

# OR14-0001/Public Notification of Land Development Applications and Public Hearings

Board of Supervisors

September 15, 2015

# Request

- Adopt Ordinance OR14-0001 amending County Code Titles 120 and 130 expanding the public notification of public hearings for land development applications.

# Background

- Public involvement in the planning and CEQA review process is critical for the overall framework of informed decision making. Public review serves as a check on accuracy in analysis and public comments inform agencies about public opinions and values.

# Ordinance Process

- Consistent with Section 17.10 of the County Code, the process to amend Title 17 begins with a Resolution of Intention (ROI).
- An ROI has been approved by the Board.
- Opportunity for public comment and Board policy direction.
- Draft Ordinance to the Planning Commission for recommendation to the Board for final action (Unanimously Approved).

## On September 30, 2013 the Board took the following actions:

- 1. Direct staff to return with a final draft Resolution of Intent to start the process to change the County Code;
- 2. Direct staff to initiate adoption process for an amendment to Resolution 61-87;
- 3. Direct staff to develop a policy for early notification for large residential subdivisions; and
- 4. Direct Development Services Division to expand new County development project information on the County website.

## The following is a status report of these requests:

- 1. Directed staff to return with a final draft Resolution of Intention to start the process to amend the County Code;

Status: This was **completed** by adoption of Resolution Number 154-2014 on September 23, 2014. The Resolution of Intention authorized staff to work on ordinance amendments, now labeled file number OR14-0001, the subject of this staff report. This ordinance amendment will change parts of the Subdivision Ordinance and Zoning Ordinance to expand public notice procedures.

- 2&3. Directed staff to initiate the adoption process for an amendment to Resolution 61-87. Direct staff to develop a policy for early notification for large residential subdivisions; and
- Status: **Completed**. Resolution Number 183-2014 was adopted by the Board on October 21, 2014 amending Resolution 61-87 the Environmental Manual for Implementation of the California Environmental Quality Act. The amendment requires direct mailing to all property owners within one mile of the boundaries of a project for a 1) Notice of Preparation to inform them of the lead agency's intent to prepare an EIR, and 2) a Notice of Completion of the public review draft EIR.

- 4. Directed the Development Services Division to expand public access to new County development project information on the County website.
  
- Status: This has been **completed** and is ongoing as the County web pages have been expanded to include new development projects. The following information is available on the County website:
  - A. Posting of all public notices on County webpage.
  - B. Posting of large projects on County and Planning Services homepage.
  - C. Public notice subscription.
  - D. Project information on Planning Services webpages for all project applications as they are received.
  - E. Searchable database of approved and pending projects on Planning Services webpages.
  - F. Announcement of County notices on social networking sites such as Twitter and Facebook.



# Proposed Amendments

- All Discretionary projects: Increase public noticing of hearing from 500 ft to 1,000 ft
- Subdivisions, Rezones, Planned Developments, and Specific Plans:
  - 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots
  - 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more
  - Physical posting of notice on the property proposed for development so as to be visible to the public
  - For land development with 300 dwelling units and larger, the project application may require a public outreach plan, as determined by the Development Services Division Director

# Physical Posting of Notice on the Property

- A sign company (vendor) would be contracted by the County to install notification signs within the first 30 days of receiving an application for a discretionary project, and to remove it after the project is approved.



