

**Addendum to the El Dorado County General Plan
Final Environmental Impact Report**

**Zoning Ordinance Amendments:
Section 130.40.130 (Communications Facilities)**

(File No. OR 24-0001)

State Clearinghouse Number 2001082030

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I. INTRODUCTION

A. Overview

This document constitutes an addendum to the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2001082030) for the El Dorado County (County) General Plan. El Dorado County (County) staff has determined that an addendum is the appropriate document because minor, technical amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities) are needed, but none of the amendments trigger any of the conditions for preparation of a subsequent or new document under the California Environmental Quality Act (CEQA). This addendum was prepared pursuant to the CEQA Statutes provided in California Public Resources Code section 21000 et seq. and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

B. CEQA Authority for Addendum

Pursuant to CEQA Guidelines section 15164(a), the lead or responsible agency must prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred. CEQA Guidelines section 15164(e) provides that the brief explanation of the decision to not prepare a subsequent EIR must be supported by substantial evidence.

Under CEQA Guidelines section 15162, “no subsequent EIR shall be prepared for that project unless the lead agency determines...one or more of the following conditions occur:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

C. Scope of Addendum

This addendum addresses whether any of the above conditions have occurred as described in section 15162 of the CEQA Guidelines that would require preparation of a subsequent EIR to the General Plan FEIR as the result of the minor, technical Zoning Ordinance amendments to Section 130.40.130 (Communications Facilities). The scope of analysis contained within this addendum addresses each of the environmental resource areas that were previously analyzed in the General Plan FEIR, which included:

- Land Use
- Agriculture and Forestry
- Visual Resources
- Traffic And Circulation
- Water Resources
- Utilities
- Public Services
- Human Health and Safety
- Geology, Soils, and Mineral Resources
- Noise
- Air Quality
- Biological Resources
- Cultural Resources

Section 3 of this addendum includes a table that summarizes the proposed

amendments and completes the necessary CEQA review of the proposed amendments as compared to the General Plan FEIR

D. Adoption and Availability of Addendum

As noted above, this addendum will be considered for approval by the County Board of Supervisors. Pursuant to CEQA Guidelines section 15164(c), an addendum is not required to be circulated for public review but can be included in or attached to the FEIR. Under CEQA Guidelines section 15164(d), the Board of Supervisors must consider the addendum with the FEIR prior to deciding on the proposed amendments to the Communications Facilities Ordinance (Section 130.40.130).

II. BACKGROUND INFORMATION ON THE PROPOSED COMMUNICATIONS FACILITIES AMENDMENTS (ZONING ORDINANCE SECTION 130.40.130)

On August 28, 2001, the Board adopted the most recent update to the Wireless Communication Facilities Ordinance (Ordinance No. 4589, previous Section 17.14.200) based on the best available information at that time.

On July 13, 2021, because of ever-changing wireless technology, rapid changes to state and federal law and increasing public health and safety concerns regarding both existing and new wireless communications facilities, the Board directed staff to amend the Communications Facilities Ordinance (Section 130.40.130) to address these concerns. On December 7, 2021, the Board approved a contract with the Dudek consulting firm to provide expertise and assist staff with development of these amendments, including specific revisions to Section 130.40.130.

On February 22, 2024, Long Range Planning staff held a public workshop with the Planning Commission to solicit public and Commission comments on initial drafts of the proposed amendments to Section 130.40.130. On September 24, 2024, Staff held a second public workshop with the Board to solicit additional feedback on the proposed amendments. Following the above public workshops, staff considered all public and decision-maker comments and incorporated those comments into the Final Draft where appropriate.

III. PROPOSED AMENDMENTS TO THE COMMUNICATIONS FACILITIES ORDINANCE (SECTION 130.40.130)

A. Overview

Staff have identified proposed amendments to the Communications Facilities

Ordinance (Section 130.40.130). The proposed amendments amount to minor clarifications and/or modifications to the current Ordinance. The proposed amendments will address areas of ambiguity in the existing Ordinance, ensure consistency between this Ordinance and applicable provisions of state and federal law and provide additional development restrictions for purposes of compatibility with neighborhood design preference.

