

TO: TOWN COUNCIL
FROM: TOWN MANAGER 
RE: PLANNING COMMISSION NOTICE GUIDELINES

ISSUE

Council Member Liss asked to review the noticing guidelines that the Planning Commission recently approved.

RECOMMENDATION

Discuss and give direction as to what the Council wishes to do.

CEQA

There are no CEQA issues associated with this as long as noticing requirements are not less than those required by CEQA requirements.

MONEY

Costs for noticing typically fall on the proponent of a project. The Planning Commission guidelines increased costs on certain projects because the number of notices sent out would typically increase when the noticing goes from 300 to 600 feet.

ACTIVITY

Council Member Liss asked that Council review the Planning Commission's recently adopted noticing guidelines.

At their March 2011 meeting the Planning Commission reviewed noticing requirements that the Town uses on various projects (see attached Staff report that went to the Commission in April including material they considered in March). The Commission received public comment and decided the matter as follows:

PUBLIC COMMENT AND COMMISSION DISCUSSION MARCH 2011 MEETING:

Gary Liss (4395 Gold Trail Way) – Mentioned the idea of filling "boxes" (located at supporting local businesses) with notices for people to take home.

Nancy Beck (6304 David Avenue) – Likes the idea of "boxes" around Town (recommended Taylor's, Main Drug, Starbucks, Wild Chicken). She would like to see public noticing requirements expanded to 600-feet.

The Commission discussed certain aspects of improving noticing of projects for the public. Commissioner Bordelon suggested that the Town's website be "smart-phone" friendly (available through an application. Commissioner Hogan recommended promoting the Town's website as much as possible. He was not in favor of additional noticing around Town (staff time, paper). Commissioner Wilson agreed with Commissioner Hogan and suggested having a full packet available at the Loomis News (full packets currently posted at the Library, Town Hall, and on the Town's website). Chairperson Thew stated that if it's ever necessary to notice to 600-feet, an applicant should cover the additional costs (indicating that filing fees would need to be increases from their current rates). She also recommended the Town ask the Loomis News to promote the Town's website (on their website and a place in the newspaper).

PLANNING COMMISSION ACTION MARCH 2011 MEETING:

By consensus, this item was continued to the April 5, 2011 meeting.

PLANNING COMMISSION ACTION/DISCUSSION - APRIL 5, 2011 MEETING

No public comment. Brief discussion on promoting the Town's website (where an abundance of information is available).

(1) Following a brief deliberation, the Planning Commission accepted staff's recommendation to increase the noticing radius to 600' for all project applications that require review and approval by the Planning Commission and/or Town Council (see table 6-1 below- applicants shall be required to submit 600' noticing labels and shall cover increased costs for postage, staff time, and supplies-paper/ink). The Planning Commission also accepted staff's recommendation to not increase the noticing radius from the current 300' for project applications that allow for a Director determination (see table 6-1 below).

TABLE 6-1 - REVIEW AUTHORITY

Type of Decision	Role of Review Authority ⁽¹⁾		
	Director	Planning Commission	Town Council
Administrative and Legislative			
Interpretation	Decision ⁽²⁾	Appeal	Appeal
General Plan Amendment	Recommend	Recommend	Decision
Specific Plan	Recommend	Recommend	Decision
Zoning Map Amendment	Recommend	Recommend	Decision
Zoning Ordinance Amendment	Recommend	Recommend	Decision
Land Use Permit/Development Approval			
Zoning Clearance	Decision ⁽²⁾	Appeal	Appeal
Master Development Plan	Recommend	Recommend	Decision
Master Sign Plan	Decision ⁽²⁾	Appeal	Appeal
Minor Use Permit (MUP)	Decision ⁽²⁾	Appeal	Appeal
Use Permit (UP)	Recommend	Decision	Appeal
Minor Variance	Decision ⁽²⁾	Appeal	Appeal
Variance	Recommend	Decision	Appeal
Design Review - Permitted use or MUP	Decision	Appeal	Appeal
Design Review - UP use	Recommend	Decision	Appeal
Limited Term Permit	Decision	Appeal	Appeal
Sign Permit	Decision ⁽²⁾	Appeal	Appeal

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 13.74.

