

Legal Analysis: CEQA Exemption Review

Applicable case law + Placer County Code requirements

2235 Alpine Circle Road, Alpine Meadows · APN 095-050-059-000 · April 2026

Research by Theresa Smith, Alpine Manors HOA Secretary

BEFORE THE HEARING

Errors and inconsistencies in the record

The 2026 application carries forward a 2022 approval built on a record with documented errors. The County is being asked to extend that record unchanged.

The wrong fire district was named.

The April 16 staff report listed the North Lake Tahoe Fire Protection District (NLTFPD) — a Nevada district serving Incline Village — as the reviewing agency. The correct California authority for Alpine Meadows is the North Tahoe Fire Protection District (NTFPD). Staff later acknowledged this as a typographical error.

The CEQA exemption basis shifted between hearings.

The April notice and report relied solely on §15301 (Class 1 — Existing Facilities). After a commenter argued that replacing a 36-foot pole with a 90-foot tower is not a "minor alteration," staff added §15302 (Class 2 — Replacement) for the June hearing — justifying the same exemption first on one ground, then another.

The tower height is described two ways.

The hearing notice states "90 feet to top of faux branches"; the staff report references 85 feet. The staff finding on whether the tower blends with the surrounding tree canopy depends on which figure is used.

The 2022 approval drew no public comment — and is being extended unchanged.

The original approval (PLN22-00178, March 21, 2023) found the 85-foot monopine "not visually obtrusive" and received no public comment. Those findings are now carried forward into the 2026 extension without fresh review.

PART 1

Relevant case law

CEQA categorical-exemption standards applicable to wireless facilities, organized by degree of relevance to PLN26-00053.

TIER 1 — DIRECTLY APPLICABLE PRECEDENTS

Snowcreek VII HOA v. Town of Mammoth Lakes

Mono County Superior Court, Judge Gerald Mohun · May 2025

The court overturned approval of an 80-foot AT&T monopine (UPA 23-002), finding that an 80-foot cell tower is not analogous to the "small structures" examples in CEQA §15303 — stores, motels, offices — and that the categorical exemption was therefore misapplied. It ordered the permit cancelled, the Notice of Exemption withdrawn, and proper CEQA review completed.

RELEVANCE TO PLN26-00053

The tower in PLN26-00053 is 85 feet (90 feet to top of faux branches) — taller than the Mammoth Lakes tower. The ruling addresses the same exemption class and a comparable project type.

Salmon Protection & Watershed Network v. County of Marin

Cal. Court of Appeal, First District · 2005 · 125 Cal.App.4th 1098

A project adjacent to natural watercourses and riparian habitat designated as an environmental resource of critical concern is ineligible for the §15303 "small structures" exemption. Mitigation measures imposed as conditions of approval cannot support a categorical exemption — they may only be considered with a Negative Declaration or EIR.

RELEVANCE TO PLN26-00053

The site borders the Truckee River, a 303(d)-listed waterway; the Lahontan Basin Plan designates the corridor a resource of critical concern. Under SPAWN, adjacency may disqualify the exemption regardless of conditions of approval.

Berkeley Hillside Preservation v. City of Berkeley

California Supreme Court · 2015 · 60 Cal.4th 1086

Established the controlling two-part "unusual circumstances" test under §15300.2(c): a challenger must first show unusual circumstances (substantial-evidence standard); once shown, the fair-argument standard determines whether they create a reasonable possibility of significant impact — at which point CEQA review is required.

RELEVANCE TO PLN26-00053

Unusual circumstances here may include the project's location on a water-infrastructure parcel in an Open Space zone, Truckee River adjacency and its 303(d) impairment, documented listed species in the watershed, and Fire Hazard Severity Zone designation.

TIER 2 — SUPPORTING PRECEDENTS

Children's Health Defense v. County of Los Angeles

L.A. County Superior Court · March 2023

CEQA is not preempted by federal telecommunications law and applies to wireless permitting. County ordinances exempting wireless projects involve discretionary decisions that require CEQA compliance unless a specific exemption applies.

