

EXHIBIT “1”

CONDITIONS OF APPROVAL

Planning Application No.: PLN21-0326 “Valley Church of Christ – Wireless Communications Facility (WCF)”

Description: **Major Conditional Use Permit PLN21-0326** proposes an unmanned wireless communications facility consisting of a 60’ mono-broadleaf (eucalyptus) and a 900 square foot (30’X30’) CMU block enclosure. The proposed enclosure will need to be consistent (colors & materials) with the existing enclosure nearby on-site. The project consists of but is not limited to, the following:

- One (1) 60-foot tall mono-broadleaf structure
- Ten (10) foot high CMU block enclosure
- Nine (9) 8-foot panel antennas
- One (1) 4-foot diameter microwave antenna/dish
- 20KW AC Generator with 140-gallon fuel tank
- 36 RRUs and 4 DC9 surge suppression units

The project site is located within the LDR-2 Zone south of Sun City Boulevard, north of Potomac Drive, east of Murrieta Road and west of Bradley Road at 29035 Del Monte Drive (APN: 338-024-032). The project is south of an existing church (Valley Church of Christ) on a parcel containing an existing stealth wireless communications facility.

Assessor's Parcel No.: 338-024-032

MSHCP Category: Commercial

DIF Category: N/A

TUMF Category: Per WRCOG determination

Quimby Category: N/A

Approval Date: November 9, 2022

Expiration Date: November 9, 2025

Within 48 Hours of the Approval of This Project

1. **Filing Notice of Exemption (NOE).** The applicant/developer shall deliver to the Planning Division a cashier's check or money order made payable to the City in the amount of fifty dollars (\$50) for the County administrative fee, to enable the City to file the Notice of Exemption (NOE) for the project within forty-eight (48) hours of the approval of the project.
2. **Indemnification.** Applicant/developer shall indemnify, defend, and hold harmless the City of Menifee and its elected city council, appointed boards, commissions, committees, officials, employees, volunteers, contractors, consultants, and agents from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of the acts, omissions, or operation of the applicant/developer and its directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the applicant/developer with respect to the ownership, planning, design, construction, and maintenance of the Project and the Property for which the Project is being approved. In addition to the above, within 15 days of this approval, the developer/applicant shall enter into a mutually agreeable indemnification agreement with the City.

Conditions of Approval

Section I: Community Development Department Conditions of Approval

Section II: Building & Safety Department Conditions of Approval

Section III: Engineering/Grading/Transportation Department Conditions of Approval

Section IV: Fire Department Conditions of Approval

Section I:
Community Development
Department Conditions of
Approval

General Conditions

1. **Definitions.** The words identified in the following list that appear in all capitals in the attached conditions of Conditional Use Permit No. PLN21-0326 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Site Plan, Floor Plan and Elevations for Conditional Use Permit No. PLN21-0326, dated October 10, 2022.

2. **Ninety (90) Days to Protest.** The project developer has ninety (90) days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.
3. **Causes for Revocation.** In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured testimony, c) the facility has failed to comply with any applicable federal standard, d) the operation fails to comply with the requirements of the City's Municipal Code (Chapter 9 "Wireless Communication Facilities"), e) the facility (including the landscaping, hardscape or site has not been properly maintained or f) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.
4. **Expiration.** This approval shall be used within three (3) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within three (3) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the three-year period, the permittee may request a one (1) year extension of time in which to begin substantial construction or use of this permit. Should the one-year extension be obtained, and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, shall become null and void.
5. **Business Registration.** Every person conducting a business within the City of Menifee shall obtain a business license, as required by the Menifee Municipal Code. For more information regarding business registration, contact the City of Menifee.
6. **Ceased Operations.** In the event the use hereby permitted ceases operation for a period of one (1) year or more, excluding renovation and casualty, this approval shall become null and void.
7. **Modifications or Revisions.** The permittee shall obtain City approval for any modifications or revisions to the approval of this project.
8. **Comply with Ordinances and Codes.** The development of these premises shall comply with the standards of the City of Menifee Municipal Code and all other applicable Riverside County or City ordinances or guidelines and State and

Federal codes. The development of the premises shall conform substantially with that as shown on Exhibit A, unless otherwise amended by these conditions of approval.

