



# PLANNING AND BUILDING DEPARTMENT

## PLANNING SERVICES DIVISION

<https://www.eldoradocounty.ca.gov/Land-Use/Planning-Services>

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**TO:** El Dorado County Planning Commission **Agenda of:** June 27, 2024

**FROM:** Benjamin Koff, Assistant Planner

**DATE:** May 10, 2024

**SUBJECT:** Conditional Use Permit CUP-R24-0003/Five-Year Review of Special Use Permit S17-0010

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**FILE NUMBER:** CUP-R24-0003/Five-Year Review of S17-0010

**APPLICANT:** Epic Wireless Group, LLC

**AGENT:** Mark Lobaugh

**OWNER:** Eddie and Marcia Simmons

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

**LOCATION:** West side of Shoo Fly Road, approximately 1,160 feet south of the intersection with Laughlin Road, in the Kelsey area, Supervisorial District 4.

**APN:** 088-320-013

**ACREAGE:** 5 Acres

**GENERAL PLAN**

**LAND USE DESIGNATION:** Rural Residential (RR)

**ZONING DESIGNATION:** Rural Lands, 10-Acres (RL-10)

**ENVIRONMENTAL DOCUMENT:** Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162(a), Subsequent Environmental Impact Reports (EIRs) and Negative Declarations.

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following actions:

1. Find Conditional Use Permit Revision CUP-R24-0003 to be exempt from CEQA pursuant to Section 15162(a) 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 S17-0010

**Background:** Special Use Permit S17-0010, approved by the Planning Commission on January 25, 2018, authorized the construction and operation of a 153-foot steel monopole, camouflaged as a 160-foot monopine tower, one (1) 35-kilowatt (kW) standby propane generator, one (1) equipment shelter, and one (1) 500-gallon propane tank at 6450 Shoo Fly Road. The monopole and ground equipment were to be placed within a 1,400-square-foot lease area and surrounded by chain link fencing with slats and two (2) rows of barbed wire on top. Condition of Approval (COA) No. 8 requires review of the ongoing operation under the Special Use Permit by the Planning Commission every five (5) years.

**Staff Analysis:** The applicant is requesting a five-year review of the ongoing operation of an existing cellular telecommunications facility. The applicant has provided a Narrative of COA Compliance (Exhibit C) and photographs of the current site conditions (Exhibit D) to demonstrate that the facility is operating in compliance with all applicable COAs for S17-0010. On February 27, 2024, staff conducted a site visit, accessing the site by vehicle and examining the site on foot. As evidenced by staff's photographs of the current site conditions (Exhibit E), all access roads, signage, and equipment are well maintained and compliant with all applicable COAs.

**Environmental Review:** An Initial Study and Negative Declaration was prepared for the original approval of this cell tower and adopted by the Planning Commission on January 25, 2018. Pursuant to CEQA Guidelines Section 15162(a), no subsequent Negative Declaration shall be prepared for this 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 five-year review as required by the Conditions of Approval for the existing telecommunications tower facility authorized under the Special 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.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the

project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to the Planning Division in order for the County Recorder to file the Notice of Exemption.

## **SUPPORT INFORMATION**

### **Attachments**

Exhibit A .....Aerial Map  
Exhibit B .....Staff COA Compliance Verification Report  
Exhibit C .....Applicant Narrative of COA Compliance  
Exhibit D .....Applicant Current Site Photographs  
Exhibit E .....Staff Current Site Photographs  
Exhibit F.....S17-0010 Final Conditions of Approval

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