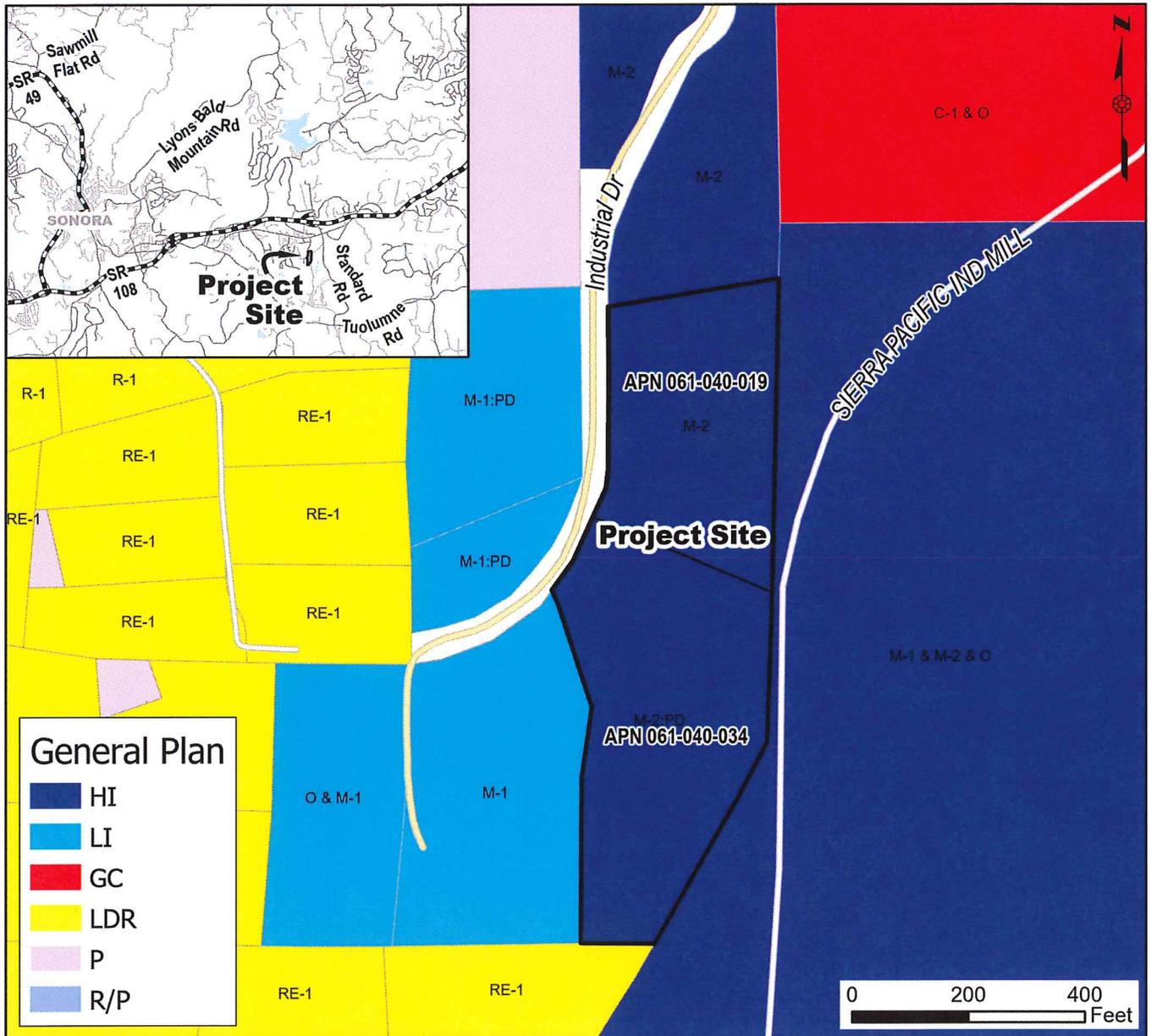
- 31. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
- 32. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)
- 33. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
- 34. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
- 35. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
- 36. LU Support facilities shall be not taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.53.120(A)(2))

A Notice of Action shall be recorded for Conditions 1 through 36 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi

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Attachment 1: Agenda Map



Owner: Matthew Sanguinetti & William Mierop

Applicant: AT&T c/o Complete Wireless Consulting

APNs: 061-040-019 & 061-040-034

6.9± Ac.