9. **Removal of Shipping Container.** Prior to issuance of a building permit of the mono-broadleaf wireless communication facility, the landowner shall remove the unpermitted shipping container from the project site.
10. **Outside Lighting.** Any outside lighting shall be hooded and directed so as not to shine directly on adjoining property or public rights-of-way and so as to prevent either the spillage of lumens or reflection into the sky. All lighting shall comply with any applicable provisions of Menifee Municipal Code and Dark Sky Ordinance.
11. **Building Permit Required for Signage.** A Building permit will be required through the City's Building and Safety Department for all signage. Contact the Building and Safety Department directly for submittal requirement information.
12. **Signs Maintained.** All signs shall be maintained in a condition acceptable to the Community Development Department throughout the life of the permit. Graffiti shall be removed from all signs within twenty-four (24) hours. Damage to or malfunction of the sign shall be replaced within 48 hours.
13. **No Outdoor Advertising.** No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.
14. **Reclaimed Water.** The permittee shall connect to a reclaimed water supply for landscape watering purposes when secondary or reclaimed water is made available to the site as required by Eastern Municipal Water District.
15. **Exterior Noise Levels.** Facility-related noise, as projected to any portion of any surrounding property containing a "sensitive receiver, habitable dwelling, hospital, school, library or nursing home", must not exceed the following worst-case noise levels 45 dB(A) - 10 minute noise equivalent level ("leq"), between the hours of 10:00 p.m. to 7:00 a.m. (nighttime standard) and 65 dB (A) - 10 minute leq, between 7:00 a.m. and 10:00 p. m. (daytime standard).
16. **No Permanent Occupancy.** No permanent occupancy shall be permitted within the property approved under this conditional use permit as a principal place of residence. No person shall be entitled to vote using and address within the premises as a place of residence.
17. **Interference.** As allowed by law or regulation, if the operation of the facilities authorized by this approved Conditional Use Permit generates electronic interference with or otherwise impairs the operation of Riverside County or City of Menifee communication facilities, the applicant shall consult with Riverside County Information Technology staff and implement mitigation measures acceptable to the Riverside County Department of Information Technology and the City of Menifee.
18. **Height.** The antennas shall be fully concealed within the proposed faux water tank and the peak of the structure shall not measure more than sixty (60) feet in total

height from existing ground surface below the center of the base of the tower to the top of the tower.

19. **Equipment Cabinet Shielding.** The ground equipment shall be located within the walled enclosure and shall not be visible from public view. The site plan shows the enclosure walls to be an existing split-face 10'-8" tall CMU masonry block wall with a masonry cap. Changes in the above-listed materials shall be reviewed and approved by the Community Development Department.
20. **Maintenance of Hardscape and Debris Removal.** The telecommunications service provider (i.e., the wireless facility lessee) shall maintain support facilities (i.e., cleaning, painting and specifically the removal of graffiti immediately). The property owner shall agree to perform such maintenance to the extent the telecommunications service provider fails to do so. The property owner shall consent in writing to the City's entry onto the property to inspect and, as necessary, remove debris and graffiti as well as repair or fence any support facilities which constitute a safety hazard and specifically consent to the city's ability to lien the property or place a lien on the tax roll for the repayment of such costs, plus interest, without any further notice thereof.
21. **Cell Tower Physical Condition.** The tower itself, as well as the proposed walls and lease area, shall be in good repair, including damaged or missing walls or landscaping, and/or any other apparent items needing repair.
22. **Abandoned Site.** Any wireless communication facility that is not continuously operated for a period of ninety (90) days shall be conclusively deemed abandoned except when such non-operation is the result of natural disaster, in which case the period of time shall be 180 days (six months). The telecommunications service provider shall give written notice to the City at such time as use of the facility ceases.

The telecommunications service provider shall have sixty (60) days after a notice of abandonment is mailed by the City to make the facility operable, replace the facility with an operable facility, or completely remove the facility and all supporting facilities and restore the site.

The owner of the property in a safe manner shall remove and thereafter cause the site to be restored to its original condition (wear and tear excepted) within 180 days of the removal of the facilities. Alternatively, the carrier shall provide a letter of credit or cash deposit acceptable to the City, which guarantees removal of all such equipment and restoration of the property. Bonds are not considered acceptable security. Any cash deposit shall be held in trust by the city for the express purpose of using the funds for removal of the equipment/facility.

If the owner does not do so within that period of time, the City may remove or cause to be removed the wireless communication facility at the underlying property owner's expense and place a lien on the property for the cost of such removal as set out in the written consent provided by the property owner.

If there are two or more users of a single facility, the facility shall not be deemed abandoned until all users abandon it.