B. Proposed Ordinance Amendments

There are several areas of focused amendments to the Communications Facilities Ordinance. Proposed amendments include minor clarifications for consistency with state and federal law, minor clarifications to the development standards and entitlement process for co-location of new facilities onto existing structures, monopoles or towers, additional development restrictions for purposes of compatibility with neighborhood design preference and minor amendments/clarifications to the ministerial and discretionary permit process for various types of wireless communications facilities. Within each category listed below is a summary of the minor, technical proposed amendments to the Communications Facilities Ordinance (Section 130.40.130).

i. Amendments/clarifications for consistency with state and federal law

The amendments include additional text and clarification as needed for consistency with state and federal law, including the federal Telecommunications Act (47 USC § 332[c][7]) and Spectrum Act, and Sections 65964.1 and 65850.75 of the California Government Code regarding establishment, regulation and permitting of wireless telecommunications facilities. These amendments also clarify the limitations to local regulation of wireless telecommunication facilities where local regulation is preempted by state and federal law.

ii. Minor modifications/clarifications to the development standards and entitlement process for co-location of new facilities onto existing structures, monopoles or towers

Section 130.40.130 (D) clarifies the development standards and entitlement permit process for co-location of new facilities onto existing wireless telecommunications facilities as well as co-location on a variety of other buildings and non-building structures including signs, water tanks, utility poles/towers and light standards. This section includes, but is not limited to, co-location of new Small Cell wireless telecommunication facilities, building façade-mounted antennas, roof-mounted antennas and existing approved monopoles or towers. These modifications are generally minor and technical in nature and consist of non-substantive edits/clarifications for ease of use.

- iii. Additional development restrictions for purposes of compatibility with neighborhood design preference

Sections E and F (Visual, Development Standards and Design Guidelines) clarify visual simulation requirements and methodology for new wireless telecommunication facilities and also provide additional clarification to the development standards for new facilities. The proposed amendments also include new setbacks for proposed facilities adjacent to a site with an existing residential use or zoned for residential uses, a ranked list of County location preferences for new facilities, limitations on new facilities on any building/structure listed on a local, state or federal historic register, new site security measures and several specific regulations to reduce aesthetic impacts, including new restrictions on outdoor lighting.

- iv. Minor amendments/clarifications to the ministerial and discretionary permit process for various types of wireless communications facilities

For ease of use, Table 1 of Section 130.40.130 (Wireless Telecommunication Facility Types) was added to provide an at-a-glance reference chart to clarify the County's ministerial and discretionary permit types and procedures for various types of wireless telecommunications facilities. Table 1 also includes references to applicable state, federal and local regulations that govern each permit type.

IV. CEQA ANALYSIS

County staff has determined that an addendum is the appropriate document because minor, technical amendments to Section 130.40.130 (Communications Facilities) are needed, but none of the amendments trigger any of the conditions for preparation of a subsequent or new document under the CEQA. The proposed ordinance amendments are minor and technical in nature because the edits address areas of ambiguity and also impose new and more restrictive development standards which would apply to new or substantially remodeled wireless communications facilities. The amendments to the ordinance would not change the allowable uses, nor cause an increase in the size, intensity, number, or location of new wireless communications facilities beyond those impacts previously analyzed in the General Plan FEIR. The environmental analysis is presented in the table below, which lists the relevant ordinance citation(s), the subject matter of the proposed amendment category, and relevant CEQA review.

Relevant Ordinance Citation(s)	Proposed Amendment	CEQA Review
Sec. 130.40.130 (A) & (B) (Applicability and Purpose)	Clarification of Ordinance applicability and purpose. Minor text amendments for consistency with state and federal law.	These sections clarify the purpose of the ordinance and limitations to local regulation of wireless telecommunication facilities as prescribed by state and federal law. Therefore, the proposed amendment will have no foreseeable physical impact on the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.40.130 (C) (Exempt Facilities)	List of Exempt Facilities	This section clarifies existing exemptions for telecommunication facilities according to state and federal law. Therefore, the proposed amendment will have no foreseeable physical impact on the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.40.130 (D) (Permit Requirements)	Clarifications and Minor, non-substantive edits to the County review process for various types of wireless telecommunication facilities	The proposed amendments clarify and standardize the existing County review and permitting process for various types of new wireless telecommunications facilities. For ease of use, Table 1 (Communication Facility Types) has been added to provide an at-a-glance summary of facility types, relevant state/federal/local regulations and the required County permit type(s). New Section 130.40.130 (D)(10) (Temporary Facilities) has been added, as required by federal law, to allow for temporary site permits in the event of natural disaster, special events or other need for substitute facilities to avoid loss or degradation of service. Therefore, as the proposed amendments are minor or technical in nature, there would be no foreseeable physical impact on the environment. The amendments present no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involve no substantial change in circumstances under which the project is undertaken, and require no new or modified mitigation measures.