# Proposed Sign Specifications

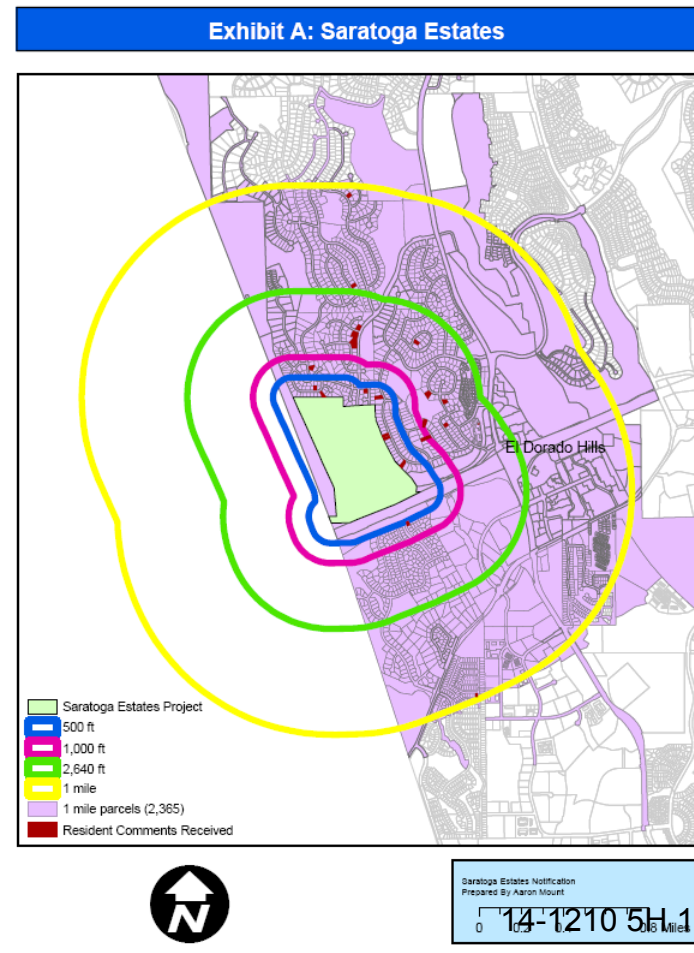
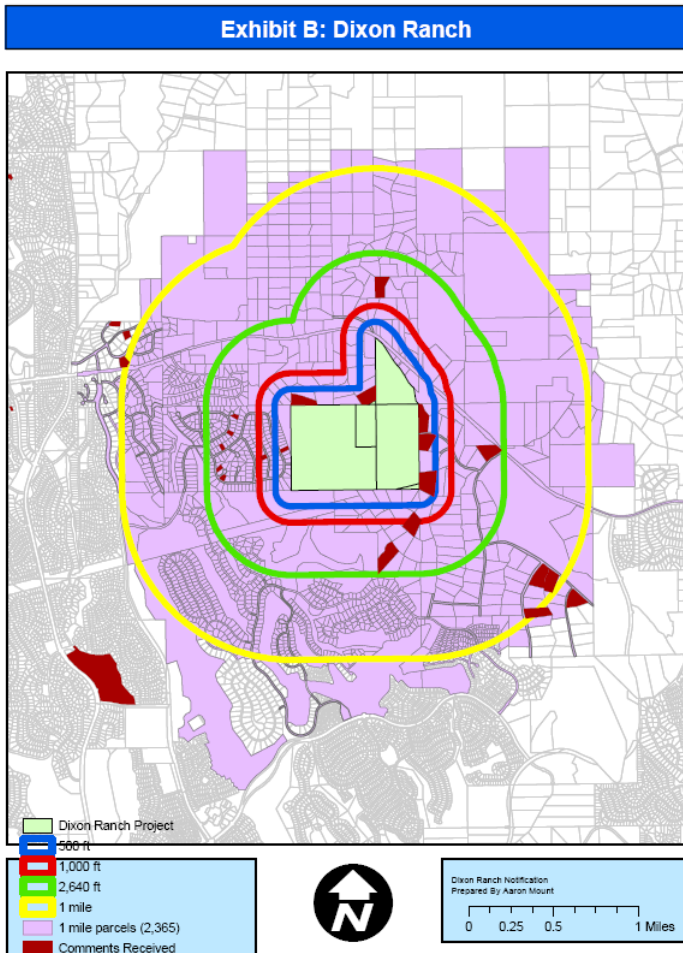
1. The size of the sign shall be a minimum of four feet by four feet.
2. The sign shall be black letters on a white background and read as follows:

NOTICE OF DEVELOPMENT  
AN APPLICATION FOR DEVELOPMENT OF THIS PROPERTY HAS BEEN FILED WITH  
EL DORADO COUNTY  
PROJECT NO. \_\_\_\_\_  
FOR MORE INFORMATION CALL THE COMMUNITY DEVELOPMENT AGENCY-  
PLANNING DIVISION AT  
(530)621-5355