Project: CUP19-009 & VAR19-005

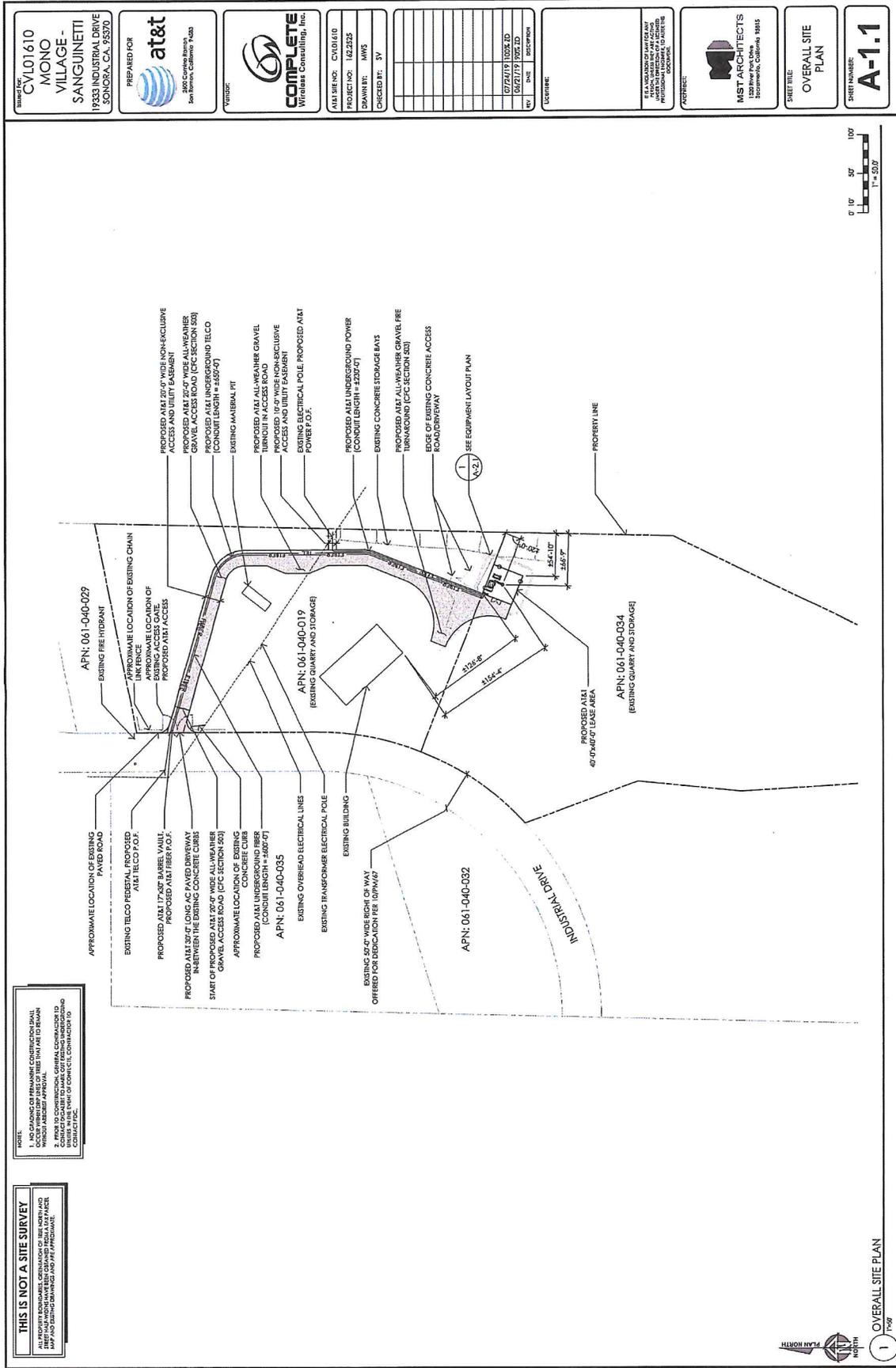
Existing: M-2 & M-2:PD zoning, HI (Heavy Industrial) land use designation

Proposed: Conditional Use Permit CUP19-009 to allow the construction of a new 120± foot tall wireless communications tower and related equipment in a 40± foot by 40± foot compound on Assessor's Parcel Number 061-040-034.

Variance VAR19-005 to allow the tower within the one hundred and ten percent (110%) setback of the tower height from property boundaries as required by Section 17.23.090 of the TCOC. The tower would be placed 20± feet from the northern property boundary and 67± feet from the eastern property boundary.

