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TO: Board of Supervisors

FROM: Tom Purciel, Senior Planner

DATE: November 6, 2024

**SUBJECT: Amendments to Zoning Ordinance Section 130.40.130
(Communications Facilities);
Project Information and Recommendation**

BACKGROUND

On April 13, 2021, the Board of Supervisors (Board) directed Long Range Planning (LRP) staff to proceed with specific Zoning Ordinance amendments based on issues and concerns discovered by staff and decision-makers during implementation of the ordinance over approximately the past five years (Refer to LRP Work Plan for FY 2021-22, File No. 21-0502). Board-directed amendments included revisions to the following Chapters/Sections: Chapter 130.36 (Signs); Chapter 130.39 (Oak Resources Conservation); and Section 130.40.130 (Communications Facilities). On July 30, 2024, the Board reviewed the LRP Work Plan for FY 2024-25 (File No. 24-1332) and further directed staff to move the amendments to each of the above Chapters/Sections forward for adoption as soon as they are completed.

On December 7, 2021 (File No. 21-1753), the Board approved Agreement 5857 with Dudek Consulting to provide expertise and assist staff with the development of draft Zoning Ordinance amendments for: Chapter 130.36 (Signs); Chapter 130.39 (Oak Resources Conservation); and Section 130.40.130 (Communications Facilities). On November 5, 2024 (File No. 24-1521), the Board approved Amendment 1 to Agreement 5857 to extend the term of the Agreement by one year to December 6, 2025 to allow for additional time to assist staff with the above amendments.

The Board requested specific amendments to Section 130.40.130 (Communications Facilities) to meet the following goals:

1. Consistency with federal and state law;
2. Clarify process for co-locations in the public right-of-way;
3. Provide additional development regulations for new communication facilities in residential zones; and
4. Clarify discretionary vs. ministerial processing procedures for various types of communications facilities.

On February 22, 2024 (24-0265) and September 24, 2024 (24-1526), LRP staff held respective Planning Commission (Commission) and Board informational workshops to solicit public and decision-maker feedback on the draft amendments, as prepared by the consultant and staff, to address the Board’s stated goals. Although the public and decision-makers generally expressed support for the amendments as proposed, the Commission and Board recommended several additional edits and clarifications which have been incorporated into the Public Review Draft (PRD) of the proposed amendments where appropriate.

Planning Commission Recommendation:

On October 24, 2024 (File No. 24-1821), the Commission held a public hearing to review the current Redline PRD of the proposed amendments (Attachment D) and make recommendations for the Board. At the hearing, the Commission recommended the Board approve the PRD as proposed with additional changes (shown in yellow highlight) and recommended that staff return to the Commission in two years to evaluate the changes to the ordinance. Staff concurs with the Commission’s recommendation and recommends the Board approve the proposed ordinance amendments and the two-year review requirement as recommended. The Commission-recommended changes, including ordinance location references, are summarized below:

Additional Commission-Recommended Changes to Section 130.40.130 (Communications Facilities)

Commission Recommendation	Location Reference	Proposed Amendment
1. Remove the 15-foot language from Section 13 and add language regarding evaluation of character of the area.	Subsection F.13 (Aesthetics)	Removed the 15-foot excessive height allowance and added new requirement for evaluation of the character of the area.
2. Increase the notice requirements to 1,500 feet for a Wireless Telecommunication Facility under 100 feet tall and 2,000 feet for a Facility over 100 feet and include the same notice for a neighboring HOA.	Subsection J (Permit Application Requirements)	Added language to Subsections J.1 - J.4 to include revised public notification radii for all new facilities.
3. Add reference to evaluation of multiple small sites to the alternatives analysis section.	Subsection K (Additional Sites and Needs Analysis)	Added language to require feasibility evaluations for multiple small sites to meet coverage needs rather than a single large site.
4. Change the adjacent residential setback to 1.5 times height of the Facility.	Subsection F.2 (Setbacks)	Changed required setbacks adjacent to an existing residential use or residential zone to 1.5 times the overall height of the facility.
5. Incorporate recommendations from the County Office of Wildfire Preparedness and Resilience (OWPR) regarding	Subsection F.1 (Screening)	Added requirement that vegetative screening comply with Subsection

screening.	8.09.070(E)(5) of County Ordinance Code.
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ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA) Sections 15162 and 15164 of the CEQA Guidelines (Addendum to an EIR or Negative Declaration), staff has determined that an EIR Addendum is the appropriate environmental document to analyze the proposed Zoning Ordinance modifications (Attachment F). This Addendum demonstrates that the amendments to Section 130.40.130 (Communications Facilities) would not result in any new or more severe impacts than those previously analyzed in the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2001082030) for the El Dorado County General Plan (2004 General Plan EIR). Therefore, this Addendum satisfies the requirements of CEQA Guidelines Sections 15162 and 15164. The proposed amendments do not trigger any of the requirements for preparation of a subsequent EIR, as further discussed in Section IV of the EIR Addendum (CEQA Analysis). Addendum Section IV outlines the proposed changes and explains how each of the proposed amendments would not cause any new or intensified environmental impacts beyond those impacts previously analyzed in the 2004 General Plan EIR. Further, the amendments to Section 130.40.130 would not involve a substantial change in circumstances under which the project is undertaken, and as the amendments are minor or technical in nature, would not require any new or modified mitigation measures from those mitigation measures included in the 2004 General Plan EIR.

STAFF RECOMMENDATION:

Staff recommends the Board take the following actions as recommended by the Planning Commission on October 24, 2024:

1. Adopt the Addendum to El Dorado County’s General Plan Environmental Impact Report (EIR), certified in May 2003 (State Clearinghouse Number 2001082030) (Attachment F) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities), and the amendments would not trigger any of the conditions described in California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared; and
2. Approve Ordinance 5217 to amend Section 130.40.130 (Communications Facilities) as proposed with incorporation of the additional changes recommended by the Commission on October 24, 2024, based on the Findings in Attachment F; and
3. Direct staff to return to the Commission in two years to evaluate the changes to the ordinance.