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TO: El Dorado County Zoning Administrator **Agenda of:** February 17, 2016

FROM: Jennifer Franich, Associate Planner **Item Number:** 4.a.

DATE: January 6, 2016

SUBJECT: Five-Year Review of Special Use Permit S91-0018-R for the continued operation of an existing non-stealth wireless telecommunications facility

File Number: S91-0018-R-3/Verizon Wireless 5-Year Review (Union Hill)

Applicant: American Tower Corporation (Agent: Gordon Bell, Bell & Associates)

Property Owner: Mark and Ruth Stewart

Request: Five-year review of an existing cellular telecommunications facility.

Location: North side of Twin Mountain Road, approximately 920 feet south of the intersection with U.S. Highway 50 in the Pollock Pines area, Supervisorial District 2 (Exhibit A).

Parcel Number: 009-051-34

Acreage: 38.74 acres

General Plan: Low Density Residential (LDR)

Zoning: Timberland Preserve Zone (TPZ)

Recommendation: Staff recommends that the Zoning Administrator take the following actions:

1. Find Special Use Permit S91-0018-R-3 to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;
2. Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S91-0018-R;
3. Remove Condition of Approval number ten as follows:

~~10. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:~~

- ~~(A) Allow the facility to continue to operate under all applicable conditions; or
(B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.~~

~~By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.~~

4. Add a new Condition of Approval as follows:

15. Generator maintenance: Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9 a.m. and 3 p.m. Monday through Friday.

Background: The original special use permit S91-0018 allowed the construction of a 139-foot, non-stealth telecommunications tower. In 2005, revision S91-0018-R modified the special use permit to allow the co-location of six wireless communications panel antennas and the removal of two existing whip antennas. A five-year review was conducted in 2011 (S91-0018-R-2), and the facility was found to be consistent with the project description and conditions. A five-year

review of the facility permit and status report is required under condition ten of the Conditions of Approval.

Staff Analysis: The applicant is requesting a five-year review of the existing cellular telecommunications facility. To show that the facility is operating in compliance with all applicable conditions of approval for S91-0018-R, the applicant has provided the attached status report, site photos, and as-built plans (Exhibits B through D).

The proposed removal of Condition of Approval number ten will bring the conditions up to date with the standard conditions for non-stealth telecommunication facility permits that do not require ongoing maintenance for aesthetic purposes. The added Condition of Approval number fifteen is a condition that the Planning Commission has requested for similar projects.

Environmental Review: Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the special use permit. The review for compliance with the conditions of approval for the special use permit includes any remedial measures to be taken to ensure compliance. It can be found that the compliance review will not have an impact on the environment and is therefore not subject to CEQA.

SUPPORT INFORMATION

Exhibit A.....	Location Map
Exhibit B.....	S91-0018-R-2 Conditions of Approval; with Responses
Exhibit C.....	Current Site Photos
Exhibit D.....	S91-0018-R As-Built Plans