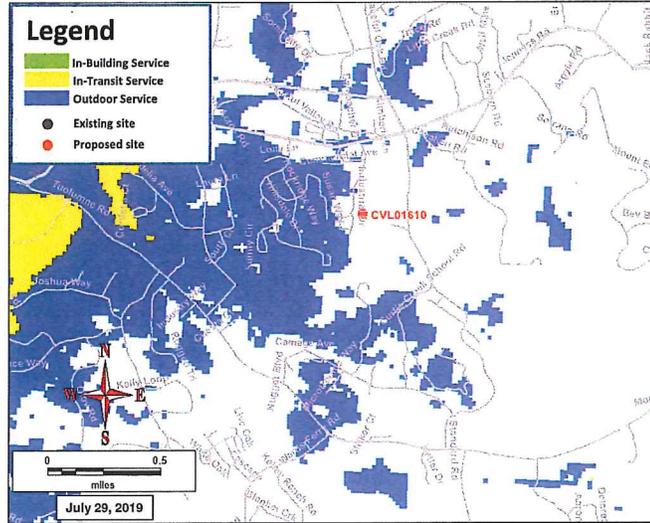
Supervisorial District No. 4

Attachment 2: Site Plan

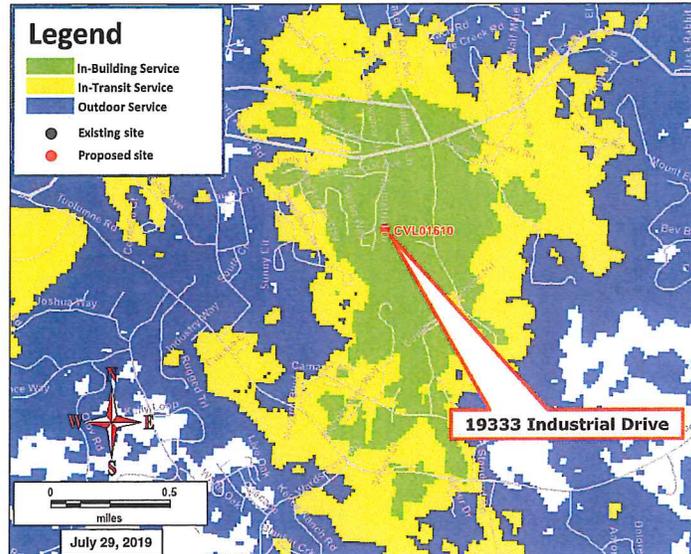


Attachment 4: LTE Coverage Maps

Existing LTE 700 Coverage



Proposed LTE 700 Coverage (RC = 116')



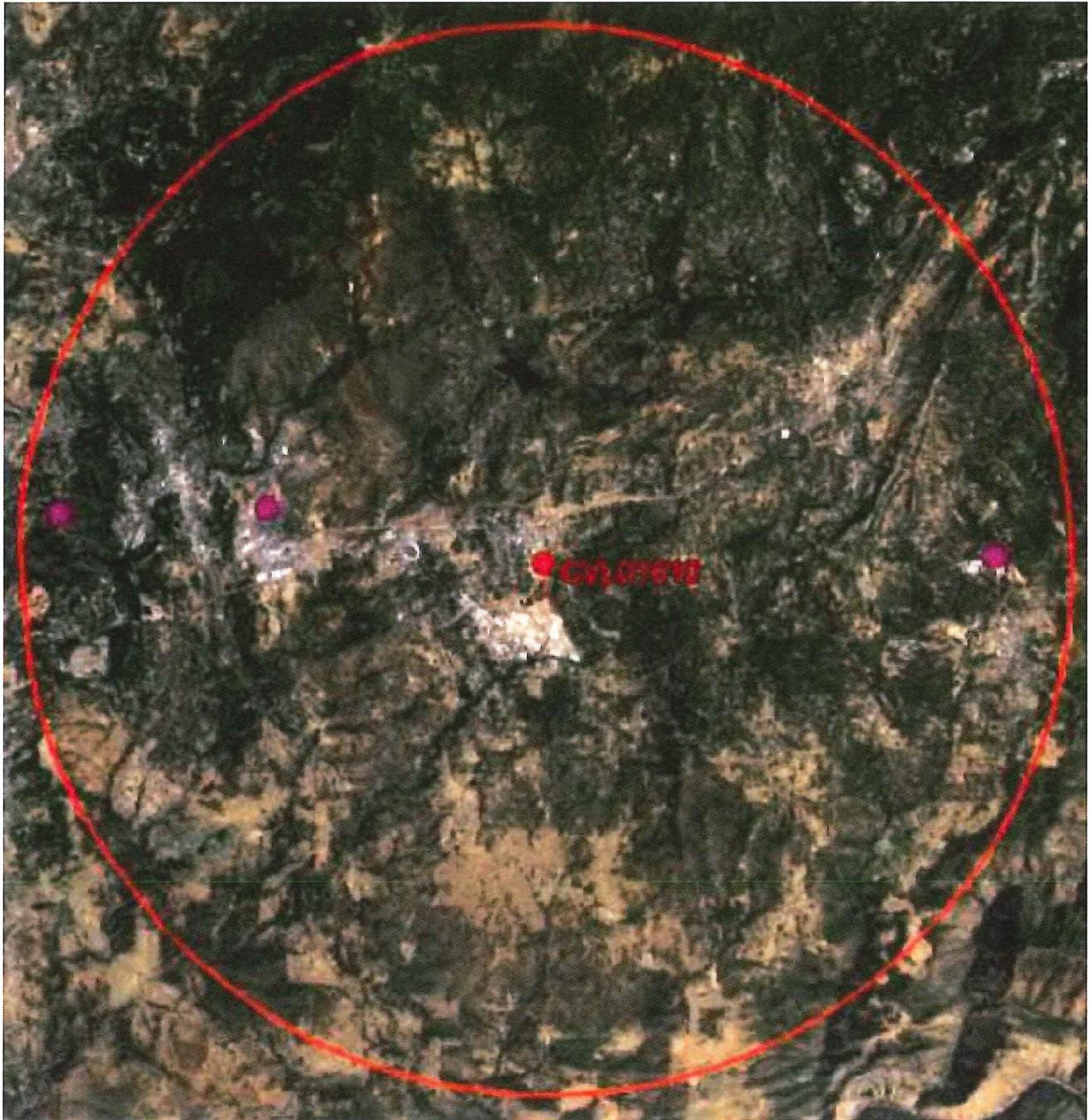
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Attachment 5: Two Mile Facilities Map



