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ORDINANCE NO. 5128

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 120 OF THE EL DORADO COUNTY ORDINANCE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

**SUBPART 1. MAJOR LAND DIVISIONS
CHAPTER 120.24 / TENTATIVE MAPS**

Section 1. Section 120.24.085 entitled "Notice requirements and procedure," is hereby repealed in its entirety and replaced as set forth below:

Sec. 120.24.085. - Notice requirements and procedures.

- A.** This Section implements greater public notice requirements than the prescribed requirements in California Government Code (CA Gov. Code § 65090- 65095). Action by the Planning Commission pursuant to Section 120.24.075.A (Approval procedure) shall be made after a public hearing for which notice has been given. The public notice requirements and procedures for tentative map applications are set forth below in Table 120.24.085.1 (Tentative Map Notice Requirements and Procedures). Public notice regarding projects will be mailed to nearby property owners according to the distance radius from the project site parcel boundary as specified in this table. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.
- B.** The notice shall be mailed at least 10 days prior to the hearing to any person who has filed a written request for notice either with the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee, which is reasonably related to the costs of providing this service, and the local agency may require each request to be annually renewed. As used in this chapter, "person" includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (CA Gov. Code § 65092).
- C.** The failure of any person or entity to receive notice pursuant to this title shall not constitute grounds for any court to invalidate the actions by the Planning Commission, and/or Board of Supervisors for which the notice was given (CA Gov. Code § 65093).
- D.** Any public hearing conducted under this title may be continued from time to time (CA Gov. Code § 65095). If a hearing on a project is continued to a date certain, no additional public notice is required. Projects continued off calendar require new public notice.

E. Public Outreach Plan

For some Planning Commission-level and Board-level discretionary development projects, the Director may require the Applicant to prepare a public outreach plan to provide for early public notice and an opportunity for the public to provide input to the Applicant on the proposed development project. For discretionary projects with 300 or more dwelling units, a public outreach plan shall be required.

1. The public outreach plan may include but shall not be limited to: 1) direct mailing to the property owners nearby (distance radius from the proposed project site parcel boundary) for the Project Type as noted in Table 120.24.085.1 (Tentative Map Notice Requirements and Procedures) that includes a description of the proposed project and methods for how to submit comments; and 2) one or more public workshops held in the community by the Applicant prior to any County public hearing on the proposed project.

2. The Applicant shall submit the public outreach plan to the Director for approval and inclusion in the public record. The Applicant shall implement the public outreach plan and provide a summary to the Director of the outreach efforts conducted including number of attendees at public outreach meetings and public comments received which will be part of the agenda packet presented to the Planning Commission and/or Board of Supervisors.

Table 120.24.085.1 – Tentative Map Notice Requirements and Procedures

Project Type	Notice Mailed to Property Owners¹ Nearby (distance radius²)	Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)	Physical Sign Posting (publicly visible)	Notice to: Agent/Applicant/Appellant/Property Owner¹/Local Agencies³/Persons Who File for Written Request for Notice	Notice Date prior to hearing: (applies to the following: mailed notice, published notice, and physical sign posting)	Notice Mailed via U.S. Postal Service⁴	Notice Published in One Newspaper of General Circulation⁴
Tentative Map (5 - 299 lots ⁵)	1,000ft	PC/BOS	Yes	Yes	At least 10 days	Yes	Yes
Tentative Map (300 - 999 lots ⁵)	1/2 mile	PC/BOS	Yes	Yes	At least 10 days	Yes	Yes
Tentative Map (1,000 lots ⁵ or more)	1 mile	PC/BOS	Yes	Yes	At least 10 days	Yes	Yes
Tentative Map - Correction	1,000ft	PC	N/A	Yes	At least 10 days	Yes	Yes
Tentative Map - Revision	1,000ft	PC	Yes	Yes	At least 10 days	Yes	Yes
Tentative Map - Time Extension	1,000ft	PC	N/A	Yes	At least 10 days	Yes	Yes
¹ Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)							
² The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.							
³ Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.							
⁴ The mailed and published notice shall include: hearing body, location of hearing, date, time, project name and number, applicant's name, project description, APN, property acreage, location, Supervisor District, County Planner and contact info, and environmental document type. The notice shall also identify if the project is within a community region, rural center, or rural area.							
⁵ Lots are defined in Section 120.53.020 – Definitions.							

