



Legislation Details (With Text)

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File created: 10/28/2021 **In control:** Board of Supervisors

On agenda: 12/7/2021 **Final action:** 12/7/2021

Title: Planning and Building Department, Planning Division, Long Range Planning Unit, recommending the Board consider the following:
 1) In accordance with Chapter 3.13, Section 3.13.030 of County Ordinance Code, Contracting Out, find that for the Zoning Ordinance Update Project, due to the limited timeframes, temporary or occasional nature, or schedule for the project or scope of work, the ongoing aggregate of work to be performed is not sufficient to warrant the addition of permanent staff; and
 2) Approve and authorize the Chair to sign Agreement 5857 with Dudek to assist the County with updating Title 130 of the County Zoning Ordinance, with a not-to-exceed amount of \$102,545, and a term of three (3) years effective upon execution.

FUNDING: General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS - 5857, 2. B - PE Agreement- 5857, 3. Executed Agreement for Services #5857

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 12/7/2021 | 1 | Board of Supervisors | Approved | Pass |

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DISCUSSION / BACKGROUND

On March 17, 2020 (File No. 20-0326, Item No. 27), the Board approved and endorsed the Planning and Building Department, Planning Division, LRP, Project Prioritization Matrix for Fiscal Year (FY) 2020-21, which included the Zoning Ordinance Update project. The Board prioritized these Zoning Ordinance updates to be completed in FY 2020-21, and directed staff to include a funding request for consulting services and/or additional staff resources in the FY 2020-21 budget. As part of this item, the Board provided direction to staff under the new Zoning Ordinance Update project to initiate amendments to the following specific sections of the Zoning Ordinance: Chapter 130.36 - Signs; Chapter 130.39 - Oak Resources Conservation, Article 3; Section 130.40.130 - Communications Facilities; and Section 130.40.140 - Electric Vehicle Charging Stations, in Article 4. Subsequently, this Zoning Ordinance Update project was also endorsed by the Board following LRP's Project

Prioritization Matrix for FY 2021-22 presentation on April 13, 2021 (File No. 21-0502, Item No. 21).

On July 13, 2021 (File No. 21-1042, Item No. 20), the Board adopted Resolution of Intention 082-2021 for the purpose of amending Title 130 of the County Zoning Ordinance and initiate the Zoning Ordinance Update project as required by Section 130.63.020 (Ordinance Amendments and Zone Change Applications) of the Zoning Ordinance.

At the present time, Planning Division staff resources are fully engaged in other higher priority projects through FY 2021-22. Therefore, we have the need to utilize consulting services with technical expertise in writing zoning code. This project is anticipated to begin in January 2022 and be completed by September 2023. Chapter 3.13 of the El Dorado County Code of Ordinances, Contracting Out, includes Section 3.13.030, Criteria, which establishes those instances where contracts may be awarded and work can be performed by independent contractors. It is recommended that the Board find that the Zoning Ordinance update may be contracted out because due to the limited timeframes, temporary or occasional nature, or schedule for the project or scope of work, the ongoing aggregate of work to be performed is not sufficient to warrant addition of permanent staff (Criteria 3.13.030 (C)).

Under the proposed Agreement, Dudek will assist the County with amending three (3) of the four (4) aforementioned Chapters of Title 130 of the County Zoning Ordinance; 130.40.130 - Communication Facilities, 130.39 - Oak Resources Conservation and 130.36 - Signs. Section 130.40.140 - Electric Vehicle Charging Stations, in Article 4 will be developed using existing LRP staff. For each of the three (3) specified Chapters, Dudek will conduct research and provide analysis on specific sections identified by County staff (listed below), prepare an Administrative Draft Update, provide an Environmental Assessment, and prepare a Draft Chapter Update for public review and consideration at Planning Commission and Board hearings. Upon completion of the Draft Chapter Updates, Dudek, with assistance from County staff, will facilitate two (2) public workshops to introduce and educate the public on the proposed amendments prior to presenting the Zoning Ordinance Updates and environmental documentation to the Planning Commission and Board for approval. Once approval is obtained by the Planning Commission and Board, Dudek will prepare the final Zoning Ordinance Updates for codification.

As part of the Zoning Ordinance Update project, Dudek's efforts will include, but not be limited to, a review, analysis, and consideration of the following aspects of each aforementioned sections:

130.40.130 - Communication Facilities:

- Consistency with Federal and State Statues
- Co-location in the Public Right-of-Way
- New Communication Facilities in Residential Zones - visual impacts and setbacks
- Discretionary vs. Ministerial Procedures

130.39 - Oak Resources Conservation

- Applicability
- In-lieu Calculation Method
- Subdivisions
- Heritage Trees and Multi-trunk Trees
- Existing Single-Family Parcels
- Oak Bond Applicability
- Oak Tree Removal Permits

- Exception for Personal use

130.36 - Signs

- Commercial Development Maximum
- Signs in Cameron Park
- Standards for Off-Site Subdivision Signs
- Community Sign Programs

ALTERNATIVES

The Board may choose not to approve the proposed Agreement. This would result in delays to projects detailed in the LRP Project Prioritization Matrix previously approved by the Board.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management has approved the proposed Agreement.

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. Funding for this project has been included in the FY 2021-22 Final Adopted Budget. Funding for services beyond FY 2021-22 will be included in subsequent budgets accordingly.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of the Agreement; and
- 2) The Clerk of the Board will return one (1) fully-executed original Agreement to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance: Incorporate benchmarks (to other agencies) and best practices to provide context to decisions, using data to inform discussions while promoting efforts to creatively address service delivery.

CONTACT

Rob Peters, Deputy Director of Planning
Planning and Building Department