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TO: Planning Commission

FROM: Tom Purciel, Senior Planner

DATE: October 3, 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 a contract with Dudek Consulting (County Agreement No. 5857, Legistar Attachment C) to provide expertise and assist staff with development of the draft Zoning Ordinance amendments as detailed in the contract Scope of Work.

As detailed in Attachment C, 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 and September 24, 2024, 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, generally minor, additional edits/clarifications be incorporated into the draft amendments in response to comments received at the above public workshops. The current public review draft of the proposed amendments, which incorporates previous public, Commission, and Board comments where appropriate, is included as Legistar Attachment D. Revisions from the current ordinance are shown in track changes (red font). For reference, the existing ordinance is also included as Legistar Attachment E. A summary table of all significant revisions to the existing ordinance is also included as Legistar Attachment F.

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 (Legistar Attachment D). 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.

The Draft EIR Addendum is attached as Legistar Attachment B.

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 Sections 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.

LEGISTAR ATTACHMENTS:

- B. Addendum to the 2003 El Dorado County General Plan EIR
- C. Agreement for Services No. 5857
- D. Draft Amendments to Section 130.40.130 (Communications Facilities)
- E. Current Section 130.40.130 (Communications Facilities)
- F. Amendment Summary Table