- ~~A. — Action by the Planning Commission pursuant to Section 120.24.075.A shall be made after a public hearing for which notice has been given as follows:~~
- ~~1. — Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the property which is the subject of the hearing excluding condominium conversions. Expanded notice would be required as follows:
 - ~~a. — Two thousand six hundred forty feet (half a mile) notice for residential applications creating between 300 through 999 lots;~~
 - ~~b. — Five thousand two hundred eighty feet (one mile) notice for residential applications creating 1,000 lots or more;~~~~
 - ~~2. — Physical posting of notice on the property proposed for development so as to be visible to the public;~~
 - ~~3. — For land development with 300 dwelling units and larger, the project application shall require a public outreach plan, as determined by the Director of Planning and Building, to be conducted by the applicant to further provide early public notice and input on the development application, subject to review and approval by the Director of Planning and Building; and~~
 - ~~4. — Published once in at least one newspaper of general circulation at least ten days prior to the hearing.~~
- ~~B. — Action by the Board of Supervisors on an appeal pursuant to Section 120.24.075.B or C shall be made after a public hearing for which written notice has been mailed or delivered at least ten days prior to the hearing to the applicant and the appellant. In addition, the Clerk of the Board may elect to publish notice of the hearing in a newspaper of general circulation at least ten days prior to the hearing. Failure to publish such notice shall not invalidate the proceedings.~~
- ~~C. — All hearings conducted pursuant to this chapter shall be public hearings wherein any person may be heard and any evidence taken which is relevant to the proceedings; provided that in the case of appeal hearings testimony and evidence shall be limited to those things relevant to the specific reasons for the appeal.~~
- ~~D. — In any appeal action brought pursuant to Section 120.24.075.B, the appellant may withdraw his or her appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this section, the public hearing shall be deemed commenced upon the taking of any evidence including reports from planning staff.~~

~~(Code 1997, § 16.24.085; Ord. No. 3805, § 10, 1988; Ord. No. 5026, § 1, 9-15-2015)~~

**SUBPART 2. MINOR LAND DIVISIONS
CHAPTER 120.48 / TENTATIVE MAPS**

Section 2. Section 120.48.065 entitled “Notice requirements and procedure,” is hereby repealed in its entirety and replaced as set forth below:

Sec. 120.48.065. - Notice requirements and procedures.

- A. This Section implements greater public notice requirements than the prescribed requirements in California Government Code (CA Gov. Code § 65090- 65095). The public notice requirements and procedures for parcel map applications are set forth below in Table 120.48.065.1 (Parcel Map Notice Requirements and Procedures). Public notice regarding projects will be mailed to nearby property owners according to the distance radius from the project site parcel boundary as specified in these tables. If the project has multiple actions with conflicting distances radii, then the greater distance radius shall apply.
- B. The notice shall be mailed at least 10 days prior to the hearing to any person who has filed a written request for notice either with the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee, which is reasonably related to the costs of providing this service, and the local agency may require each request to be annually renewed. As used in this chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (CA Gov. Code § 65092).
- C. The failure of any person or entity to receive notice pursuant to this title shall not constitute grounds for any court to invalidate the actions by the Zoning Administrator, Planning Commission, and/or Board of Supervisors for which the notice was given (CA Gov. Code § 65093).
- D. Any public hearing conducted under this title may be continued from time to time (CA Gov. Code § 65095). If a hearing on a project is continued to a date certain, no additional public notice is required. Projects continued off calendar require new public notice.

Table 120.48.065.1 – Parcel Map Notice Requirements and Procedures

<u>Project Type</u>	<u>Notice Mailed to Property Owners¹ Nearby (distance radius)²</u>	<u>Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Applicant/Appellant/Property Owner¹/Local Agencies³/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to hearing: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Parcel Map (1 - 4 lots⁵)</u>	<u>1,000ft</u>	<u>ZA</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Parcel Map - Correction</u>	<u>1,000ft</u>	<u>ZA</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Parcel Map - Revision</u>	<u>1,000ft</u>	<u>ZA</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Parcel Map - Time Extension</u>	<u>1,000ft</u>	<u>ZA</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<p>¹ <u>Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)</u></p>							
<p>² <u>The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.</u></p>							
<p>³ <u>Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.</u></p>							
<p>⁴ <u>The mailed and published notice shall include: hearing body, location of hearing, date, time, project name and number, applicant's name, project description, APN, property acreage, location, Supervisor District, County Planner and contact info, and environmental document type. The notice shall also identify if the project is within a community region, rural center, or rural area.</u></p>							
<p>⁵ <u>Lots are defined in Section 120.53.020 – Definitions.</u></p>							