23. **Subsequent Submittals and Fees.** Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Resolution No. 22-1229 (Cost of Services Fee Study). Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.
24. **Rules for Construction Activities.** The applicant shall adhere to the Best Available Control Measures (BACMs). SCAQMD Rules that are currently applicable during construction activity for the project include, but are not limited to: Rule 1113 (Architectural Coatings); Rule 431.2 (Low Sulfur Fuel); Rule 403 (Fugitive Dust); and Rule 1186 / 1186.1 (Street Sweepers). The specific Rule 403 regulatory requirements that are applicable to the project are as follows:
- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
 - The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day. Implementation of this measure is estimated to reduce PM10 and PM2.5 fugitive dust emissions by approximately 61%.
 - The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions by approximately 44%.
25. **Airport Influence Area.** The project site is not located within an Airport Influence Area.
26. **Comply with Riverside County Environmental Health Conditions.** The applicant shall comply with the conditions contained in the letter from Riverside County Department of Environmental Health dated October 12, 2022 attached herein.

ARCHEOLOGY/PALEONTOLOGY

27. **Human Remains.** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely

descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

28. Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

29. Inadvertent Archeological Find. If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s).

- i. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s) and the Community Development Director to discuss the significance of the find.
- ii. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.
- iii. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors if needed.
- iv. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.
- v. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community Development Director for decision. The City Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account

the cultural and religious principles and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.”

30. Cultural Resources Disposition. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- a) One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Menifee Community Development Department:
 - i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.
 - ii. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.
 - iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

31. Inadvertent Paleontological Find. If paleontological materials are uncovered during grading or other earth-moving activities, the contractor shall be required to halt work in the immediate area of the find and retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, the resource shall be left in place, if

determined feasible by the project paleontologist. Otherwise the scientifically consequential information shall be fully recovered by the paleontologist. Work may continue outside of the area of the find. However, no further work shall occur in the immediate location of the find until all information recovery has been completed and report concerning it filed with the Community Development Director. The applicant shall bear the cost of implementation of this mitigation.

LANDSCAPING

32. **Interim Landscaping.** Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blow sand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development Department and the South Coast Air Quality Management District (SCAQMD).
33. **Viable Landscaping.** All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this permit. To ensure that this occurs, the Community Development Department shall require inspections in accordance with the building permit landscaping install and inspection condition.
34. **Landscape Plans.** All landscaping plans shall be prepared in accordance with the City's Water Efficient Landscape Ordinance. Such plans shall be reviewed and approved by the Community Development Department, and the appropriate maintenance authority.
35. **Maintenance of Landscaping.** All private landscaping shall be maintained by the individual property owner. All landscaping, and similar improvements not properly maintained by the individual property owners must be annexed into a Lighting and Landscape District, or other mechanism as determined by the City of Menifee.

FEES

36. **Subsequent Submittals and Fees.** Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Resolution No. 22-1229 (Cost of Services Fee Study). Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

Prior to Grading Permit Issuance (or any ground disturbing activities)

37. **Archeologist Retained.** Prior to issuance of a grading permit the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition and

etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special interest or tribal monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- Project grading and development scheduling;
- The Project archeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis;
- The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

38. Paleontologist Required. Prior to the issuance of grading permits, the project applicant shall retain a qualified paleontologist approved by the Community Development Department to create and implement a project-specific plan for monitoring site grading/earthmoving activities (project paleontologist). The project paleontologist retained shall review the approved development plan and shall conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resource Impact Mitigation

Program (PRIMP). This PRIMP shall be submitted to the City Community Development Department for review and approval prior to the issuance of a grading permit. Information to be contained in the PRIMP, at a minimum and in addition to other industry standard and society of Vertebrate Paleontology standards, are as follows:

1. The project paleontologist shall participate in a pre-construction project meeting with development staff and construction operations to ensure an understanding of any mitigation measures required during construction, as applicable.
2. Paleontological monitoring of earthmoving activities will be conducted on an as-needed basis by the project paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The project paleontologist or his/her assign will have the authority to reduce monitoring once he/she determines the probability of encountering fossils has dropped below an acceptable level.
3. If the project paleontologist finds fossil remains, earthmoving activities will be diverted temporarily around the fossil site until the remains have been evaluated and recovered. Earthmoving will be allowed to proceed through the site when the project paleontologist determines the fossils have been recovered and/or the site mitigated to the extent necessary.
4. If fossil remains are encountered by earthmoving activities when the project paleontologist is not on-site, these activities will be diverted around the fossil site and the project paleontologist called to the site immediately to recover the remains.
5. If fossil remains are found, fossiliferous rock will be recovered from the fossil site and processed to allow for the recovery of smaller fossil remains. Test samples may be recovered from other sampling sites in the rock unit if appropriate.
6. Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains will then be curated (assigned and labeled with museum repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; placed in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, and associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators. The City must be consulted on the repository/museum to receive the fossil material prior to being curated.
7. A qualified paleontologist shall prepare a report of findings made during all site grading activity with an appended itemized list of fossil specimens recovered during grading (if any). This report shall be submitted to the City for review and approval prior to final building inspection as described elsewhere in this condition set. All reports shall be signed by the project paleontologist and all other professionals responsible for the report's content (e.g., professional geologist, professional engineer, etc.), as appropriate. Two wet-

