



Legislation Details (With Text)

File #: 24-1821 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 10/9/2024 **In control:** Planning Commission

On agenda: 10/24/2024 **Final action:** 10/24/2024

Title: Hearing to consider: Planning and Building Department, Long Range Planning Unit, proposed amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities) and staff recommending the Planning Commission forward the following recommendations to the Board of Supervisors:

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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Staff Memo 10-03-24 PC 10-24-24, 2. B - Draft EIR Addendum_Communication Facilities_October 2024, 3. C - Agreement for Services 5857, 4. D - Draft Amendments_130.40.130_Oct 2024, 5. E - Current Section_130.40.130, 6. F - Amendment Summary Table 10-24-24, 7. G - Staff Presentation_PC Hearing 102424, 8. H - Proof of Publication-Tahoe Daily Tribune, 9. I - Proof of Publication-Sacramento Bee, 10. J - Proof of Publication-Mountain Democrat, 11. Public Comment Rcvd 10-11-24 PC 10-24-24, 12. Public Comment Rcvd 10-17-24 PC 10-24-24, 13. Public Comment Rcvd 10-23-24 PC 10-24-24, 14. Public Comment Rcvd 10-24-24 PC 10-24-24

Date	Ver.	Action By	Action	Result
10/24/2024	1	Planning Commission	Approved	Pass

Hearing to consider: Planning and Building Department, Long Range Planning Unit, proposed amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities) and staff recommending the Planning Commission forward the following recommendations to the Board of Supervisors:

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.

DISCUSSION/BACKGROUND

On April 13, 2021, the 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 (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 and September 24, 2024, LRP staff held respective Planning 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 draft of the proposed amendments, which incorporates previous public, Commission and Board comments where appropriate, is included as Legistar Attachment D. All revisions from the current ordinance are shown in track changes (red font).

The proposed Ordinance amendments would be effective 30 days after final adoption by the County Board of Supervisors.

A staff memo is attached.

CONTACT

Rob Peters, Deputy Director of Planning
Planning and Building Department