- ~~A. — Action by the Director of Planning and Building pursuant to Section 120.48.060.A — shall be made after a public hearing for which notice has been given as follows:~~
- ~~1. — Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the property which is the subject of the hearing with the exception of condominium conversions.~~
 - ~~2. — Published once in at least one newspaper of general circulation at least ten days prior to the hearing.~~

- ~~B. Action by the Board of Supervisors on an appeal pursuant to Section 120.48.060.C shall be made after a public hearing for which written notice has been mailed or delivered at least ten days prior to the hearing to the applicant and the appellant. In addition, the Clerk of the Board may elect to publish notice of the hearing in a newspaper of general circulation at least ten days prior to the hearing. Failure to publish such notice shall not invalidate the proceedings.~~
- ~~C. All hearings conducted pursuant to this chapter shall be public hearings wherein any person may be heard and any evidence taken which is relevant to the proceedings, provided that, in the case of appeal hearings, testimony and evidence shall be limited to those things relevant to the specific reasons for the appeal.~~
- ~~D. In any appeal action brought pursuant to Section 120.48.060.C, the appellant may withdraw his or her appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this section, the public hearing shall be deemed commenced upon the taking of any evidence including reports from planning staff.~~

~~(Code 1997, § 16.48.065; Ord. No. 3805, § 22, 1988; Ord. No. 5026, § 1, 9-15-2015; Ord. No. 5051, § 2, 4-18-2017)~~

CHAPTER 120.53 / LOT LINE ADJUSTMENTS

Section 3. Section 120.53.040 entitled “Procedure/approval process” is hereby amended as set forth below:

Upon receipt of a complete application, the Department may distribute said documents to interested agencies for review and comment. No public notice is required.

SUBPART 3. RURAL SUBDIVISIONS CHAPTER 120.76 / CERTIFICATE OF COMPLIANCE

Section 4. Section 120.76.090 entitled “Certificate of compliance issued by Department of Planning and Building” is hereby amended as set forth below:

The Department of Planning and Building is authorized based upon the circumstances involved in the creation of the parcel to issue an unconditional certificate or conditional certificate of compliance. In addition, the Department of Planning and Building has the authority to determine if a public hearing will be required and what conditions as authorized by the Subdivision Map Act, if any, should be attached to the conditional certificate of compliance. The public notice requirements for a certificate of compliance issued by the Department of Planning and Building are set forth below in Table 120.76.090 (Public Notice Requirements – Certificate of Compliance).

Table 120.76.090.1 – Public Notice Requirements – Certificate of Compliance

<u>Project Type</u>	<u>Notice Mailed to Property Owners¹ Nearby (distance radius²)</u>	<u>Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Applicant/Appellant/Property Owners¹/Local Agencies³/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Certificate of Compliance (No Public Hearing)</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Certificate of Compliance (Public Hearing)</u>	<u>1,000ft</u>	<u>ZA</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
¹ <u>Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)</u>							
² <u>The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.</u>							
³ <u>Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.</u>							
⁴ <u>The mailed and published notice shall include: hearing body, location of hearing, date, time, project name and number, applicant's name, project description, APN, property acreage, location, Supervisor District, County Planner and contact info, and environmental document type. The notice shall also identify if the project is within a community region, rural center, or rural area.</u>							

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 1st day of September, 2020, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

By:  _____
Deputy Clerk

Ayes: Hidahl, Frentzen, Veerkamp, Parlin, Novasel

Noes: None

Absent: None

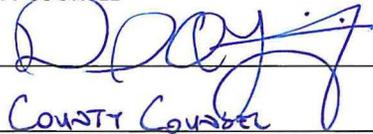
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Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By:  _____
Title: COUNTY COUNSEL