signed original copies of the report shall be submitted directly to the office of the City Community Development Department along with a copy of this condition and the grading plan for appropriate case processing and tracking.

39. **Native American Monitoring (Soboba).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area for proper treatment and disposition to a curational facility that meets or exceeds Federal Curation Standards outlined in 36 CFR 79. The Applicant/Permittee shall be responsible for all curation costs.

40. **Native American Monitoring (Pechanga).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area for proper treatment and disposition to a curational facility that meets or exceeds Federal Curation Standards outlined in 36 CFR 79. The Applicant/Permittee shall be responsible for all curation costs.

41. **Fugitive Dust Control.** The permittee shall implement fugitive dust control measures in accordance with Southern California Air Quality Management District (SCAQMD) Rule 403. The permittee shall include in construction contracts the control measures required under Rule 403 at the time of development, including the following:

Use watering to control dust generation during demolition of structures or break-up of pavement. The construction area and vicinity (500-foot radius) must be swept (preferably with water weepers) and watered at least twice daily. Site wetting must occur often enough to maintain a 10 percent surface soil moisture content throughout all earth moving activities. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions

and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50%.

Water active grading/excavation sites and unpaved surfaces at least three times daily;

- a. All paved roads, parking and staging areas must be watered at least once every two hours of active operations;
- b. Site access points must be swept/washed within thirty minutes of visible dirt deposition;
- c. Sweep daily (with water sweepers) all paved parking areas and staging areas;
- d. Onsite stockpiles of debris, dirt or rusty material must be covered or watered at least twice daily;
- e. Cover stockpiles with tarps or apply non-toxic chemical soil binders;
- f. All haul trucks hauling soil, sand and other loose materials must either be covered or maintain two feet of freeboard;
- g. All inactive disturbed surface areas must be watered on a daily basis when there is evidence of wind drive fugitive dust;
- h. Install wind breaks at the windward sides of construction areas;
- i. Operations on any unpaved surfaces must be suspended when winds exceed 25 mph;
- j. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more, so as to prevent excessive amounts of dust;
- k. All haul trucks must have a capacity of no less than twelve and three-quarter (12.75) cubic yards;
- l. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- m. Traffic speeds on unpaved roads must be limited to 15 miles per hour;
- n. Provide daily clean-up of mud and dirt carried onto paved streets from the site;
- o. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- p. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust;
- q. Operations on any unpaved surfaces must be suspended during first and second stage smog alerts; and,
- r. An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.

42. **Preconstruction Burrowing Owl Survey.** Pursuant to Objective 6 and Objective 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan, within thirty (30) days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist and the results of this presence/absence survey shall be provided in writing to the City of Menifee Community Development Department. If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to

the MSHCP and the Migratory Bird Treaty Act. However, when the Burrowing Owl is present, relocation outside of the nesting season (March 1 through August 31) by a qualified biologist shall be required. The City shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation of this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated.

If the grading permit is not obtained within thirty (30) days of the survey a new survey shall be required.

No ground disturbance, including disking, blading, grubbing or any similar activity (except for agricultural production on-site which has been a historic and on-going use of the property) shall occur within the site until the burrowing owl study is reviewed and approved.

43. **Fees.** Prior to the issuance of grading permits, the Community Development Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

Prior to Building Permit Issuance

44. **Removal of Shipping Container.** Prior to issuance of a building permit of the mono-broadleaf wireless communication facility, the landowner shall remove the unpermitted shipping container from the project site.
45. **Meniffee Union School District.** Impacts to the Meniffee Union School District shall be mitigated in accordance with California State law.
46. **Perris Union High School District.** Impacts to the Perris Union High School District shall be mitigated in accordance with California State law.
47. **Open Space Fee (MSHCP).** Prior to the issuance of a building permit, the applicant shall comply with the provisions of City of Meniffee Municipal Code Chapter 8.27 (hereinafter Chapter 8.27), which requires the payment of the appropriate fee set forth in the Ordinance.