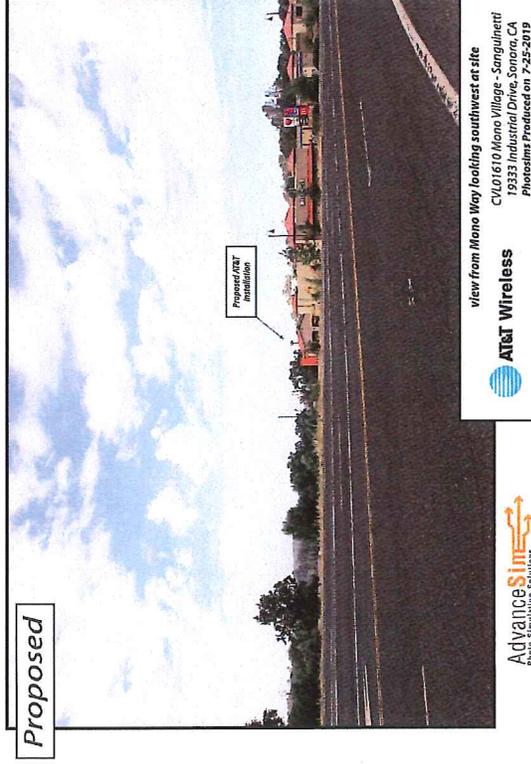
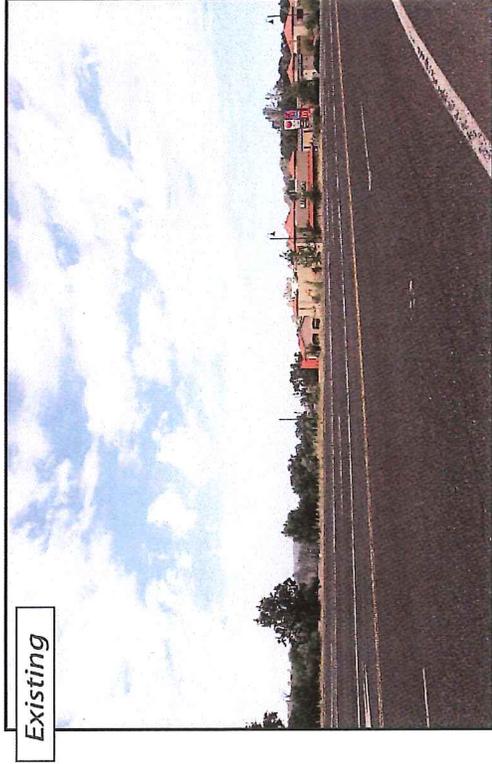
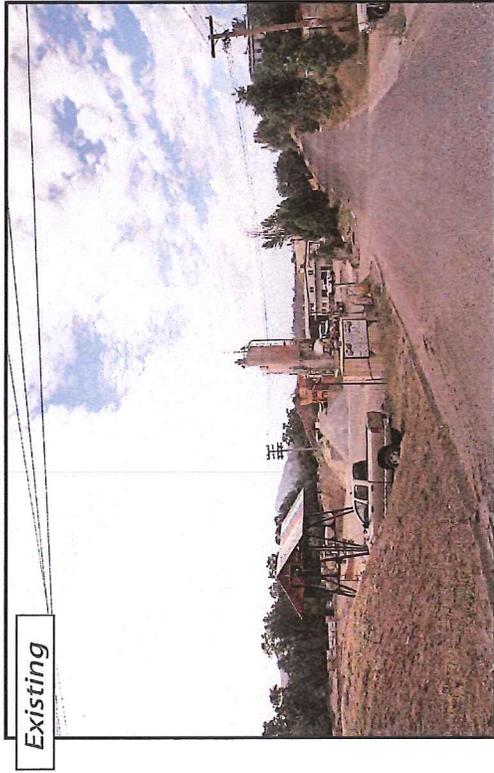
SANGUINETTI/MIEROP