Relevant Ordinance Citation(s)	Proposed Amendment	CEQA Review
Sec. 130.40.130 (E, F) (Visual, Development Standards and Design Guidelines)	Additional regulations to reduce potential aesthetic impacts in residential zones.	Sections E and F (Visual, Development Standards and Design Guidelines) clarify visual simulation requirements and methodology for new wireless telecommunication facilities and also provide additional clarification to the development standards for new facilities. The proposed amendments also include new setbacks for proposed facilities adjacent to a site with an existing residential use or zoned for residential uses, a ranked list of County location preferences for new facilities, limitations on new facilities on any building/structure listed on a local, state or federal historic register, new site security measures and several specific regulations to reduce aesthetic impacts, including new restrictions on outdoor lighting. The impact analysis and conclusions reached within the 2004 General Plan EIR would not change based on the new development standards imposed in Sections 130.40.130 (E) and 130.40.130 (F) as these standards provide additional constraints on the siting and appearance of new wireless facilities that were not contemplated in the 2004 General Plan EIR. Therefore, the amendments to Sections 130.40.130 (E) and 130.40.130 (F) present no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and require no new or modified mitigation measures.
Sec. 130.40.130. (G) (RF Requirements)	Clarifications for consistency with federal law	Language has been added to clarify that approved facilities are required to be consistent with FCC RF emission requirements. This is a technical clarification that presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect. Therefore, the proposed amendment will have no foreseeable physical impact on the environment, involve no substantial change in circumstances under which the project is undertaken, and will require no new or modified mitigation measures.

Relevant Ordinance Citation(s)	Proposed Amendment	CEQA Review
Sec.130.40.130 (H) – 130.40.130 (P)	Miscellaneous clarifications to County permit requirements and fees	Proposed amendments include clarifications and minor language changes to address miscellaneous permit application and fee requirements for wireless telecommunication facilities. The impact analysis and conclusions reached within the 2004 General Plan EIR would not change based on the above amendments relating to County permit application requirements. These amendments present no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Chapter 130.80 (Glossary)	Glossary	For ease-of-use, Chapter 130.80 (Glossary) defines frequently used terms associated with wireless telecommunications facilities according to County, state and federal regulations as well as the wireless industry. As these amendments are for purposes of clarification only, the amendments to Chapter 130.80 would cause no foreseeable physical impact to the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.

V. CONCLUSION

Based on the above findings, the County has concluded that preparation of a subsequent EIR for these minor, technical amendments to the Zoning Ordinance is unnecessary and that preparation of an addendum is consistent with CEQA Guidelines section 15164. The County has determined, based on substantial evidence in light of the whole record, that the proposed amendments described in this addendum are not substantial. None of the conditions described under section 15162 of the CEQA Guidelines requiring preparation of a subsequent document have occurred. The modifications do not involve any new significant environmental effects. In addition, no substantial changes have occurred with respect to the circumstances under which the proposed Zoning Ordinance amendments will be undertaken. The modifications to the Zoning Ordinance do not involve new information of substantial importance, which show that the Project will have one or more significant effects not discussed in the previous environmental document.

The County has independently considered the General Plan FEIR and this addendum, and concludes the following:

1. The consideration of the FEIR and approval of the addendum reflect the independent judgment of the County;
2. The contents of the addendum does not substantially change the County General Plan or its circumstances and does not require major revisions to the General Plan FEIR. The information added through the proposed amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities) does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts as previously analyzed in the General Plan FEIR; and
3. Together, the FEIR and this addendum satisfy the requirements of CEQA. Preparation of an addendum is appropriate in accordance with CEQA Guidelines section 15164; no subsequent EIR is required.

Accordingly, the County approves this addendum and the associated proposed amendments to Section 130.40.130 of the Zoning Ordinance.