The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval.

48. **Submit Building Plans.** Prior to the issuance of a Building Permit, the permittee shall submit building plans with the City of Meniffee Building and Safety Department. The building plans shall be in substantial conformance with APPROVED EXHIBIT A.

- Colors and Materials Exhibit
- Building and Safety will require the following items:
 - All Design components shall comply with applicable current adopted code provisions of the California Building, California Residential Code, Plumbing and Mechanical Codes; California Electrical Code; California

Administrative Code, California Energy Codes, California Green Building Standards, California Title 24 Disabled Access Regulations, and City of Menifee Municipal Code. Three (3) sets of plan drawings shall be submitted along with two (2) copies of structural and Title 24 Energy documentation.

- All exterior lighting shall comply with Ordinance, "Dark Sky Ordinance".
- All exterior lighting shall fall within current commercial standards.
- Separate plan submittal will be required by Riverside County Fire along with a formal transmittal issued by Building and Safety.

49. **Elevations.** Elevations of all structures submitted for building plan check approval shall be in substantial conformance with the elevations shown on APPROVED EXHIBIT A.

50. **Color and Materials.** The materials on all structures submitted for building plan check approval shall be in substantial conformance with that shown on APPROVED EXHIBIT A. All colors and materials shall be consistent with the existing structures on-site, primarily comprised of beige or natural earth-tones consistent with the surrounding environment.

51. **Signage.** Prior to the issuance of building permits, the applicant or their successor-in-interest shall submit a copy of the sign that will be installed at the facility. That sign is required to have the following information:

- Address of wireless communications facility and any internal site identification number or code;
- Name(s) of company who operates the wireless communications facility;
- Full company address, including mailing address and Division name that will address problems;
- Telephone number of wireless communications facility company; and,

52. **Lighting.** Lighting fixtures shall be decorative. Shoe-box-type lighting will not be allowed. The types of lighting fixtures used shall be subject to Community Development Department approval. Architecturally appropriate themed lighting fixtures shall be located along the project perimeter, project entrances, and other focal points on the project site and shall be subject to Community Development Department review and approval.

53. **Performance Securities.** Performance securities, in amounts to be determined by the Director of Community Development to guarantee the installation of plantings, irrigation system, walls and/or fences, in accordance with the approved plan, shall be filed with the Department of Community Development. Securities may require review by City Attorney and other staff. Permit holder is encouraged to allow adequate time to ensure that securities are in place. The performance security may be released one year after structural final, inspection report, and the One-Year

Post Establishment report confirms that the planting and irrigation components have been adequately installed and maintained. A cash security shall be required when the estimated cost is \$2,500.00 or less.

54. **Landscape Inspections.** Prior to issuance of building permits, the permit holder shall open a Landscape Deposit Based Fee case and deposit the prevailing deposit amount to cover the pre installation, installation, Six Month, and One Year Landscape Inspections. The amount of hours for pre installation, installation, Six Month, and One Year Landscape Inspections is estimated to be \$5,000.
55. **FCC Compliance.** Prior to issuance of a building permit, the permit holder shall perform a radio frequency (RF) compliance pre-construction evaluation to indicate compliance with FCC Guidelines and submit the results of this evaluation to the Community Development Department. Please refer to the FCC Office of Engineering and Technology Bulletin 65 for information on RF exposure guidelines.

Prior to Building Final Inspection

56. **Final Planning Inspection.** The permittee shall obtain final occupancy sign-off from the Planning Division for each Building Permit issued by scheduling a final Planning inspection prior to the final sign-off from the Building Department. Planning staff shall verify that all pertinent conditions of approval have been met, including compliance with the approved elevations, site plan, and landscaping plans, etc. The permittee shall have all required walls, landscaping and automatic irrigation installed and in good condition.
57. **Cell Tower Physical Condition.** The tower itself, as well as the proposed walls and lease area, shall be in good repair, including damaged or missing walls or landscaping, and/or any other apparent items needing repair.
58. **Elevations.** The elevations and colors shall conform substantially with that shown on APPROVED EXHIBIT A.
59. **Roof Mounted Equipment.** Prior to final occupancy, Community Development staff will verify that all roof-mounted equipment has been screened in compliance with the approved plans.
60. **Utilities Underground.** All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Community Development Department a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.
61. **Landscape/Irrigation Install Inspection.** The permittee landscape architect responsible for preparing the Landscaping and Irrigation Plans shall arrange for a Pre-Landscape installation inspection and a Landscape Completion Installation Inspection with the Community Development Department. The pre-landscape inspection shall be arranged at least fifteen (15) working days prior to installation of landscaping. The landscape completion inspection shall be arranged at least fifteen (15) working days prior to final inspection of the structure. A One Year Post-

Establishment Inspection will also be required. The Community Development Department will require a deposit in order to conduct the landscape inspections.