(2) The director may defer action and refer the request to the commission, so that the commission may instead make the decision.

(2) The Planning Commission also recommended that staff reduce the number of boxes (the ones placed in local businesses) used for additional noticing to the following places only: (1) Wild Chicken, (2) Taylor's, (3) Peet's Coffee, and (4) adding a box at the Library. This recommendation was made after staff indicated where notices were being taken and where many notices remained (wasting paper).



ITEM 4

TO: Planning Commission
FROM: Planning Department
DATE: April 5, 2011

DIRECTION TO PLANNING COMMISSION FROM TOWN COUNCIL TO PROVIDE GUIDANCE TO STAFF REGARDING NOTICING OF MAJOR PROJECTS

Discussion:

At last month's meeting, the Commission discussed possible parameters on future public noticing of Town projects. Ideas included:

- (1) 600' noticing in the RA, RE, & RR zoning districts (expands noticing in large lot areas).
- (2) 600' noticing on "special" projects (as determined by the Planning Director).
- (3) Require a minimum number of parcels to be noticed (50 was discussed).
- (4) Keep current 300' noticing (legally required).

Note: Last month's staff report has been attached for your reference.

- Is an increase to the current 300' radius (e.g. 400', 500', or 600') desired?
- Is a minimum number of properties noticed (e.g. 50 properties) desired?
- Is increasing the radius beyond the current 300' while requiring a minimum number of property owners noticed (e.g. 450' or 50 properties, whatever is more) desired?
- Is keeping the current legal requirement in place (300' noticing) desired?

Recommendation:

Discuss and give staff guidance.

- (1) Staff recommends increasing the noticing radius to 600' for all project applications that require review and approval by the Planning Commission and/or Town Council (applicants shall be required to submit 600' noticing labels and shall cover the increased costs for postage, staff time, and supplies (paper/ink)).
- (2) Staff does not recommend increasing the noticing requirements for project applications that require a staff determination (e.g., minor variance, minor use permit, limited term permit).

Note: See attachment 3 (Table 6-1 – REVIEW AUTHORITY) for more information.

Details of Map Data:

1. Regina Caeli Priory project (southern/rural Loomis)
 - 300' = 31 properties noticed
 - 600' = 56 properties noticed (includes more properties within St. Francis Woods, Poppy Ridge, and Sierra de Montserrat)

2. The Grove project (northern/suburban Loomis)
 - 300' = 76 properties
 - 600' = 158 properties

3. Taylor Road Mixed Use project (central Loomis, near suburban residential)
 - 300' = 29 properties
 - 600' = 89 properties (includes Tudor Way & Quarry Court)

