DRAFT CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

Use Permit UP 25;3-2 NextEdge (Woodfern) 100' Monopine Telecommunications Tower

APPLICANT: Modus LLC; Vertical Bridge REIT, LLC; Nextedge Networks (Matthew Norton)
1355 Windward Concourse; Alpharetta, GA 30005

PHONE: (916) 505-7178

Property Owner: Amador County Recreation Agency (ACRA)

PROJECT LOCATION: 23922 Woodfern Dr. Pioneer, CA 95666

PROJECT DESCRIPTION: Request for a Use Permit (UP-25;3-2) to install a 100-foot-tall monopine design wireless communication tower with 6 panel antennae and associated tower and ground equipment, within a 30'x40' enclosed lease area. (APN: 031-310-024).

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

PLANNING COMMISSION APPROVAL DATE:

IMPORTANT NOTES:

NOTE A: It is suggested the project applicant contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing these requirements. Improvement work shall not begin prior to the review and submission of the plans and the issuance of any applicable permits by the responsible County Department(s). The Inspector must have a minimum of 48 hours' notice prior to the start of any construction.

NOTE B: Information concerning this project can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

FISH AND WILDLIFE FEES:

1. ***No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.***

CONDITIONS OF APPROVAL

2. *This Use Permit shall not become valid, nor shall any uses commence until such time as the Permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use shall commence.* **THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.**

3. *The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code.* **THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.**

4. ***Prior to the issuance of a building permit***, the permittee shall provide an engineer's estimated cost for removal of the monopole and ancillary equipment and shall provide a performance bond in the amount of 100% of the County's estimated cost of removal for the wireless service facility and other equipment, including administrative costs. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.**

5. The wireless service facility shall be removed when it becomes no longer necessary or not in use for a six-month period. **THE PLANNING DEPARTMENT SHALL MONITOR THIS**

CONDITION.

6. The permittee shall acquire all necessary building permits for all facilities and any other related equipment. **THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.**

7. Construction and location shall be substantially the same as shown on the approved project description. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION IN CONJUNCTION WITH THE BUILDING DEPARTMENT.**

8. The wireless service facility shall have a minimum building setback from all property lines and public road rights-of-way equal to the height of the facility. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION IN CONJUNCTION WITH THE BUILDING DEPARTMENT.**

9. Any security lighting for the ground facilities shall be shielded and directed in such a manner so as not to direct light onto neighboring properties/buildings/roadways. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.**

10. Any proposed generator shall be constructed and insulated such that it will not exceed the Noise Element Guidelines of the Amador County General Plan at the project parcel's boundary. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.**

11. Prior to activation of the use permit, the applicant shall provide documentation to the Amador County Environmental Health Department that the site is in full compliance with the requirements of the Unified Program regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. If a hazardous materials business plan is required, the emergency response portion shall include a plan for the evacuation of visitors in the event of a hazardous materials incident. The applicant shall substantially comply with all requirements of the Unified Program throughout the life of the Use Permit. **ENVIRONMENTAL HEALTH SHALL MONITOR THIS CONDITION.**

12. The permittee shall submit proof to the Planning Department that all FCC and FAA regulations for wireless service facilities have been researched and complied with according to their requirements,. that the facility shall not emit harmful rays, noxious odors, heat, excessive noise or pollutants. The facilities shall not interfere with radio, television or phone transmissions, and will not interfere with the operation of household appliances, door openers, or other machinery in the area. If public complaints occur, the burden of proof in fulfilling this condition shall be upon the permittee. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.**

13. Any future co-location shall comply with County Code Section 19.48.150. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.**

MITIGATION MONITORING PROGRAM

AES-1 **Monopine Design.** The proposed wireless tower shall be constructed as a monopine tower to match the surrounding character of the area.

AES-2 **Standard Lighting Regulations**. Any lighting installations must be compliant with County regulations, and be conditioned to incorporate measures to reduce light and reflectance pursuant to Amador County General Plan Mitigation Measure 4.1-4. This includes measures to reduce light and reflectance including limitation of all installed lighting with this project to full-cutoff, fully-shielded fixtures directed downwards with color correlative temperature (CCT) less than or equal to 3000K. Motion sensors and automatic shutoffs shall be used to limit all lighting fixtures in use after the recreational facility is closed to the public or after 10:00 p.m. This mitigation measure does not include applicability to lighting installations required to ensure public health or safety.

