

# ATTACHMENT E

## USE PERMIT AND CONDITIONS OF APPROVAL HARLAN RANCH CELL TOWER — MAJOR USE PERMIT ZONE FILE #2024-036

### Project/Property Information:

Zone File: ZF #2024-036

Project Site: Immediately south of the City of Woodland, approximately 0.25-mile west of County Road 99 (APN: 039-030-017)

Property Owner: Blake and Melissa Harlan Trust, 37587 Harlan Lane, Woodland, CA 95695

Project Applicant: Carl Jones, Epic Wireless Group LLC (AT&T Agent), 605 Coolidge Dr, Suite 100, Folsom, CA 95630

### USE PERMIT

On September 11, 2025, the Yolo County Planning Commission held a duly noticed public hearing to consider ZF #2024-036 and issued this Use Permit subject to the conditions of approval provided below.

### CONDITIONS OF APPROVAL

#### **A. PLANNING DIVISION (530) 666-8036**

1. The project shall be developed in compliance with all adopted Conditions of Approval approved for Zone File #2024-036. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. This Use Permit (2024-036) authorizes the applicant to construct and operate a cellular telecommunications facility, located immediately south of the City of Woodland, approximately 0.25-mile west of County Road 99 (APN 039-030-017). Construction shall be limited to the property and include a 140-foot-tall monopole cell tower with 15 panel antennas, 12 remote radio units, a new pre-manufactured 3 bay walk up cabinet (6-feet by 12-feet) , and a 30-kW back-up generator (diesel powered), all within a 900 sf (30'x30') lease area on a ±23.79-acre parcel located in the Agricultural Intensive (A-N) zone. The lease area is enclosed by a 6-foot-tall chain link fence with barbed wire and an access gate. The facility will provide space for colocation for use by other service providers and will provide First Net capability (First Responders Network).

Access to the property is from County Road 99 via an unpaved private driveway. The applicant proposes a 15' non-exclusive access and utility easement from the unpaved private driveway off County Road 99 to the 30'x30' lease area. Energy will be provided through an approximately 200' power/fiber joint trench electrical easement to an existing wood utility pole, and backup power will be provided by a 30-kW diesel generator in the event of an emergency, and for maintenance.

3. Any minor modification or expansion of the proposed use shall be consistent with the purpose and intent of this Use Permit and shall be approved through Site Plan Review or an

amendment to this Use Permit, as determined by the Director of Community Services. The facility shall be operated in a manner consistent with the project's approval.

4. This permit is not valid until the expiration of the 15-day appeal period from the date of the Planning Commission's final action pursuant to Section 8-2.225 of the Yolo County Code.
5. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Community Services may grant an extension of time. However, such an extension shall not exceed a maximum of one year.
6. The applicant shall cooperate with the County in addressing shared usage of the facilities and/or site for future collocation on the tower and ground lease area and shall not unreasonably oppose sharing the site and facilities with other service providers.
7. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass, and weeds. Any structures on the leasehold area shall be adequately maintained, including removal of graffiti within 30 days of notification.
8. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent properties, public right-of-way, and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures.
9. The project shall be operated in compliance with all applicable federal and state laws, including Yolo County Code regulations and FCC standards and rules regulating wireless telecommunications facilities.
10. Construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, and from the hours of 9:00 a.m. to 6:00 p.m. on Sundays.
11. Noise levels generated from operation of the project shall not exceed 60dB as measured at the property line of the nearest offsite residence. [Refer to Countywide General Plan Health and Safety Policy HS-7.4]
12. To the extent feasible, all disturbed soils and unpaved roads during construction activities shall be adequately watered to keep soil moist to provide fugitive dust control, per the Yolo Solano Air Quality Management District requirements.
13. The property owner and/or operator(s) shall maintain the site in such a manner, and with such frequency, to insure for public health, safety, and general welfare.
14. Upon termination of the telecommunications facility use, the monopole shall be removed and the project site restored back to its original condition within 180 days of cessation of all uses.
15. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees (currently \$2,968.75 plus a \$50 Recorder fee) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five (5) working days of approval of this project by the Planning Commission.
16. The Project proponent shall apply for Yolo HCP/NCCP coverage through the Yolo Habitat Conservancy. The project proponent shall submit a Yolo HCP/NCCP Private Project application, and any required attachments, for review by the Yolo Habitat Conservancy. The

Project proponent must receive a Yolo HCP/NCCP Certificate of Approval prior to ground disturbing activities occurring onsite, i.e., building or grading permit issuance. Yolo HCP/NCCP compliance includes payment of applicable mitigation fees and implementation of Avoidance and Minimization Measures as identified by the Yolo Habitat Conservancy during the Private Project application review process. The following Avoidance and Minimization Measures (AMM) from the Yolo HCP/NCCP shall be applied to the project:

- a. **AMM 3. Confine and Delineate Work Areas.** Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.
- b. **AMM 5. Control Fugitive Dust.** Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.
- c. **AMM 6. Conduct Worker Training.** All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.
- d. **AMM 7. Control Nighttime Lighting of Project Construction Sites.** Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural habitat areas adjacent to the project construction area.
- e. **AMM 8. Avoid and Minimize Effects of Construction Staging Areas and Temporary Work Areas.** Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land).

Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:

- Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.
- Occupied western burrowing owl burrows.
- Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season.

Project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, *Sensitive Natural Communities*) and covered species (Section 4.3.4, *Covered Species*) in temporary staging and work areas. For establishment of temporary work areas

outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present.

Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds.

- f. **AMM 16. Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite.** The applicant will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000) within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.

- g. **AMM 21. Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird.** The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).

Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.

If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

17. Erosion Control and Restoration. The applicant shall prepare and implement an erosion control plan to minimize construction impacts on surface water and groundwater quality. Implementation of the erosion control plan will help stabilize graded areas and reduce erosion and sedimentation. The plan shall designate BMPs that will be adhered to during construction activities. Erosion and sediment control measures, such as straw wattles, covers, and silt fences, shall be installed before the onset of winter rains or any anticipated storm events. Suitable stabilization measures shall be used to protect exposed areas during construction activities, as necessary. During construction activities, measures shall be in place to prevent contaminant discharge. The erosion control plan shall be submitted to the County with the building permit application.
18. Inadvertent Discovery of Cultural Resources. A professional archaeologist meeting the Secretary of Interior qualifications should be available on-call to identify and evaluate previously unidentified cultural resources discovered during construction activities. Upon inadvertent discovery of a potential resource, avoidance measures will be implemented by construction crews. These should include halting construction work within 50 feet of the find and directing construction away from the discovery until the archaeologist assesses the significance of the resource. The archaeologist will consult with the appropriate responsible public agency regarding necessary plans for treatment of the find(s), and for the evaluation and mitigation of impacts if the finds are thought to be potentially eligible for the CRHR or may qualify as a unique archaeological resource under CEQA Section 21083.2.
19. Inadvertent Discovery of Human Remains. In the event that human remains, or potential human remains are discovered, construction activities within 100-feet of the find shall be immediately halted. The construction Project Manager shall immediately notify the appropriate responsible public agency and the County Coroner. The County Coroner will make a determination as to the origin of the remains and, if determined to be of Native American origin, will contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. If the remains are not of Native American origin, the County Coroner will make a determination as to the disposition of the remains. Once contacted by the County Coroner, the NAHC shall immediately identify and notify the Most Likely Descendant (MLD). The MLD has 48 hours to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the appropriate responsible public agency shall reinter the remains in an area of the property secure from further disturbance. If the responsible public agency does not accept the descendant's recommendations, the appropriate responsible public agency or the descendant may request mediation by the NAHC. Construction may continue once compliance with all relevant sections of the California Health and Safety Code have been addressed and authorization to proceed is issued by the County Coroner and the responsible public agency.

20. Inadvertent Paleontological Find. Although highly unlikely, should any significant paleontological resources (e.g., bones, teeth) be unearthed, construction activities should be diverted at least 15 feet from the find until a professional paleontologist has assessed the find and, if deemed significant, salvaged it in a timely manner. Collected fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they will be properly curated and made available for future research.
21. The Applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County shall promptly notify the Applicant of any claim, action or proceeding and that the County cooperates fully in the defense. If the County fails to promptly notify the Applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action.

The county may require that the Applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in non-issuance of future building permits or legal action.

## **B. BUILDING DIVISION (530) 666-8609**

22. All building plans shall be submitted to the Department of Community Services for review and approval in accordance with County Building Standards prior to the commencement of any construction.
23. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed antennas and appurtenances shall be installed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
24. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the School District, Fire District, and County facility fees.

## **C. PUBLIC WORKS DIVISION (530) 666-8436**

25. The applicant shall apply for a County encroachment permit for any proposed work within the county right-of-way, which includes County Road (CR) 99, or any activity that might impact traffic. Contact [ppw@yolocounty.gov](mailto:ppw@yolocounty.gov) for encroachment permit inquiries.
26. Driveway visibility shall be maintained per Yolo County Improvement Standards Drawing # 4-13 at a minimum. Landowners are responsible for tree maintenance along the property

frontage to County roads.

27. Signs associated with the business are not permitted in county road right-of-way.
28. Any damages to CR 99 due to applicant's activities are to be repaired to County Standards at applicant's expense.
29. Provide ongoing maintenance of gravel parking areas and access roads, including but not limited to, stabilizing any areas that have eroded, preventing the downstream conveyance of sediment, and providing dust control.
30. County right-of-way shall not be used for event/business/operations parking.
31. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
  - a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
  - b. Permanent monuments have been set marking any boundary.
  - c. Additional right-of-way was dedicated to the County.

The applicant shall reimburse the County for all activities associated with County Surveyor review (County Zone File No. ZF2024-036).

32. If the development disturbs one acre or more of land, the developer must obtain coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. State General Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #), and pay associated fees, prior to issuance of a County building or grading permit.

ACKNOWLEDGMENT of CONDITIONS OF APPROVAL for ZONE FILE #2024-036. I hereby concur with the conditions of approval as set forth above.

Signature of Owner/Authorized Agent:

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Carl Jones  
Epic Wireless Group LLC

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Date