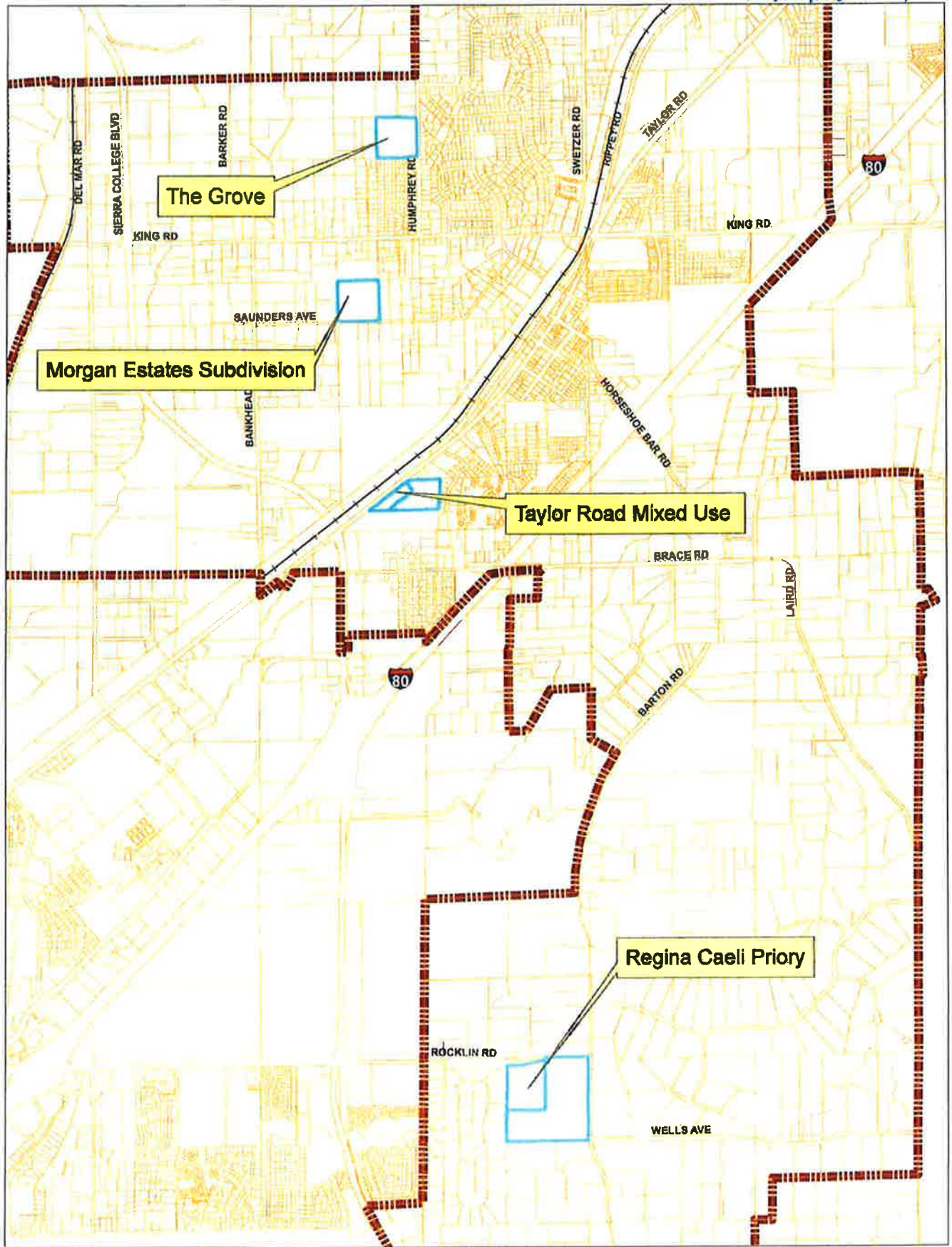
4. Morgan Estates Subdivision project (central Loomis, near rural residential)
 - 300' = 25 properties
 - 600' = 80 properties

Attached:

Att. 1 - Maps of miscellaneous Town projects showing detail for 300' and 600' noticing