Attachment 6: Five Mile AT&T Facilities Map

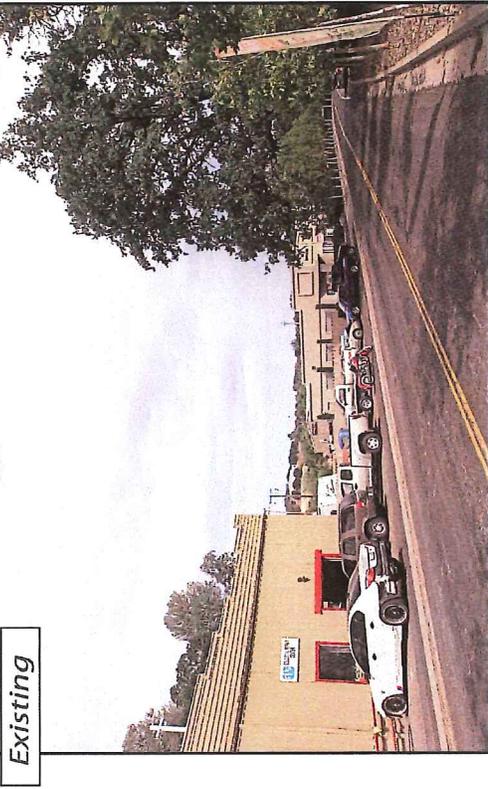


SANGUINETTI/MIEROP

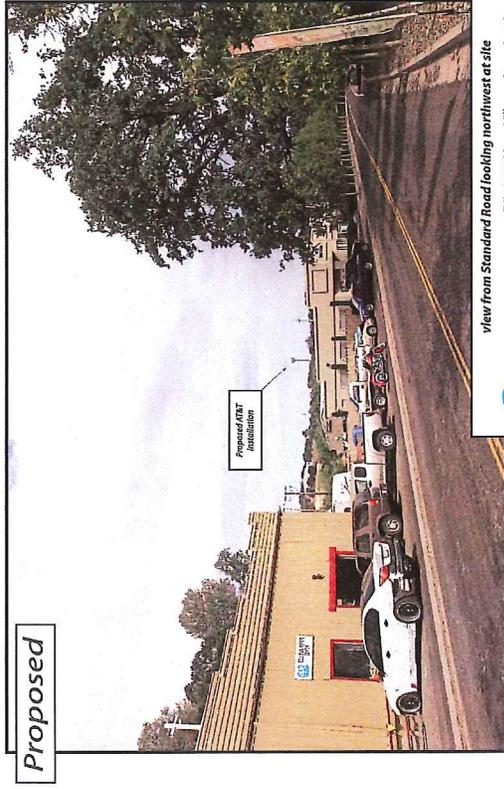
Attachment 7: Original Visual Simulations (not stealth)



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Existing

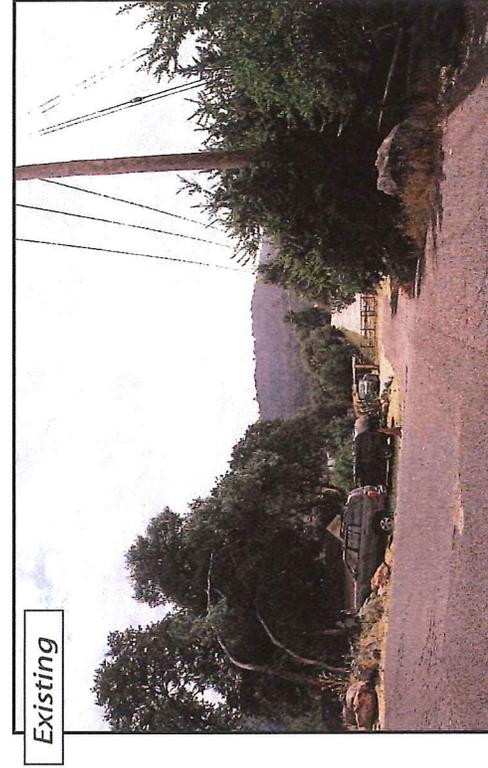


Proposed

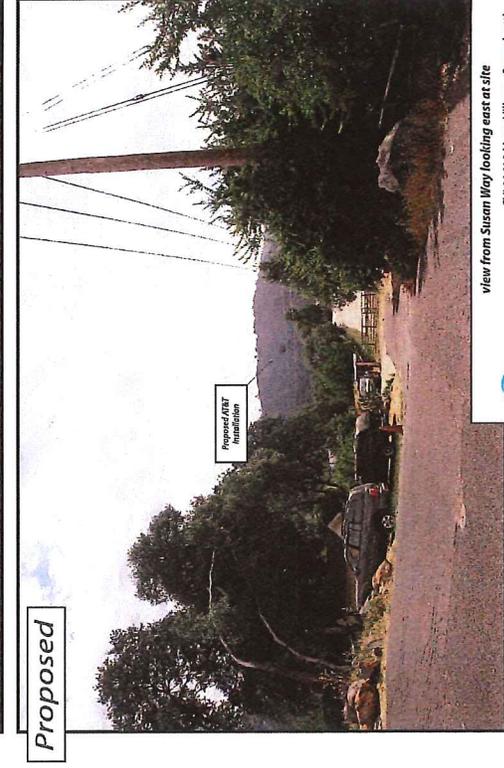
view from Standard Road looking northwest at site
 CVL01610 Mono Village - Sanguinetti
 19333 Industrial Drive, Sonora, CA
 Photosims Produced on 7-25-2019



