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TO: El Dorado County Planning Commission **Agenda of:** October 11, 2018

FROM: Isaac Wolf, Assistant Planner

DATE: September 17, 2018

SUBJECT: CUP-R18-0010/Five-year Review of S04-0047-R for the continued operation of an existing wireless telecommunications facility

File Number: CUP-R18-0010/Five-year Review of S04-0047-R

Applicant: AT&T Mobility

Agent: Beacon Development, LLC – Jason Osborne

Property Owners: George and Nola Niegel

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

Location: East side of Highway 49, approximately 1.6 miles south of Highway 193 in the Cool area, Supervisorial District 4.

Assessor's

Parcel Number: 071-410-15

Acreage: 7.02 acres

General Plan: Low Density Residential (LDR)

Zoning: Residential Estate, 5-Acres (RE-5)

Environmental Document: Exempt from CEQA pursuant to Section 15162(a), subsequent EIRs and Negative Declarations.

Recommendation: Staff recommends that the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP-R18-0010 to be exempt from CEQA pursuant to Section 15162(a) of the CEQA Guidelines;
2. Find that based on this 5-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S04-0047-R;
3. Modify Condition of Approval No. 8 as follows:
 8. Due to the ever-changing technology of wireless communication systems, this ~~special use permit~~ Conditional Use Permit shall be reviewed by the ~~Planning Commission~~ County every five years. At each five-year review, the ~~permit holder~~ County shall provide the ~~Planning Commission~~ with a status report on the then current use of the subject site and related equipment. The ~~Planning Commission~~ shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, ~~determine whether to:~~ review the status to determine whether to: ~~-(1) Modify the conditions of approval in order to reduce identified adverse impacts; and~~ (A) Allow the facility to continue to operate under all applicable conditions or modify the conditions of approval in order to reduce identified adverse impacts; or ~~(B)-(2) Initiate proceedings to revoke the special use permit, Conditional Use Permit requiring the facility's removal, if it is no longer an integral part of the wireless communication system.~~ By operation of this condition, it is the intent of the ~~Planning Commission~~ County to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the ~~Planning Commission~~ County to conduct or complete a five-year review in a timely fashion shall not invalidate this ~~special use permit~~ Conditional Use Permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.
4. Add new Condition of Approval as follows:

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9. 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 5 p.m. Monday through Friday.

Background: Conditional Use Permit S04-0047, as approved by the Planning Commission on August 11, 2005, authorized the construction and operation of an 80-foot monopine tower with three antennas at the 78-foot level, three antennas at the 73-foot level and related ground support

equipment. A 5-year review of the facility permit and status report is required under the original Condition of Approval No. 8. No co-locations have happened so far at this site, although co-locations are permissible at this site with a revision to this Conditional Use Permit (Exhibit A).

Staff Analysis: The applicant is requesting a 5-year review of the existing cellular telecommunications facility. The applicant has provided the attached Status Report and as-built plans (Exhibits A and B) to show that the facility is operating in compliance with all applicable conditions of approval for S04-0047 (Exhibit C).

The proposed modification to Condition of Approval No. 8 will bring the condition up to date with the standard conditions of approval for telecommunication facility permits that require ongoing maintenance for aesthetic purposes. The modified condition allows 5-year reviews to be reviewed at the staff level in the future for streamlined processing. The added Condition of Approval No. 9 involving timing of routine generator maintenance is a condition that the Planning Commission has requested for similar projects.

Environmental Review: Staff has determined that, pursuant to CEQA Guidelines Section 15162(a), no subsequent Negative Declaration shall be prepared for the project as there has been no substantial change in the project based on the whole record that would cause a significant effect on the environment. This is a 5-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the Conditional Use Permit. There is no substantial evidence that these actions in question may have a significant effect on the environment. 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

Attachments

Exhibit A.....S04-0047 Conditions of Approval with Responses
Exhibit B.....S04-0047 As-Built Plans
Exhibit C.....Location Map
Exhibit D.....Current Site Photos