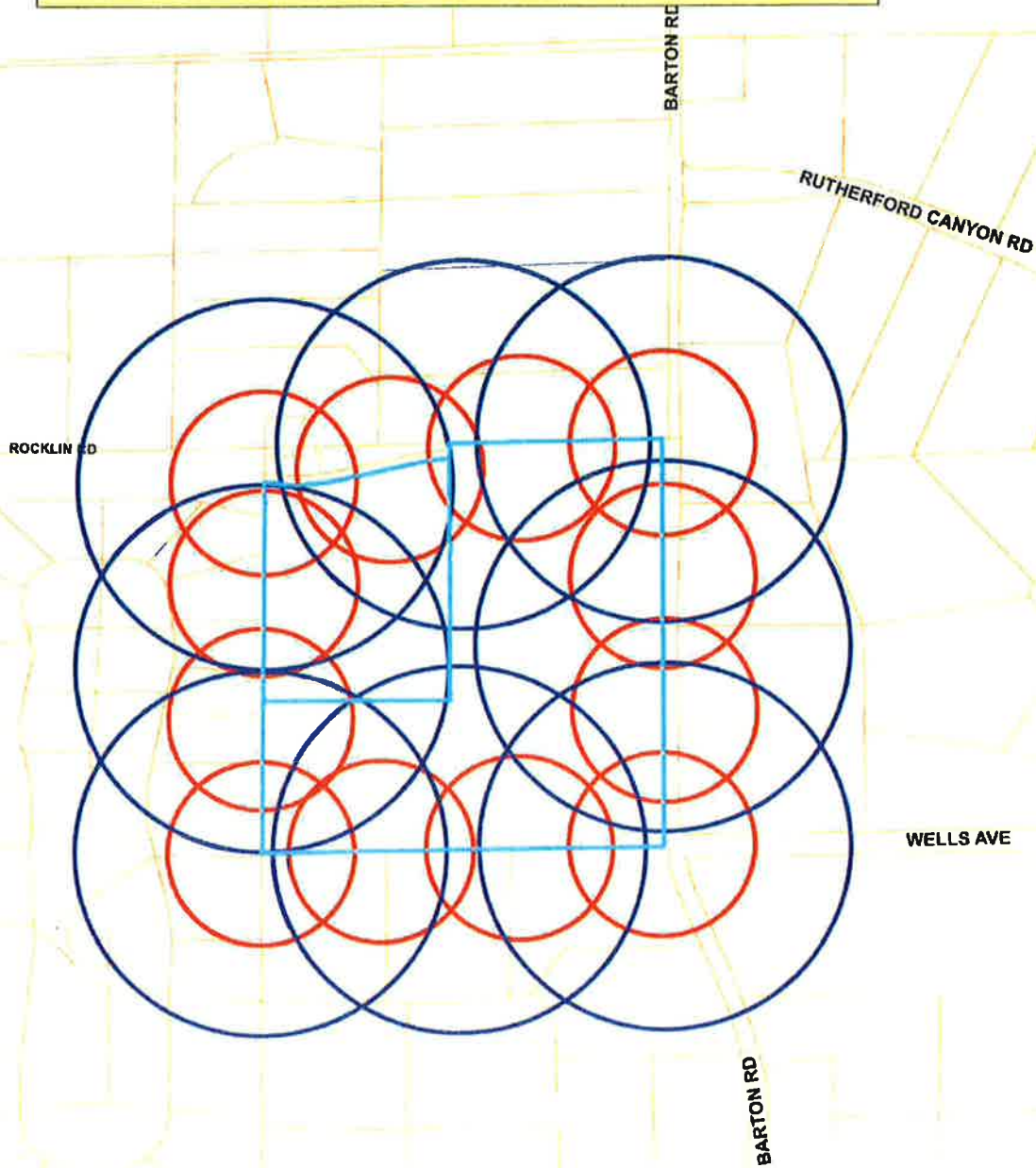
Att. 2 - March , 2011 Staff Report

Att. 3 - Table 6-1 – REVIEW AUTHORITY (§13.60.040 of LMC)