62. **Landscape Installation.** All required landscape planting and irrigation, including but not limited to onsite, shall have been installed in accordance with approved Landscaping, Irrigation, and Shading Plans, Menifee Municipal Code Chapter 15.04 (as adopted and any amendments thereto), Eastern Municipal Water District requirements and the Riverside County Guide to California Landscaping. All landscape and irrigation components shall be in a condition acceptable to the Community Development Department. The plants shall be healthy and free of weeds, disease or pests. The irrigation system shall be properly constructed and determined to be in good working order.
63. **Final Landscape Approval.** The final landscape approval following installation shall be subject to the review and approval of the City's Landscape Architectural Consultant and the Community Development Director. The Community Development Director may require additional trees, shrubs and/or groundcover as necessary, if site inspections reveal landscape deficiencies that were not apparent during the plan review process.
64. **Condition Compliance.** The Community Development Department shall verify that the Development Standards and all other preceding conditions have been complied with prior to any use allowed by this permit.

FEES

65. **Fees.** Prior to issuance of occupancy/final inspections, the Planning Division shall determine if the deposit-based fees for project are in a negative balance. If so, any outstanding fees shall be paid by the permittee.

Section II:
Building and Safety Department
Conditions of
Approval

General Conditions

1. **Final Building & Safety Conditions.** Final Building & Safety Conditions will be addressed when building construction plans are submitted to Building & Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
2. **Compliance with Code.** All Design components shall comply with applicable provisions of the 2019 edition of the California Building, Plumbing and Mechanical Codes; 2019 California Electrical Code; California Administrative Code, 2019 California Energy Codes, 2019 California Green Building Standards, and City of Menifee Municipal Code. If a code cycle changes prior to submission of any plans or documents, the plans submitted shall be updated to the current State of California, Title 24, Code of Regulations, City of Menifee Ordinance, or any other state, federal, or city requirements.
3. **County of Riverside Mount Palomar Ordinance.** Applicant shall submit, at the time of plan review, a complete exterior site lighting plan with a "photometric study" showing compliance with County of Riverside Mount Palomar Ordinance Number 655 for the regulation of light pollution. All streetlights and other outdoor lighting shall be shown on electrical plans submitted to the Building & Safety Department. Any outside lighting shall be hooded and aimed not to shine directly upon adjoining property or public rights-of-way. All exterior LED light fixtures shall be 3,000 kelvin and below.
4. **Street Name Addressing.** Applicant must obtain street name addressing for all proposed buildings by requesting street name addressing and submitting a site plan for new cell towers, commercial, residential/tract, or multi-family residential projects.
5. **Obtain Approvals Prior to Construction.** Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
6. **Obtaining Separate Approvals and Permits.** Temporary construction/sales trailers, temporary power poles/generators, trash enclosures, patio covers, light standards, building and monument signage, and any block walls will require separate approvals and permits. Solid covers are required over new and existing trash enclosures.
7. **Demolition.** (If applicable) Demolition permits require separate approvals and permits. AQMD notification and approval may be required.
8. **Hours of Construction.** Signage shall be prominently posted at the entrance of the project indicating the hours of construction, as allowed by the City of Menifee Municipal Ordinance 8.01.010, for any site within one-quarter mile of an occupied residence. The permitted hours of construction are Monday through Saturday 6:30am to 7:00pm. No work is permitted on Sundays and nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
9. **House Electrical Meter.** Provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.