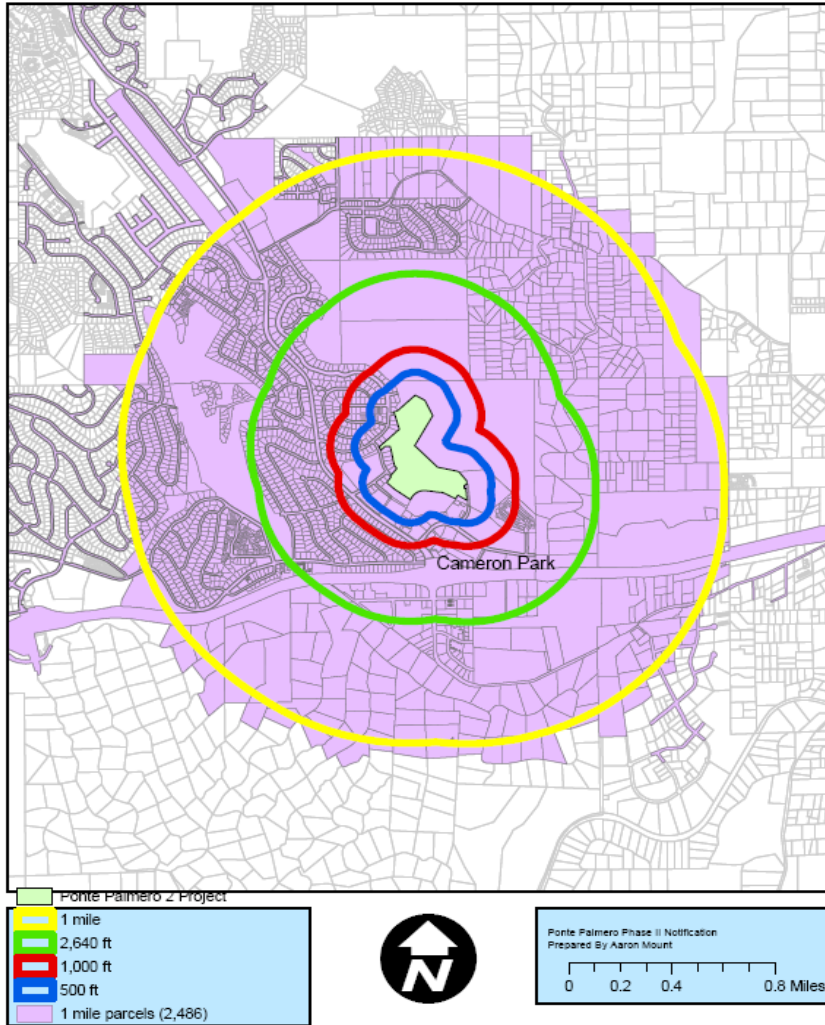
3. A minimum of one sign shall be posted facing each road on which the property has frontage.
4. The sign shall be posted no more than 20 feet from the edge of road and shall be visible and readable from the road for the entire time of its posting. The Transportation Division may review the sign location to ensure it is not within road right-of-ways or have line of sight issues.
5. Where the property does not have street frontage or is not easily visible from the road, the sign(s) shall be posted in a location deemed suitable by the Director.
6. The sign(s) shall remain posted until final action has been taken on the application.
7. The sign(s) shall be removed within 30 days of the final action.
8. The sign(s) shall be constructed of materials suitable to remain standing during the estimated posting time and to hold up to the weather.

# Proposed Expanded Public Notice Analysis

- 3 projects currently complying with 1 mile notification



### Exhibit C: Ponte Palmero Phase II



# Average Cost of Materials and Staff Time

## Actual Material Costs:

\$0.02 per envelope \* 2,000 = \$40.00

\$0.01 per sheet of paper (cost of paper plus cost of copying) average of two sheets \*  
2,000 = \$40.00

\$0.48 first class mail for each mailing \* 2,000 = \$960.00

Total material cost for 2,000 mailings: \$1,040

Average staff time for each mailing of 2,000 notifications

22 hours at an hourly rate of \$100.00.

Total cost of staff time for 2,000 mailings: \$2,200

Total cost of materials and staff time for 2,000 mailings: **\$3,240**

# Actual Cost of Materials and Staff Time

- Ponte Palmero Phase II NOP Mailing Time Tracking Info
- Mailing of 1 mile radius.
- 2,250 Parcels/Letters
- NOP consisted of 4 pages (2 pages printed double sided)
- Staff Hours Spent
- Parceling: 3.5 hrs
- Certified Mail Prep: 1 hr
- Labeling Envelopes: 9.25 hrs.
- Copying/Sorting of NOP: 4 hrs
- Stuffing Envelopes: 8.25 hrs
- **TOTAL Staff Hours: 26 hours** (Not including staff time from mail room for processing)
- Costs of Supplies/Mailing
- Cost per copies: \$0.004/side x 9,000 (See attached PO if needed)
- Cost per envelopes: \$0.002/envelope x 2,250 (See attached PO if needed)
- Cost of Paper: \$0.006/page x 4,500
- Postage: \$0.47/envelope x 2,250 (we save \$0.02/env. by getting to the mail room 1 day before needed to have it go out pre-sorted)
- Certified Mail to Responsible Agencies: \$3.45/each x 22 for this project
- **TOTAL Cost of Supplies/Mailing: \$1,200.90 (potential total of \$3,800.90 including staff hours)**

# Public Comments Received

- Saratoga Estates project mailed over 4,000 notification letters for an NOP.
- Project received 45 public responses.
  
- Dixon Ranch project mailed 1,566 notification letters.
- Project received 42 public responses.
  
- Ponte Palmero Phase 2 project mailed 2,250 notification letters.
- Project received 1 public response
  
- Equals a 1-3 percent return rate.
- Primarily received from within ½ mile range



# Conclusion

- Public involvement in the planning and CEQA review process is critical for the overall framework of informed decision making.
- As the proposed amendments go well beyond the minimum State posting requirements, the Planning Commission and Board of Supervisors need to evaluate the benefits of increased notification versus the costs, rate of return of comments, and physical distribution of comments.

- RECOMMENDATION: Staff recommends the Board of Supervisors take the following actions:
  - 1. **Find that the proposed Zoning and Subdivision Ordinance amendments are exempt from CEQA** pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378; and
  - 2. **Adopt Ordinance OR14-0001** amending the County Code Sections 120.24.085, 120.48.065, 130.04.015, 130.10.020, 130.10.040, and 130.22.200 expanding the public notification of public hearings for land development applications.