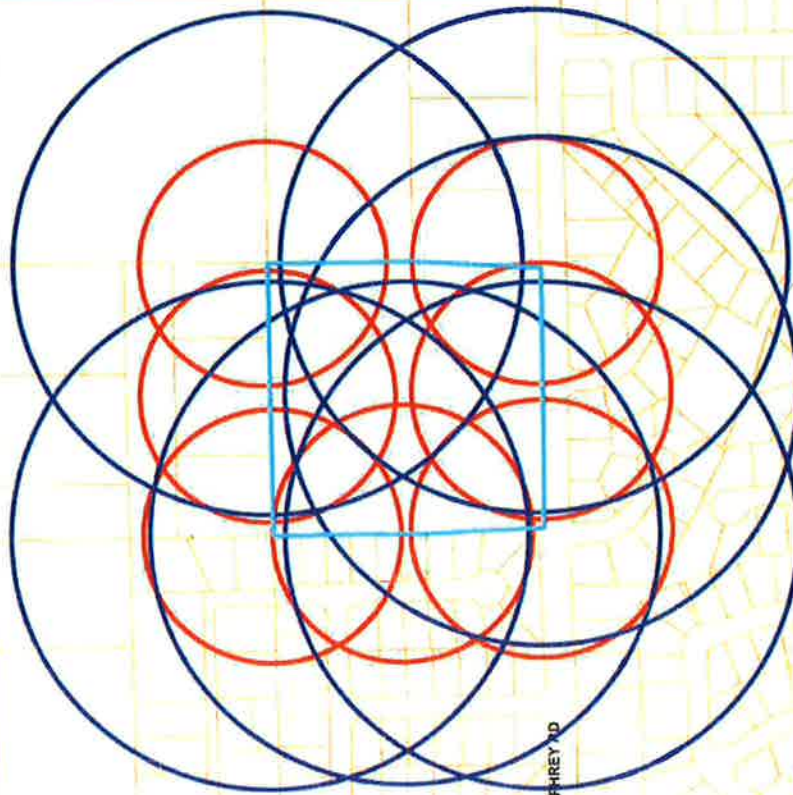
REGINA CAELI PRIORY

Red = 300' radius (31 properties)
Blue = 600' radius (56 properties)



THE GROVE

Red = 300' radius (76 properties)
Blue = 600' radius (158 properties)



