

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** August 21, 2019  
**Item No.:** 4.a.  
**Staff:** Melanie Shasha

**MINOR USE PERMIT**

**FILE NUMBER:** MUP19-0001/Heavenly DAS

**APPLICANT:** Rob Brueck, Hauge Brueck Associates

**REQUEST:** Minor Use Permit for the construction and operation of a Verizon neutral host wireless communication facility within the California Main Lodge-parking lot of the Heavenly Ski Resort consisting of the following:

- 1) A 1,050 square foot building located within the existing paved parking lot that would contain the hub of communication and electrical equipment including a backup generator;
- 2) Colocation of one (1) 45-foot tall monopole on an awards podium replacing an existing flag pole adjacent to the World Cup ski lift base terminal (i.e., node); and
- 3) Associated trenching, directional boring, plowing, and installation of gas, fiber and power lines beneath the existing paved parking lot at the bottom of the ski area at the California Lodge.

**LOCATION:** At the intersections of Wildwood Ave., Saddle Road and Keller Road, in the Lake Tahoe Basin, Supervisorial District 5. (Exhibit A)

**APN:** 030-370-004

**ACREAGE:** 60 acres

**GENERAL PLAN LAND USE DESIGNATION:** Approved Plan (AP) - Tahoe Regional Planning Agency (Exhibit F)

**ZONING DESIGNATION:** Forest Resource-160 acres (FR-160) (Exhibit G)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301(b) (Existing Facility) of the California Environmental Quality Act Guidelines and CEQA

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find Minor Use Permit MUP19-0001 is Categorically Exempt pursuant to section 15301(b) of the CEQA guidelines; and
2. Approve Minor Use Permit MUP19-0001 based on the Findings and subject to the Conditions of Approval as presented.

### **EXECUTIVE SUMMARY**

This proposed wireless facility is a portion of a larger Distributed Antenna System (DAS) designed to serve the data and voice demands of a large recreational site. DAS uses multiple small-scale antennas to achieve coverage over a larger area. This system is designed to provide on-mountain service and is expected to alleviate the current demand on the existing regional cell and data providers. The project is wholly within the Heavenly Ski Resort Master Plan area. The portion of the project subject to the County regulations includes replacing an existing flag pole with the monopole on the existing awards podium located adjacent to the World Cup chair lift a 45-foot high monopole (as measured from the ground), construction of a utility hub building in the parking lot between the existing Tram base terminal and Heavenly Ski Foundation building, and directional boring through the parking lot, and plowing (i.e. trenching) from the node to the overhead utility poles to connect the facilities within the Heavenly-owned parcel to the remaining project. Project activities that are not subject to County regulations include: installation of five nodes (one collocated on an existing building and 4 as monopines) and associated utility trenching on USDA Forest Service owned land leased by Heavenly Ski Resort (Exhibit M) . This offsite portion of the project has been reviewed and permitted by the Tahoe Regional Planning Agency and Regional Water Quality Control Board, Lahontan. Staff recommends the Zoning Administrator approve the project based on the findings and the conditions of approval contained below.

### **OTHER PROJECT CONSIDERATIONS**

This project is consistent with County policies and will not affect traffic, affordable housing, nor the environment. As proposed, this project will increase voice and data service to visitors, staff and emergency personal within the Heavenly ski area. Of the six proposed nodes, one will be within the Heavenly-owned California Main Lodge replacing an existing flag pole on the race podium at the bottom of the World Cup run. The offsite portion of the project was also reviewed and approved on June 27, 2019 by the Tahoe Regional Planning Agency under Recreation-Public Service Conditional permit number ERSP2019-0375.

### **BACKGROUND / HISTORY**

The Heavenly Ski Resort area is within an adopted plan of Heavenly Ski Resort Master Plan adopted by the Board of Supervisors under Resolution No. 214-96 and permitted under Special Use permit S98-0028 approved on August 12, 1999 with a Master Plan Amendment SP05-0001 approved on July 12, 2007. The master plan was adopted by the County, TRPA, Lahontan Regional Water Control Board and was reviewed under both NEPA and CEQA. Construction of any new buildings to serve customers or staff or ski resort related signs will be permitted as a revision to that special use permit.

In this situation, the communication facility is not an expansion of the special use but a separate use unrelated to the ski resort operation.

The intention of this project is to update the current on-mountain communication system to meet current and anticipated voice and data demands with modern technologies as provided for by the communication provisions of the Heavenly Ski Area Term Special Use Permit with the USDA Forest Service. Voice and data service for the California Lodge as well as the other areas of the ski resort, currently do not provide adequate service for first responders, staff and customers. The Distributed Antenna System (DAS) is designed to service large areas, such as ski resorts, that place a substantial demand on the existing wireless utilities.

