

# El Dorado County Communications Facilities Ordinance Update (Title 130, Section 130.40.130)



Planning Commission Public Hearing

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OCTOBER 24, 2024

# Objectives

## Issue

Ensure consistency with State and Federal Law

Identify the entitlement process for co-location of facilities on structures within the public right of way

New facilities within residential zones - visual impacts and setbacks

Create matrix to clarify ministerial and discretionary procedures for different facilities

# Revisions

Issue	Revision
Ensure consistency with State and Federal Law (Definitions, Subsections C and D)	Update definitions (Chapter 130.80), including “small cell” facilities. Streamline colocations and non-substantial modifications (Subsections C, D). Allow standby generators (Section D.8).
Clarify the entitlement process for co-location of facilities on structures within the public right of way (Subsections D.4, F.5, L)	Describe process for co-location on structures within public ROW, including historic considerations, and permit fees
New facilities within residential zones - visual impacts and setbacks (Subsections F.2, F.4)	Increased residential setbacks (equal to height of proposed structures). Added additional site selection and visual considerations
Create matrix to clarify ministerial and discretionary procedures for different facilities	Table 1 added to Chapter.

# Aesthetics and Site Selection

Issue	Discussion/Revisions
Aesthetics (Subsections F.1, F.2., F.4, F.12, F.13)	Existing ordinance includes purpose statement to minimize visual impact (Section A). The proposed revisions include this objective (Section F.13), while also increasing residential setbacks, setbacks and height restrictions.
Site Preference (Subsection F.4)	The Board provided direction to include site preferences for new facilities, in order to protect residential and agricultural areas from visual impact.
Site Selection and Alternatives (Subsection F.4, K)	Proposed revisions require a justification letter from the applicant regarding the proposed site, and a discussion of alternative sites considered (including any outreach to property owners of alternatives sites).
Visual simulations (Subsection E)	This section has been expanded to describe the required visual simulations, including pre and post project conditions, and a map of vantage points, emphasizing public views of the project site. The Board did not recommend use of a third-party preparer. However, in response to Board concerns, proposed landscaping, including trees, should be simulated at 10-year growth.

# Temporary Facilities

Issue	Discussion/Revisions
Temporary Facilities (Subsection D.10)	Existing ordinance has no provision for temporary facilities. Proposed revision would add temporary facilities as a regulated facility type. Such facilities may be necessary due to emergencies (including natural disasters), large temporary events that exceed existing cellular capacity, and temporary facilities to maintain service while permanent facilities are in the entitlement process. Specific requirements apply to each of these three scenarios.

# Notification and Five-Year Review

Issue	Discussion/Revisions
Notification (Subsection J)	Existing ordinance requires notice of School Districts within 1,000 feet of site and an adjacent HOA in addition to normal County noticing procedures. Revisions would increase HOA notification to 500 feet of the proposed site. Section 130.51.050 of the County Code generally requires notice up to 1,000 feet for discretionary approvals (such as minor use permits and conditional use permits). Board did not recommend additional noticing requirements.
Five-Year CUP Review (Subsection N)	Currently, future review requirements for approved CUPs are done on a case-by case basis. The Board agreed with a staff recommendation to incorporate the five-year review requirement into the ordinance. The five-year review shall be noticed as per the original CUP. Review is conducted at staff level unless a complaint or concern is received from a noticed party, in which case the Planning Commission shall review.

## Staff Recommendation

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Addendum to El Dorado County's General Plan Environmental Impact Report (EIR), certified in May 2003 (State Clearinghouse Number 2001082030) (Legistar Attachment B) 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 Subsections 15162 and 15164 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared; and
2. Approve the amendments to Section 130.40.130 (Communications Facilities) as proposed, based on the Findings in Attachment B and previous guidance from the Commission and Board at their respective public workshops on February 22 and September 24, 2024.

## Anticipated Project Timeline

Board of Supervisors Hearing:

December 3, 2024

Ordinance Effective Date:

January 2025



# Questions & Comments

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