

# **Roles and Responsibilities of the Planning Agency and Planning Commission**



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# Planning Agency vs. Planning Commission



- State law requires the County to have a **Planning Agency**.
  - Board is required to assign by ordinance the functions of the Planning Agency and the Board *may* provide that the Planning Commission serve as the Planning Agency. (Gov. Code Section 65100)
  - Any Planning Agency functions not assigned remain with the Board. (Gov. Code Section 65100)
- State law allows, but does not require, the County to have a **Planning Commission**.
  - “The legislative body *may* create one or more planning commissions each of which shall report directly to the legislative body.” (Gov. Code Section 65101.)
  - “[E]ach planning commission shall consist of at least five members, all of whom shall act in the public interest.”

# Planning Agency

Gov. Code Section 65103



- “Each **planning agency** shall perform all of the following functions:
  - Prepare, periodically review, and revise, as necessary, the general plan.
  - Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
  - Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan . . .
  - Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
  - Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
  - Promote the coordination of local plans and programs with the plans and programs of other public agencies.
  - Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.”

# Planning Agency

Gov. Code Sections 65100, 65400



- Planning Agency is also required to:
  - “Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.”
  - Submit annual reports to the Office of Planning and Research and Department of Housing and Community Development on progress to meeting the regional housing needs allocation.
- State law vests the Planning Agency with additional responsibilities to facilitate land use planning and decisions.

# El Dorado County Planning Agency

County Code Section 130.60.010



- Section 130.60.010 of County Code creates the Planning Agency and assigns the functions.
- Planning Agency is made up of:
  - Board
  - Planning Commission
  - Zoning Administrator
  - Director of Planning and Building
  - Planning and Building Department

# Board's Role in Planning Agency



- Act as the review authority for land use applications that require a public hearing and legislative action and are appealed to the Board. (Section 130.60.050)
- Serve as the Planning Agency for “the duties, functions and powers set forth in Title 7 of the Government Code, **with respect to the preparation, review and adoption of a comprehensive, long-term general plan for the physical development of the County**, and of any land outside its boundaries which in the Board of Supervisors’ judgment bears relation to its planning, required by Government Code § 65300.” (Section 2.20.590)
  - Vests duties and powers with respect to General Plan review and policy decisions regarding the General Plan with the Board.

# El Dorado County's Planning Commission



- Section 2.20.580
  - “There is established a Planning Commission for the County, pursuant to Chapter 3 of Title 7 of the Government Code, to be known as the County Planning Commission.”
- Section 2.20.600
  - “The County Planning Commission shall consist of five members, one to be selected by each member of the Board of Supervisors. The appointees should reside within the supervisorial district of the supervisor who selects them, shall reside within the County, shall be registered voters of the County, and shall not be County officers at time of their appointment.”
- Section 2.20.610
  - County Counsel serves as the legal advisor to the Planning Commission.

# Planning Commission's Role in Planning Agency



- Section 130.60.050 identifies Planning Agency functions assigned to Planning Commission as:
  - Hearing body to consider and approve or deny development applications; and
  - Advisory agency to the Board on legislative actions, including zone changes and general plan amendments.
- Section 2.20.590 provides that the Planning Commission “shall have such duties, functions and powers as are set forth in Title 7 of the Government Code” *except* those Planning Agency functions reserved for the Board.



# Duties of Planning Commission



- **State law and County Code vest responsibilities with the Planning Commission in the following land use matters:**
  - Amendments to the General Plan (Gov. Code Section 65353; Section 130.63.030)
  - Adoption of or amendments to Specific Plans (Section 130.56.020)
  - Amendments to the Zoning Ordinance Code (Section 130.63.020)
  - Decisions under the Subdivision Map Act (Section 120.08.010)
  - Discretionary permits under Title 130
  - Recommendations on Development Agreements (Section 130.58.030)
  - Review of the Capitol Improvement Program for consistency with General Plan (Gov. Code Section 65401)
  - Report on General Plan conformity of acquisition or disposal of real property (Gov. Code Section 65402)
  - SB 35 Projects (Streamlined Ministerial Approval for Affordable Housing) (Resolution 211-2021)
  - Decisions under the California Environmental Quality Act (CEQA) triggered by the underlying discretionary decision
- **Planning Commission decisions are either:**
  - Advisory and provide a recommendation to the Board; or
  - Final decision that is generally appealable to the Board.