The DAS is a neutral host facility and can be shared by multiple carriers. This project will relieve the demand on the existing wireless facilities which are currently unable to provide service to the entire resort due to topography/geography and the limited infrastructure currently onsite.

The co-location of antennas on existing non-building structures is allowed subject to the approval of the Zoning Administrator in compliance with the required findings. These findings are address below in section 3.0.

At the present time, no wireless or data service is located within the project area. Colocation on another existing facility off site was not analyzed as a part of this project due to the intention of providing multiple carrier service specifically to the resort.

## **EXISTING CONDITIONS**

The project site is located in the Tahoe Basin at an elevation of approximately 6,300 feet mean sea level. It is dominated by parking lot, lodge, chair lifts and Tramway lifts, and the lower level of several ski runs of the Heavenly Ski Resort. The location of the existing awards podium with five flag poles is next to the World Cup chair lift on the northeast parcel line. It is slightly uphill from the location of the proposed utility HUB building. The utility building is in the parking lot between the Heavenly Ski Foundation building and the Tramway building. There is also an existing retaining wall of approximately 5 feet tall separating the parking lot from the bottom of the ski runs. Vegetation on the lower ski runs consists of annual grasses and forbs with mature pine trees on the steeper and ungladed portion of the parcel.

Surrounding land uses include adjacent Forest Resource to the east and south, multi and single family residences on the north, east, and west and a single commercial use parcel to the north. The commercial and residential parcels are located within the City of South Lake Tahoe with the Forest Resource and a single residential lot located in the County. The bulk of the project is off-site on USDA Forest Service land within pine forest habitat and was not reviewed as a part of this application.

## **PROJECT DESCRIPTION**

The minor use permit would allow the construction and operation of a DAS Verizon wireless facility that would primarily serve the underserved area of the Heavenly Ski Resort. (Exhibit A)

The facility consists of the construction of a 45-foot tall monopole, 1,050 square foot utility HUB building containing the electronic equipment and backup generator, and utility trenching. The 45-foot tall monopole (as measured from the ground) will replace an existing metal flag pole (and will be painted the same color as the remaining flag poles) on an existing awards podium for a total of 5 flag poles. (Exhibit J) This monopole will be one of six nodes creating the DAS system.

The six nodes, in conjunction with the utility HUB, make up the DAS system. The five nodes on the USDA Forest Service owned-land will provide service to emergency personnel, staff and customers of Heavenly Ski Resort. The node located on the Heavenly-owned parcel is a portion of the DAS system and will provide service at the California Main Lodge. (Exhibit M)

The utility HUB building with adjacent generator will be placed north of the existing Ski Foundation building within the parking lot. The utility building is the main hub that houses the data and electrical banks for the entire project. It will be of similar architectural design as the adjacent Ski Foundation building. The emergency generator will be housed inside the building and use natural gas as a source of power. It will run only during routine maintenance and power outages after the battery backs-ups are drained. (Exhibit K)

Trenching of gas, power and data cables will be from the utility building to both the power pole on Keller Road and the monopole next to the World Cup lift. (Exhibit I) Installation of underground power and data cables will be through a combination of trenching, directional boring and utility plowing. From the utility building it will be directionally bored under the parking lot, up the compacted walkway and connect to both the powerpole on Keller Road and the monopole. From there it will be plowed through the base of the ski resort to First Ride ski run and connect to the existing overhead power poles. Once it connects to the Liberty Utility power poles, the fiber will run to the portion of the project on the USDA Forest Service land. (Exhibit M)

Parking and loading was analyzed in the EIR/EIS/EIS (a joint local, TRPA, and federal environmental document) for the Master Plan amendment approved under SP05-0001. Total parking spaces were listed as 1,310 at the Heavenly Main Lodge parking lot with additional, seasonal, off-site employee parking permitted through the City of South Lake Tahoe. The focus of the Transportation Facilities analysis was to increase shuttle riders because, short of building an additional parking structure, the existing access points to the resort were at capacity. The Master Plan and following Amendment proposed, and is approved, an additional parking structure within the existing parking lot which would hold 400 spaces. It was determined that mitigation in the form of additional buses and shuttle service, in the addition to the structure, would be the focus.