AIR-1 **Air Quality Best Management Practices (BMPs).** Permittee shall meet requirements that may be deemed necessary by the Amador Air District based upon site conditions and operations. The project shall require that idling times for construction equipment and vehicles be limited to a maximum of 5 minutes to reduce operational emissions of criteria pollutants per General Plan Mitigation Measure 4.3-2a.

AIR-2 **Generator Emission Permits**. Permittee shall be required to keep and maintain adequate permits from Amador Air District as determined necessary in order to ensure emissions from the proposed generator fall within the acceptable level per California Air Resources Board (CARB) regulations.

BIO-1 **Wetland and Riparian Conservation.** Compete avoidance of wetlands is conservatively recommended to ensure compliance with wetland laws. Site development shall implement erosion control plans, and best management practices (BMPs) that prevent the discharge of sediment into nearby drainage channels and wetlands as determined necessary at the time of grading permit application. To the extent feasible, any intermittent creeks within the project vicinity shall be preserved, with a 50-foot buffer, limited to construction on either side of the creek. This buffer should be 50 feet in width on each side of the creek as measured from the edge of US Army Corps of Engineers jurisdiction. This mitigation measure shall not apply where it conflicts with hazardous site remediation required by orders from the Central Valley Regional Water Quality Control Board. If complete avoidance of potential jurisdictional Waters of the U.S. or wetlands is not practicable, a wetland delineation should be prepared and submitted to USACE for verification in order to determine the jurisdictional or non-jurisdictional nature of the seasonal wetlands and man-made drainage ditch. If jurisdictional areas will be impacted, wetland permits/and or certification should be obtained from USACE, CDFW, and the RWQCB prior to placement of any fill (e.g., a culvert, fill slope, rock) within potential Waters of the U.S.

BIO-2 **Ground Disturbance Timing for Nesting Birds**. The adjacent forest habitat is very likely used by nesting birds during the breeding season. Due to the potential for birds to nest in the vicinity of this site, if construction of this site should occur during the bird nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist no more than 7 days prior to the initiation of work. The survey should also include a cavity nest search if any trees are to be removed as part of the project. If an active nest is found within the project's zone of influence, an avoidance plan will be written to ensure construction does not cause nest failure. If an active nest is encountered during the construction of future maintenance activities, work should stop

immediately until a biologist can determine the status of the nest and when work can proceed without risking violation of state or federal laws (Ace Environmental, 2025). The applicant shall be required to adhere to the biologist's recommendation(s), consistent with best-management practices as established by the responsible regulatory agency, which may include the establishment of buffers, demarcation of sensitive areas, fencing and/or restriction of access to certain areas, subsequent monitoring, or other measures as determined necessary.

CULTR-1 Paleontological or Historical Resources. During ground-disturbing activity, if paleontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the applicable agency. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities.

CULTR-2 Human Remains. Immediately cease any disturbance of the area where such suspected remains are discovered and any nearby areas reasonably suspected to overlie adjacent remains until the Amador County Coroner is Amador County General Plan FEIR AECOM County of Amador 4.5-15 Cultural Resources contacted, per Section 7050.5 of the California Health and Safety Code,. The coroner shall, within two working days:

Determine if an investigation of cause of death is required;

Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of making his or her determination.

The descendants of the deceased Native Americans shall make a recommendation to the operator/ permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.

The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.

The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification.

Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

CULTR-3 Future Identification of Cultural Resources. Avoidance of the identified cultural resources would be the preferred mitigation for any project that may threaten the resource(s) or any significant cultural resources. If the County approves the project, and a previously unrecorded archaeological resource is discovered during any future ground disturbing activity, all work shall stop in the immediate vicinity of the find and the resource shall be documented, evaluated, and an

appropriate means of mitigating any adverse effects shall be recommended by an archaeologist who meets the Secretary of the Interior's professional qualifications standards in prehistoric or historical archaeology, as appropriate. In the unlikely event that human remains are discovered, California law requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition of the remains and any grave goods. If the Coroner determines that no investigation of the cause of death is required and if the Native American heritage commission, which in turn will inform a most likely descendant, the descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.

Chairperson Amador County Planning Commission		Date
Applicant		Date

(1) Applicant
(2) Amador Air District
(3) Building Department
(4) Environmental Health Department
(5) Transportation and Public Works Department
(6) Waste Management Department
(7) Amador Fire Protection District
(8) CA Department of Fish and Wildlife
(9) Planning Department