Advance **S**ims
 PHOTO CONTACT
 CONTACT (951) 202-5597



Existing



Proposed

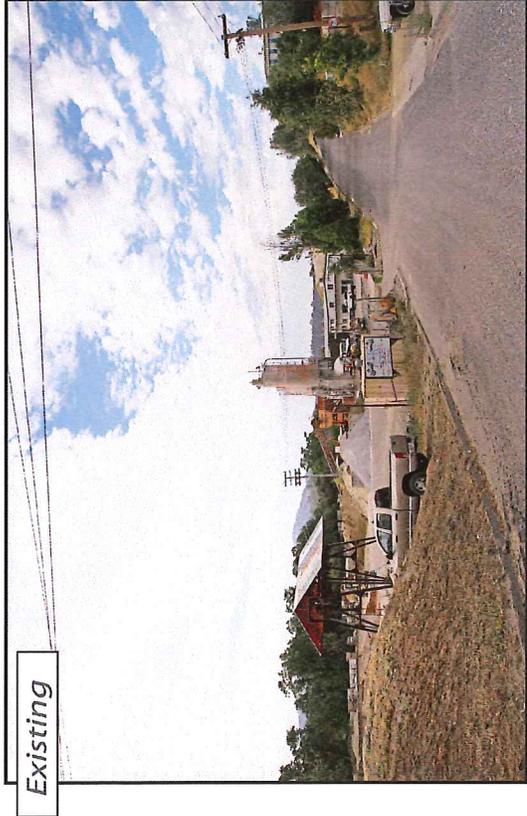
view from Susan Way looking east at site
 CVL01610 Mono Village - Sanguinetti
 19333 Industrial Drive, Sonora, CA
 Photosims Produced on 7-25-2019



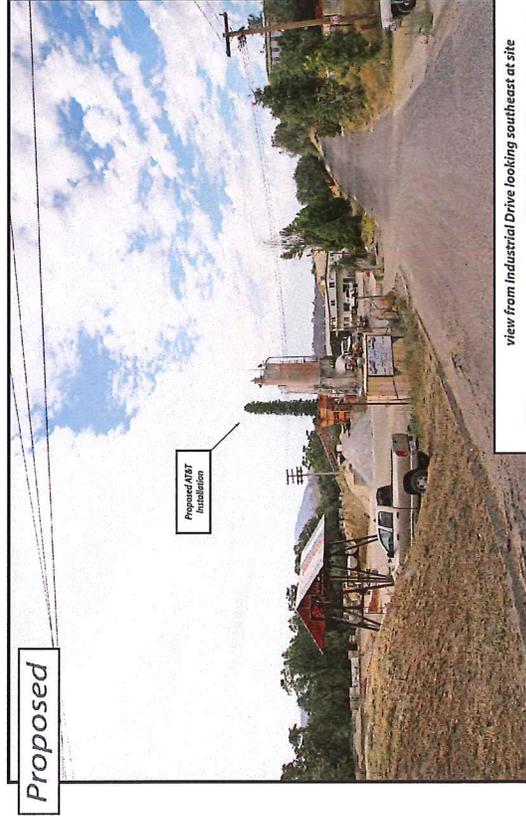
Advance **S**ims
 PHOTO CONTACT
 CONTACT (951) 202-5597

SANGUINETTI/MIEROP

Attachment 8: Revised Visual Simulations (stealth)