# Duties of Planning Commission: General Plan



- For the General Plan and Specific Plans, the Planning Commission is tasked with:
  - Holding public hearings to review and recommend action on proposed amendments to the General Plan. (Gov. Code Section 65353; Section 130.63.030)
  - Considering the General Plan and making findings of consistency with the General Plan when approving projects. (Gov. Code Section 65860)
  - Reviewing and making recommendations for adoption of and amendments to Specific Plans. (Section 130.56.020)

# Duties of Planning Commission: Zone Changes and Zoning Ordinance Amendments



- For changes in zoning or amendments to the Zoning Code, the Planning Commission is tasked with holding public hearings and making written recommendations to the Board.  
(Gov. Code Section 65854; Section 130.63.020)
- Written recommendations shall “include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.” (Gov. Code Section 65855)
- Board may “approve, modify or disapprove the recommendation of the planning commission.” (Gov. Code Section 65857)
- If a substantial modification by the Board was not previously considered by the Planning Commission, the modification shall be referred to the Planning Commission for report and recommendation. If the Planning Commission does not report within 40 days, it is deemed approval of the proposed modification. (Gov. Code Section 65857; Section 130.63.020)

# Duties of Planning Commission: Discretionary Permits



- Decisions vested with Planning Commission under Title 130, with some limitations providing for staff level review for some permits, include:
  - Conditional Use Permits (Section 130.52.021)
  - Minor Use Permits (Section 130.52.020)
  - Design Review Permits (Section 130.52.030)
  - Development Plan Permits (Section 130.52.040)
  - Some Sign Permits and Uniform Sign Programs (Section 130.36.080)
  - Map Corrections if the record is unclear (Section 130.10.030)
  - Interpretations after public hearing of Title 130 (Section 130.10.050)
  - Compatible use determinations referred by Director (Section 130.20.030)
  - Review and recommendations on community design guidelines and design overlay decisions (Sections 130.27.050-.060)
  - Appeals of decisions on Administrative Permits, Minor Use Permits, Temporary Mobile Home Permits, Temporary Use Permits, and Variances (Sections 130.52.010-.020, 130.52.050-.070)
  - Director can also defer action on these permits and refer the permit application to the Planning Commission.

# Duties of Planning Commission: Subdivision Map Act



- Under the Subdivision Map Act, Planning Commission is vested with:
  - Approving, conditionally approving, or disapproving tentative maps (Sections 120.08.010; 120.24.075)
  - Making recommendations to the Board on vesting tentative maps (Section 120.68.070)
  - Granting any design waivers of subdivision design or improvement requirements, provided certain findings are made (Section 120.08.020)
  - Granting or denying map extensions (Section 120.74.030)

# Board Direction as to Role of Planning Commission



- Based on the Board's decision that it serves as the Planning Agency with respect to the General Plan and prior Board direction as to the role of the Planning Commission, staff's understanding of the Board's direction is:
  - The Board serves as the policymaking body in land use decisions and the County's General Plan.
  - The Planning Commission's responsibilities are limited to items that are required to come before the Commission pursuant to state law or County Code or are referred to the Planning Commission by a majority of the Board.
  - The Board directs allocation of the Planning and Building Department's resources and staff through adoption of the Long Range Planning Project Prioritization Matrix and Board Policies, such as Policy J-2 that prioritizes commercial and industrial projects.
  - The Planning Commission should not independently hold public workshops or seek public input to set or direct County policy or allocation of staff resources unless directed to do so by a majority of the Board.
  - The Planning Commission may request training on subject areas relevant to consideration of projects, such as CEQA, Brown Act, and land use laws and regulations. The Director of Planning and Building would determine if and when to provide such training based on budget and staff resources.



# Questions?