At Plan Review Submittal

10. **Submitting Plans and Calculations.** Applicant must submit to Building & Safety one (1) complete set of each document listed below for electronic submittals or, seven (7) complete sets of plans and two (2) sets of supporting documents, two (2) sets of calculations for review including:

Cover Sheet

- a. All sheets of the plans and the first sheet of the calculations are required to be signed by the licensed architect or engineer responsible for the plan preparation. (Business & Professions Code 5802), (Business & Professions Code 5536.1, 5802, & 6735)
- b. Vicinity Map
- c. Parcel number and Site Address
- d. Business Name
- e. Building data: Building Type of Construction, Square Feet of leased area intended use/occupancy, occupant loads, Building Code Data: 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Code, 2019 California Energy Code, and 2019 California Fire Code.
- f. List any flammable/combustible materials, chemicals, toxics, or hazardous materials used or stored and total quantities or each, including MSDS reports.
- g. Indicate if the building has a fire sprinkler system.
- h. Sheet Index

Plot Plan

- a. North Arrow
- b. Property Lines/Easements
- c. Street/Alleys
- d. Clearly dimension building setbacks from property lines, street centerlines, and from all adjacent buildings and structures on the site plan.

Prior to Issuance of Building Permits

11. All associated Building Fees to be paid.
12. Each Department is **required** to Approve, with a signature.

Prior to Start of Construction

13. **Pre-Construction Meeting.** A pre-construction meeting is required with the building inspector prior to the start of the building construction.

Prior to Final Inspection

14. Each department that has conditions shall have completed and approved their final inspection prior to requesting the final inspection by the Building and Safety Department.

Section III:
Public Works and Engineering
Department Conditions of
Approval

General Conditions

1. **Encroachment.** Any encroachment into the public ROW during project construction, will require an encroachment permit from the Public Works and Engineering Department, which may require posting of cash security to guarantee repairs to any public facilities that may be damaged during the course of this project's work in the City's ROW.
2. **Grading Permits.** Any grading activity resulting in movement of dirt exceeding 50 cubic yards shall require a grading permit from the Public Works-Engineering Department. All grading shall conform to the latest adopted edition of the California Building Code, the latest adopted city grading ordinance, applicable City design standards and specifications, City ordinances, policies, rules and regulations governing grading in the City.
3. **Erosion Control Plans.** All grading plans shall require erosion control plans approved by the Public Works-Engineering Departments, as well as the implementation of LID technology for Water Quality Purposes.

Prior to Building Permit Issuance

4. **WQMP** - Applicant to fill out WQMP checklist form and submit to the city for review and records.
5. **Waste Recycling Plan.** Prior to issuance of a building permit, a Waste Recycling Plan (WRP) shall be submitted to the City of Menifee Engineering / Public Works Department for approval. At a minimum, the WRP must identify materials (i.e., cardboard, concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.

Prior to Building Final Inspection:

6. **Waste Recycling Plan Compliance.** Prior to final inspections, evidence (i.e., receipts or other type of verification) to demonstrate project compliance with the approved Waste Recycling Plan (WRP) shall be presented by the project proponent to the City of Menifee Engineering / Public Works Department. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled.

Section IV:
Riverside County Fire Department
Conditions of Approval

General Conditions

1. Extinguishers – Higher Hazard. Install a portable fire extinguisher, with a minimum rating of 4A 80:BC, for every 1,000 sq. ft and/or 30 feet of travel distance in warehouse and/or work areas. Fire extinguishers shall be mounted no higher than 5 ft. above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed; or within one year of from the date of month and year of manufacture. (NOTE: If only a year of manufacture is indicated, maintenance shall be due January 1st of the year following.)
2. Display Address – Building. Display street numbers in a prominent location on the address side of building(s) and rear access if applicable. Numbers and letters shall be a minimum of 12" in height for building(s) up to 25' in height and 24" in height for building(s) exceeding 25' in height. All addressing must be legible, of a contrasting color with the background and adequately illuminated to be visible from the street at all hours. All lettering shall be to Architectural Standards.
3. Stand-by Generator Tank Permits (NOT PART OF THIS PERMIT). Applicant/developer shall be responsible for obtaining permits from the Riverside County Fire Department for aboveground fuel storage tanks in accordance with Ordinance 787 and the California Fire Code. At least three copies of plans and specification sheets must be submitted to the Fire Department for review and approval prior to installation. A copy of the tank testing label from an independent test laboratory must be included with the plan submittal (UL 2200 &/or UL 142). If the tank will be installed inside of a building a 1-hr fire rating shall be provide along with approved ventilation.
4. No Smoking Sign. The fire code official is authorized to order the posting of "NO SMOKING" signs in a conspicuous location in each structure or location in which smoking is prohibited.
5. Placards. Placards shall be applied on the structure if the building and visible from the street. Additional placards may be required on equipment or room. (704, contact information etc.)
6. Final Inspection. Prior to human occupancy you must be cleared by the Fire Department. Call our office to request a Fire Department inspection when you have approved plans and have installed items as required.