Existing

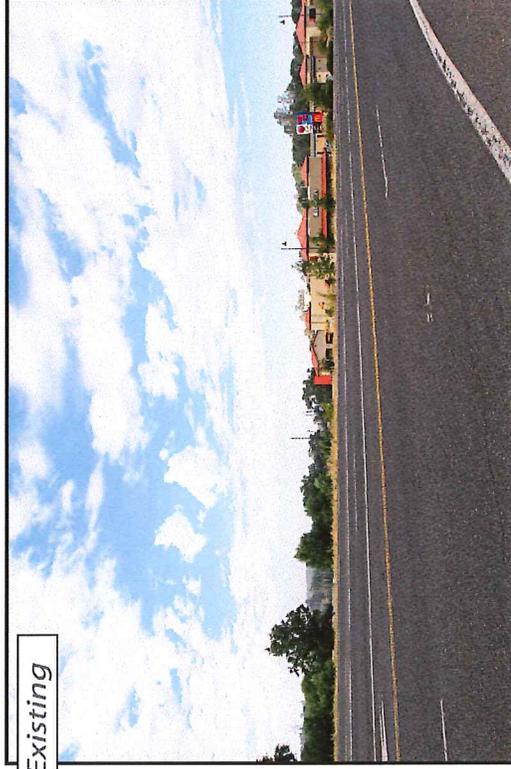


Proposed

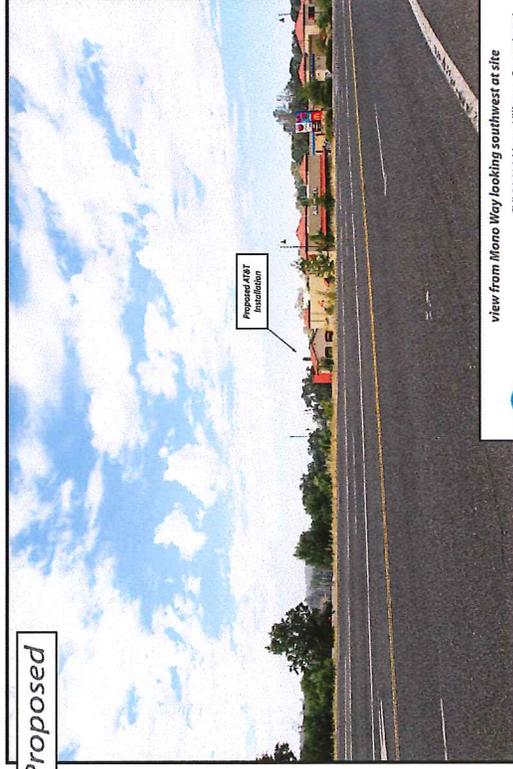
view from Industrial Drive looking southeast at site
 CVL01610 Mono Village - Sanguinetti
 19333 Industrial Drive, Sonoma, CA
 Photosim Produced on 9-27-2019



AdvanceSim
 Photo Simulations Software
 Contact: (823) 302-8897



Existing



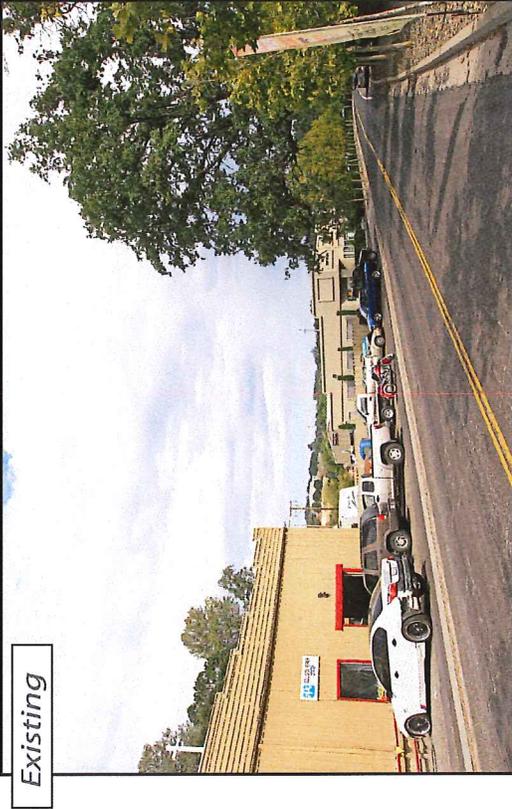
Proposed

view from Mono Way looking southwest at site
 CVL01610 Mono Village - Sanguinetti
 19333 Industrial Drive, Sonoma, CA
 Photosim Produced on 9-27-2019