Parkford Owners for a Better Community v. County of Placer

Cal. Court of Appeal, Third District · 2020 · 54 Cal.App.5th 714

The Third Appellate District — the court that would hear any appeal of PLN26-00053 — found that Placer County violated CEQA in its review of a Tahoe/Sierra project and required proper CEQA compliance before proceeding.

Case	Year	Court	Primary relevance	Weight
Snowcreek VII v. Mammoth Lakes	2025	Mono Co. Superior Ct.	80-ft monopine exemption overturned	High
SPAWN v. County of Marin	2005	Cal. App. 1st Dist.	Riparian corridor disqualifies exemption	High
Berkeley Hillside v. City of Berkeley	2015	Cal. Supreme Court	Unusual-circumstances exception (controlling)	High
CHD v. County of L.A.	2023	L.A. Superior Ct.	CEQA applies to wireless; not preempted	Moderate
Parkford Owners v. County of Placer	2020	Cal. App. 3rd Dist.	Placer County CEQA accountability	Moderate

PART 2

Placer County Code requirements

The provisions governing the exemption determination and permit review for PLN26-00053.

§18.36.030 — EXEMPTION VERIFICATION

Riparian corridor + cumulative impacts

Before relying on a categorical exemption, the lead department must make an additional inquiry into whether the exemption is inapplicable because of: unusual circumstances — the code names a project in a wetland, stream, shore zone, or riparian corridor as the illustrative example; cumulative impacts from successive projects of the same type in the same place; or location on a sensitive site. If any apply, the applicant must submit an Environmental Questionnaire and proceed with further review.

"If project falls within a categorical exemption category, the lead department shall make an additional inquiry as to whether the categorical exemption is inapplicable... because of... unusual circumstances creating the reasonable possibility of significant effects (e.g., an otherwise exempt project located in a wetland, stream, shore zone or riparian corridor)."

— Placer County Code §18.36.030

Application: The site borders the Truckee River, and the parcel already carries a monopine alongside the 36-ft monopole — successive facilities of the same type. Whether the required inquiry was conducted and documented is a question for the hearing.

§17.56.060(F) — VISUAL SIMULATIONS

One winter photo, from a single viewpoint

The code requires photo simulations sufficient for the planning director to find the installation "not visually obtrusive." The record (Attachment D) contains one simulation — a single viewpoint, looking south, taken in winter. Industry practice uses four to eight viewpoints across directions, distances, and seasons. And the "blends with the conifers" finding rests on a product whose faux branches are warranted for roughly one year and fade under UV.

→ See the manufacturer's specs (Raycap tree towers)

§17.56.060(B)(3) — PERMIT TYPE

This may require a Minor Use Permit — with a hearing

Freestanding towers that do not meet the "not visually obtrusive" criteria require a Minor Use Permit (MUP) — which includes a public hearing — not an Administrative Review Permit (ARP). The permit type determines whether the community has a formal role in the decision.

PART 3

Permit type & public notice

Permit	Hearing	Decided by	Applies to
Administrative Review Permit (ARP)	No	Zoning Administrator	Minor uses generally compatible with the zone
Minor Use Permit (MUP)	Yes	Zoning Administrator	Uses compatible with the zone that need public input
Conditional Use Permit (CUP)	Yes	Planning Commission	Uses raising major policy issues

NOTICE

Notice was mailed to property owners within 300 feet (a minimum of 30 properties) per Gov. Code §65091, postmarked April 3, 2026 — 13 days before the April 16 hearing, meeting the 10-day statutory minimum. The 300-ft radius and timing are minimums; §65091(c) lets the County expand notice at its discretion. The procedural question is whether the 300-ft radius was measured from the property boundary, as required, rather than from the tower deep inside the 10.8-acre parcel.