There are approximately 5 parking spaces being eliminated at the location of the proposed HUB building. Heavenly is in the process of reconfiguring the parking lot to make parking and traffic flow more efficient and is expected to gain 40 parking places in the process. The Transportation Impact Study was reviewed by the Department of Transportation and no comments were given. Staff has determined that the change in location of these spaces is insignificant to the parking operation at the Heavenly Main Lodge.

No alternative sites were considered as a part of this review because this project is specifically designed to provide on-mountain cell and data service due to the unique elevation, topographic, vegetative and use requirements of the remote mountain location.

## **CONSISTENCY ANALYSIS**

### General Plan

This project is consistent with the applicable General Plan Policies including adequate services to the proposed utility building as well as adequate emergency vehicle access as discussed below in Section 2.0, General Plan Findings.

### Zoning

This project is consistent with the Zoning Ordinance as required for a Minor Use Permit including minimizing the number of communication facilities, blending the design with the existing facility, maintain the maximum height for the zone district, equipment is screened from view and the facility is not located within an easement or area governed by CC&Rs. Staff has determined that the proposed project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, as discussed below in Sections 4.0 through 5.0, Zoning and Conditional Use Permit Findings.

### CEQA

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that Class 1 exemptions consist “of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The node will be collocated on an existing structure with the associated hub building also being located on an existing disturbed area (i.e. parking lot for the ski resort); thus the installation of the communication facility would not result in additional environmental effects and is therefore consistent with this exemption classification under CEQA

### Agency Review

The project was distributed for technical review by various affected agencies including Lahontan Regional Water Quality Control Board, Cal Fire, LAFCO, Lake Valley Fire District, South Lake Tahoe City Fire Protection District, El Dorado County Sheriffs, USFS Lake Tahoe Basin Management Unit, and Liberty Energy. To date, no agency comments were received as a part of the Technical Advisory Committee (TAC) review process.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

- Findings
- Conditions of Approval
  
- Exhibit A.....Vicinity Map
- Exhibit B.....Location Map
- Exhibit C.....Aerial Map
- Exhibit D.....Assessor’s Parcel Map
- Exhibit E.....Topography
- Exhibit F.....General Plan Land Use Designation Map
- Exhibit G.....Zoning Designation Map
- Exhibit H.....Preliminary Site Plan
- Exhibit I.....Preliminary Grading Sheet C4
- Exhibit J.....Photo Simulations Sheet C21
- Exhibit K.....Hub Building Elevations Sheet A3.1
- Exhibit L.....EMF/RF Report
- Exhibit M.....Fiber Alignment Plans Sheet C2

# FINDINGS

## **Minor Use Permit MUP19-0001/Heavenly DAS Zoning Administrator/August 21, 2019**

### **1.0 CEQA FINDINGS**

- 1.1 The proposed communication facilities are Categorically Exempt from CEQA pursuant to Sections 15301 of the CEQA Guidelines. Class 1 exemptions consist “of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The monopole will be collocated with an existing flag pole and the hub building will be located on existing paving and therefore is consistent with this exemption.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the County of El Dorado Planning and Building Department at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.3 Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 requires all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

#### **2.2 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: This project will connect to existing electrical facilities including power from an existing transformer on Keller Road as well as using the overhead power lines starting at First Ride and continuing upward. The operation of the project will require no water, sewer, or solid waste service as they are unmanned facilities. A generator is being included inside the equipment shelter to be located in the California Lodge parking lot. The generator is to be run only during maintenance and during power outages to maintain cell

and data services. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the pole mounted equipment and ground equipment shelters would not generate solid waste.

**2.3 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 requires new development, to demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The location of the proposed small utility structure is located in an existing parking lot with adequate emergency vehicle access.

**2.4 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7 requires noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise sensitive uses.

Rationale: This policy has been codified under the Zoning Ordinance 130.37 and includes exempted noise sources including “use of any mechanical devise, apparatus, or equipment related to or connected with emergency activities or emergency work to protect life or property” and “construction during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order.” Otherwise the project is anticipated noise level is expected to be within the standards listed in Table 130.37.060.1 below

**Table 130.37.060.1 – Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources**

<b>NOISE LEVEL PERFORMANCE STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION SOURCES</b>						
<b>Noise Level Descriptor</b>	<b>Daytime 7 a.m. - 7 p.m.</b>		<b>Evening 7 p.m. - 10 p.m.</b>		<b>Night 10 p.m. - 7 a.m.</b>	
	<b>Community / Rural Centers</b>	<b>Rural Regions</b>	<b>Community / Rural Centers</b>	<b>Rural Regions</b>	<b>Community / Rural Centers</b>	<b>Rural Regions</b>
Hourly Leq, dBA	55	50	50	45	45	40
Maximum level, dBA	70	60	60	55	55	50

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.40.130(A)**

Section 130.40.130(A) minimizes the number of communication facilities through encouraging the joint use of towers, service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and develop new sites that are multi-carrier.