END OF CONDITIONS

The undersigned warrants that he/she is an authorized representative of the project referenced above, that I am specifically authorized to consent to all of the foregoing conditions, and that I so consent as of the date set out below.

Signed

Date

Name (please print)

Title (please print)



County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909
JEFF JOHNSON, DIRECTOR

October 12, 2022

City of Menifee
Planning Department
Attn: Russell Brown
29714 Haun Road
Menifee, CA 92586

**SUBJECT: CITY OF MENIFEE – MAJOR CONDITION USE PERMIT PLN21-0326
(APN#: 338-244-032)**

Dear Mr. Brown

The project listed in the subject heading of this letter is proposing the an unmanned wireless communications facility consisting of a 60' mono-broadleaf and 900SF CMU block enclosure, in the City of Menifee. In accordance with the agreement between the County of Riverside, Department of Environmental Health (DEH) and the City of Menifee, DEH offers the following comments:

UNMANNED FACILITY

A general condition shall be placed on the project indicating that, if permanent restroom facilities are required, the Department of Environmental Health (DEH) is to be contacted for specific requirements regarding water source and sewage disposal.

REMOVAL/DESTRUCTION OF ANY EXISTING OWTS AND WELLS:

Any existing wells and/or existing onsite wastewater treatment systems (OWTS) shall be properly removed and/or abandoned under permit with DEH.

HAZARDOUS MATERIALS MANAGEMENT BRANCH (HMMB)

A) Emergency Generator – A general condition shall be placed on the project indicating that the following shall apply for any proposed diesel, propane, or alternative fuel emergency generator with hazardous materials storage onsite over threshold quantities:

- 1) A Hazardous Materials Business Plan (HMBP) shall be submitted to the County of Riverside, Hazardous Materials Management Branch (HMMB) via the California Environmental Reporting System (CERS).
- 2) A proposal for an approved method of secondary containment may be required.
- 3) If the fuel tank capacity is greater than or equal to 1,320 gallons, the facility shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan. The SPCC shall be written in compliance with Federal rules and regulations.
- 4) If the generator is located indoors, all entrance doors shall be labeled with an NFPA 704 sign with the appropriate NFPA ratings.

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Phone (888)722-4234
www.rivcoeh.org

- 5) If the generator is located outdoors, the NFPA 704 sign shall be placed on the most visible side of the exterior surface of the generator unit, or if fenced, on the most visible side of the fence, with the appropriate NFPA ratings.
 - 6) The location and capacity of the "day tank", if proposed, shall be clearly identified in the chemical inventory and facility map sections of the HMBP.
 - 7) The business shall address the handling of spills and leaks in the Emergency Response/Contingency Plan section of the HMBP.
 - 9) All required information, except for Spill Prevention Control and Countermeasure Plan, shall be uploaded into the California Environmental Reporting System (CERS). CERS is a mandatory reporting system in the state of California for all businesses that handle hazardous materials in excess of established quantity thresholds. CERS is available at <http://cers.calepa.ca.gov>.
- B) Hazardous Materials Business Plan (HMBP) – A condition shall be placed on the project, "Prior to Building Final", indicating that this facility shall be required to submit a HMBP to the Hazardous Materials Management Branch (HMMB) via CERS for review and acceptance. For further information, please contact HMMB at (951) 358-5055.
- C) Backup battery storage – An NFPA 704 sign shall be placed on the most visible side of the cabinet(s) containing any amount of lead-acid batteries or other battery type if electrolyte exceeds 55 gallons or if other hazardous materials exceeds 500 pounds, and if fenced, on the most likely means of entrance into the enclosure.

ENVIRONMENTAL CLEANUP PROGRAMS

As part of the services offered to Contract Cities, the Department of Environmental Health Environmental Cleanup Programs (ECP) conducts environmental reviews on planning projects to ensure that existing site conditions will not negatively affect human health or the environment. The objective of the environmental reviews is: to determine if there are potential sources of environmental and/or human exposures associated with the project, identify the significance of potential adverse effects from the contaminants, and evaluate the adequacy of mitigation measures for minimizing exposures and potential adverse effects from existing contamination and/or hazardous substance handling

Should you have any further questions or require further assistance, please contact me by email at kakim@rivco.org or by phone at (951) 955-8980.

Sincerely,
Kristine Kim
Program Chief
Environmental Resources Management