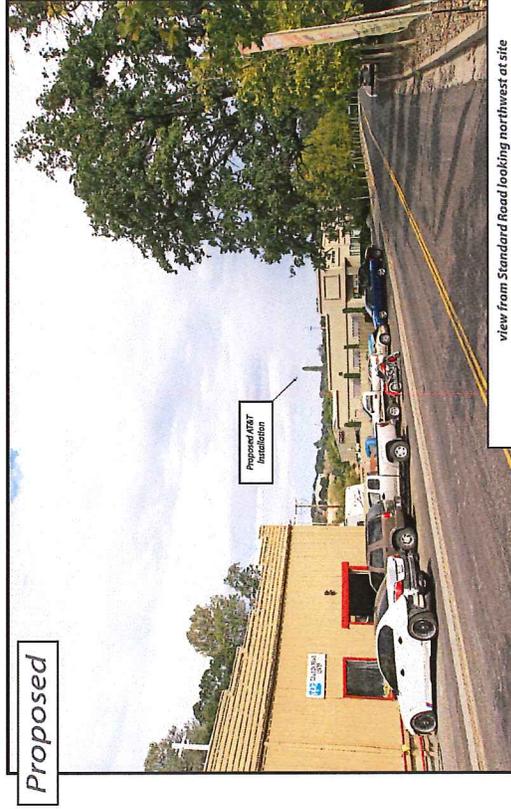


AdvanceSim
 Photo Simulations Software
 Contact: (823) 302-8897

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Existing

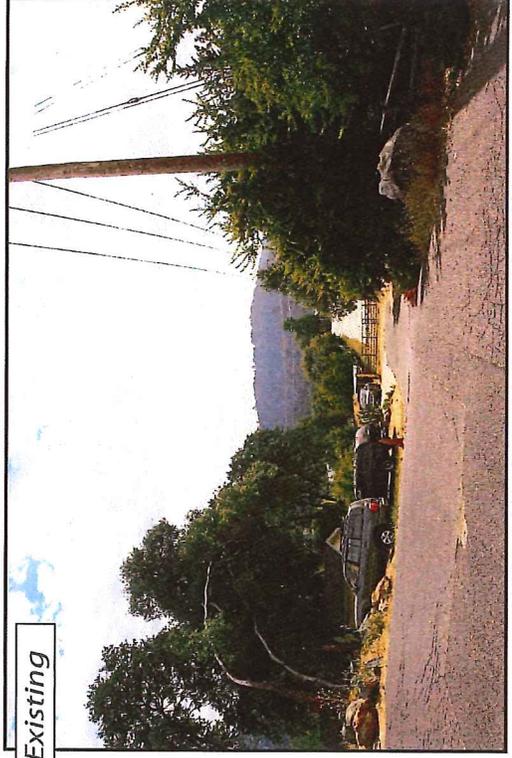


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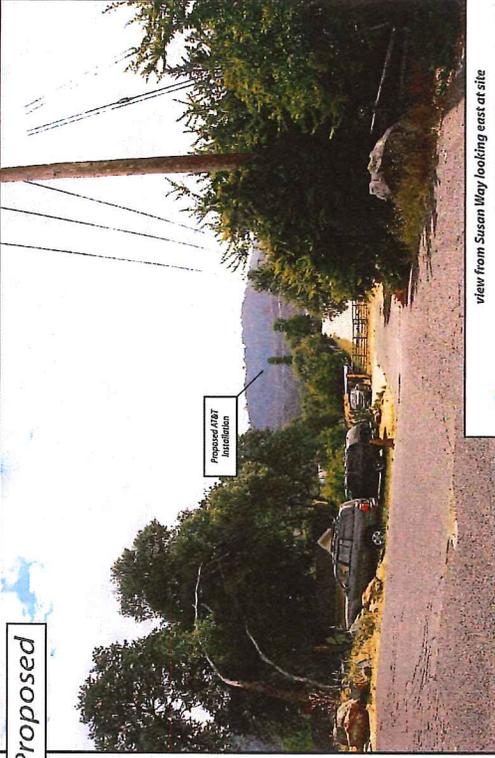
view from Standard Road looking northwest at site
 CUL01610 Mono Village - Sanguinetti
 19333 Industrial Drive, Sonoma, CA
 Photosims Produced on 9-27-2019



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 Photo Simulations
 Contact: (253) 252-5807



Existing



Proposed

view from Susan Way looking east at site
 CUL01610 Mono Village - Sanguinetti
 19333 Industrial Drive, Sonoma, CA
 Photosims Produced on 9-27-2019



AdvanceSi
 Photo Simulations
 Contact: (253) 252-5807



OFFICE OF
ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP
Environmental Coordinator

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
209 533-5909 (fax - EHD)
www.tuolumnecounty.ca.gov

NOTICE OF EXEMPTION

PROJECT TITLE: Conditional Use Permit CUP19-009 and Variance VAR19-005

PROJECT PROponent: AT&T c/o Complete Wireless Consulting

LOCATION: The project is located at 19333 Industrial Drive, approximately 1,600± feet south of the intersection of Mono Way and Industrial Drive. A portion of Section 3, Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 061-040-019 and 061-040-034. Supervisorial District 4.

COUNTY: Tuolumne

PROJECT DESCRIPTION: Conditional Use Permit to allow the construction of a new 120± foot tall wireless communications tower and related equipment in a 40± foot by 40± foot compound on Assessor's Parcel Number 061-040-034.

Variance VAR19-005 to allow the tower within the one hundred and ten percent (110%) setback of the tower height from property boundaries as required by Section 17.23.090 of the TCOC. The tower would be placed 20± feet from the northern property boundary and 67± feet from the eastern property boundary.

APPROVING AGENCY: Tuolumne County

EXEMPT STATUS (check one)

- Ministerial (Sec. 21083, 21084; 15303(d))
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Categorical Exemption (Sec. 15303)
 Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines because the project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____