Rationale: No alternative sites were considered for this project. The DAS is specific to the Heavenly Ski Resort to provide multi-carrier service in the resort area and to relieve the service burden on the nearby regional cellular capacity. The project would provide new and expanded service to the Heavenly Ski Resort for emergency personnel, staff and customers. The node is to be located on an existing flag pole and the hub building is located within the existing parking lot. Service provider Verizon will initially be installed but the system is open to other service providers.

#### **3.2 The project is consistent with Title 130.40.130 (B-H)**

Section 130.40.130(B-H) of the Zoning Ordinance requires that in all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

*B.4 Co-location on Existing Non-building Structures or Public Facilities. In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits). Those facilities not meeting the requirements below are subject to a Minor Use Permit:*

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.*
- b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;*
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view; and*
- d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.*

Rational: The proposed monopole is 45 feet tall measured from the ground level at the awards podium. This is consistent with the zone standard of Forest Resource-160 acres. The structure will be painted to match the color of the remaining flag poles. This color is consistent with the lift buildings and awards podium which is a dark green. The equipment shelter will be a building with architectural features similar to the adjacent Ski Foundation building. This project does not involve construction within an easement.

C. *Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.*

Rational: Photo simulations of the facility are provided in Exhibit J of the Staff Report. The exhibit shows how the facility will blend with the existing development in the surrounding area thereby minimizing its visual impacts.

D. *Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:*

1. *Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rational: The project has been designed to blend with the existing development on that portion of the parcel including the lift buildings and awards podium. (Exhibits J and K)

2. *Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.*

Rational: The project meets setback requirements for the FR-160 zone standards of 30 feet from all property lines, roadway easements or edge of traveled way. (Exhibit H)

3. *Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rational: Submitted RF analysis confirms compliance with the applicable FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) with mitigation as listed in the report. (Exhibits L).

*F. Availability. Section 130.40.130.F requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rational: The DAS system is open to multiple carriers.

*G. Section 130.40.130.G of the Zoning Ordinance requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned.*

Rational: The project has been conditioned to comply with this requirement.

*H. Section 130.40.130.H of the Zoning Ordinance states certain notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rational: This site is not within 1,000 feet of a school nor located on residentially zoned land governed by CC&Rs.

#### **4.0 MINOR USE PERMIT FINDINGS**

##### **4.1 The issuance of the permit is consistent with the General Plan.**

The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

##### **4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The use will not significantly conflict with the adjacent uses as the hub building is architecturally similar to the adjacent building and the monopole is painted to match surroundings flag poles and structures. As conditioned, the project is anticipated to result in insignificant environmental impacts to neighboring residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to surrounding neighborhoods based on the data and conclusions contained in the staff report. Based on modeling included in the EMF/RF report prepared by SiteSafe, at less than five (5) percent of the public safety standard established by the FCC at the project site, the risk of RF emissions to the surrounding public is remote.

Building permits required for the construction of this project would be for each portion of the development and include: tower permit for the monopole, accessory structure permit for the utility hub and a grading permit for the trenching.

4.3 **The proposed use is specifically permitted by Minor Use Permit.**

Because the proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.B through H (Communication Facilities), the project is a specifically permitted use with an approved Minor Use Permit.

# CONDITIONS OF APPROVAL

## Minor Use Permit MUP19-0001/Heavenly DAS Zoning Administrator/August 21, 2019

### Planning Services

1. This Minor Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit H.....Preliminary Site Plan  
Exhibit I..... Preliminary Grading Sheet C4  
Exhibit J.....Photo Simulations  
Exhibit K.....Hub Building Elevations Sheet A3.1

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

Approval of the Minor Use Permit allows:

- 1) A 1,050 square foot building located within the existing paved parking lot that would contain the hub of communication and electrical equipment including a backup generator,
- 2) Colocation of one (1) 45-foot tall monopole on an awards podium replacing an existing flag pole adjacent to the World Cup ski lift base terminal (i.e., node),
- 3) Associated trenching, directional boring, plowing, and installation of gas, fiber and power lines beneath the existing paved parking lot at the bottom of the ski area at the California Lodge.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.

3. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
4. **Facility Maintenance:** All improvements associated with the communication facility, including equipment shelters and antennae shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
5. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
6. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
7. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Minor Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
8. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the minor use permit and building permit prior to issuance of a building permit.
9. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a minor use permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.