APPEAL & DEADLINES

Zoning Administrator decisions on Administrative Review Permits may be appealed to the Planning Commission (§17.60.110). After approval, a Notice of Exemption filed with the County Clerk starts a 35-day clock for CEQA challenges (Pub. Res. Code §21167). If no Notice of Exemption is filed, the period is 180 days. Objections must be raised on the record at the earliest stage.

TAKE ACTION

Key contacts

Write before the June 18 hearing. Comments go to the Zoning Administrator; the planner and your supervisor are the people who can act.

WRITTEN COMMENTS

Zoning Administrator Clerk

Placer County CDRA

zoningadministrator@placer.ca.gov

175 Fulweiler Ave, Auburn, CA 95603 · (530) 889-4020

STAFF PLANNER

Heather Beckman

Senior Planner, Placer County CDRA

hbeckman@placer.ca.gov · (530) 338-6484

DISTRICT 5 SUPERVISOR

Cindy Gustafson

Placer County Board of Supervisors

cgustafson@placer.ca.gov · (530) 889-4020

FIRE DISTRICT (NTFPD)

Fire Marshal Brent Armstrong

North Tahoe Fire Protection District

(530) 583-6911 · ntfire.net

APPENDIX

Sources & authorities

The primary sources referenced in this analysis. All are publicly available unless noted; full citations are maintained in the source document.

A · Official project record (PLN26-00053)

Staff Report — Alpine Circle Road ARP: June 18, 2026 (Heather Beckman, Senior Planner) and April 16, 2026 (Christie Betker, Staff Services Analyst), Placer County CDRA. · Attachment A — Construction Plans (Crown Castle / T-Mobile West LLC, Site SA4474; Streamline Engineering; structural by Valmont/Larson and Pinnacle Consulting). · Attachment B — Recommended Conditions of Approval. · Attachment C — Vicinity Map (APN 095-050-059-000). · Attachment D — Photographic Simulations, View #1 (Applied Imagination; looking south from Alpine Meadows Road, 2/5/26). · Notice of Public Hearing — postmarked April 3, 2026; hearing April 16, 2026.

B · California statutes & CEQA guidelines

CEQA, Public Resources Code §§21000 et seq. · CEQA Guidelines, 14 CCR §615000 et seq. — §15301 (Class 1, Existing Facilities), §15303 (Class 3, Small Structures), §15300.2 (exceptions: unusual circumstances, cumulative impacts, sensitive environments). · Government Code §65091 (hearing notice). · Public Records Act, Government Code §6250 et seq.

C · Placer County Code

Chapter 17 (Zoning): §17.14.010, §17.54.145, §17.56.060, §17.58.050 / .060 / .100 / .120 / .140, §17.60.110. · Chapter 18 (Environmental Review): §18.08, §18.36.030 (riparian-corridor unusual-circumstances language), §18.36.050. · §9.36.060 (noise standards).

D · Case law

Snowcreek VII HOA v. Town of Mammoth Lakes (2025, Mono Co. Superior Ct.). · Salmon Protection & Watershed Network v. County of Marin (2005) 125 Cal.App.4th 1098. · Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086. · Children's Health Defense v. County of Los Angeles (2023, L.A. Superior Ct.). · Parkford Owners for a Better Community v. County of Placer (2020) 54 Cal.App.5th 714.

E · Water quality & environmental

Lahontan RWQCB Board Order R6T-2003-0004 (Truckee River watershed). · Lahontan Basin Plan (Water Quality Control Plan for the Lahontan Region). · U.S. EPA 303(d) List — Middle Truckee River (sediment impairment). · U.S. Fish & Wildlife Service listings: Lahontan cutthroat trout (threatened, 1975); Sierra Nevada yellow-legged frog (endangered 2014, critical habitat 2016).

Key contacts are listed in the section above.

DISCLAIMER

This document identifies legal and regulatory provisions potentially applicable to PLN26-00053. It is not legal advice. All factual assertions should be independently verified against primary sources — the Placer County Code, the CEQA Guidelines, and the official project record — before inclusion in any formal filing. It does not advocate for any particular outcome. For legal questions, consult qualified counsel.