KING RD

HUMPHREY RD

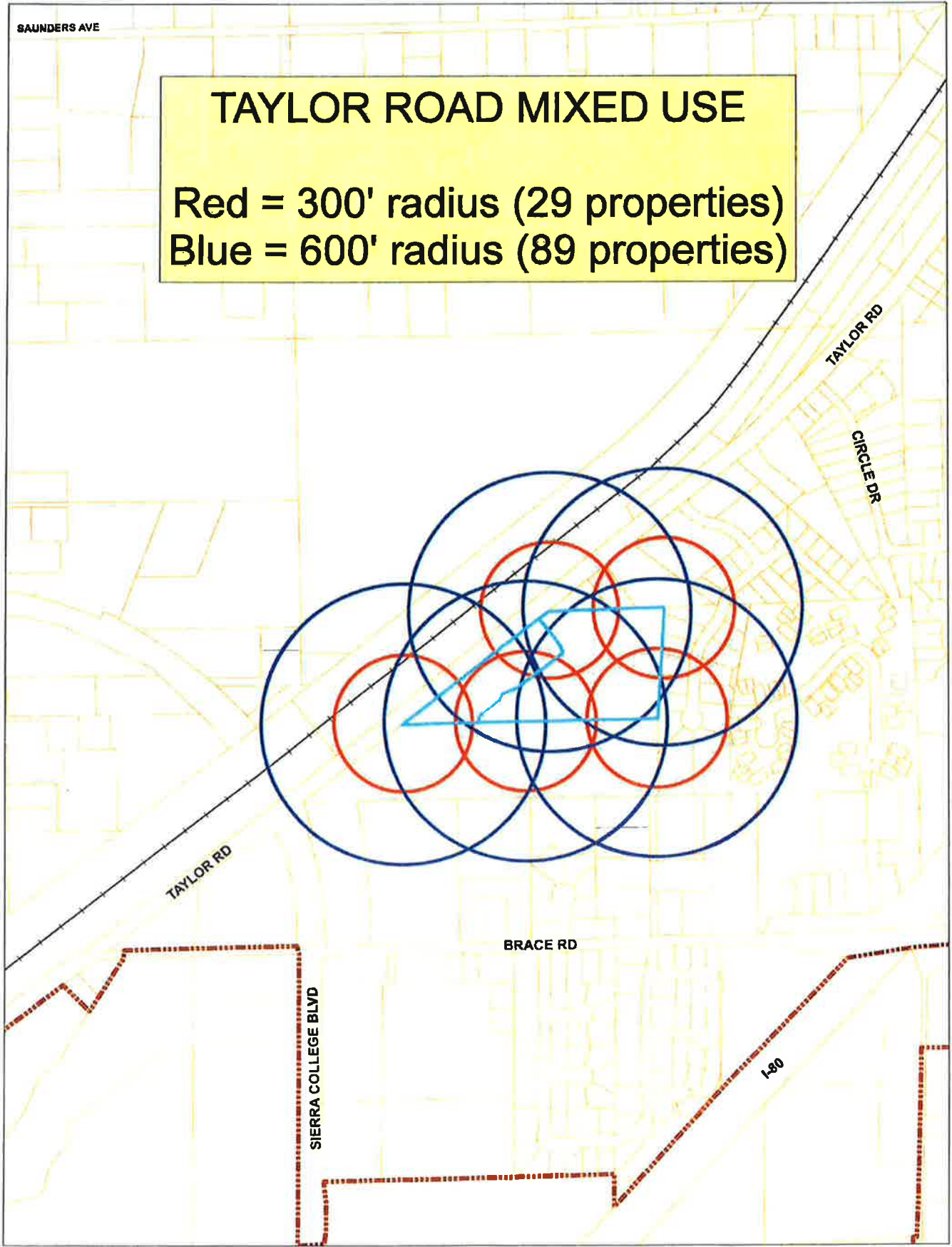
FRANCIS DR

MARGARET DR

SAUNDERS AVE

TAYLOR ROAD MIXED USE

Red = 300' radius (29 properties)
Blue = 600' radius (89 properties)



TAYLOR RD
CIRCLE RD

TAYLOR RD

BRACE RD

SIERRA COLLEGE BLVD

I-80

MORGAN ESTATES SUBDIVISION

Red = 300' radius (25 properties)
Blue = 600' radius (80 properties)

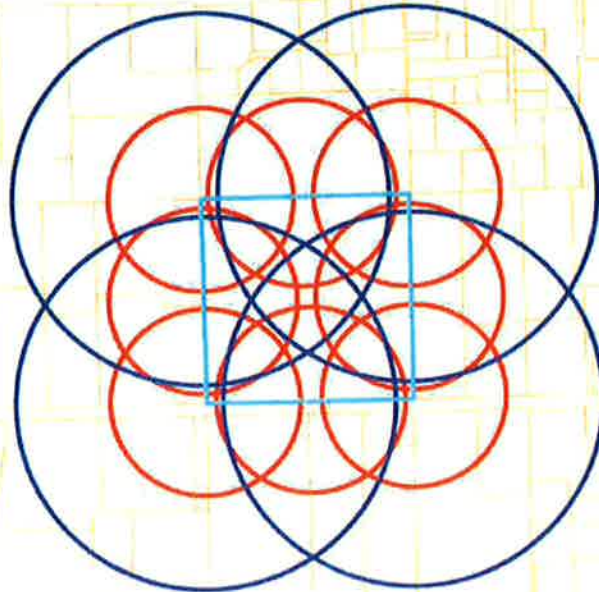
BARKER RD

HUMPHREY RD

KING RD

SAUNDERS AVE

BANKHEAD RD





ATTACHMENT
#2

TO: Planning Commission

FROM: Planning Department

DATE: March 1, 2011

DIRECTION TO PLANNING COMMISSION FROM TOWN COUNCIL TO PROVIDE GUIDANCE TO STAFF REGARDING NOTICING OF MAJOR PROJECTS

Recommendation:

Discuss and give staff guidance.

Discussion:

At the Town Council goals session on Saturday, February 19, 2011, the Town Council expressed concern that project noticing is not adequate. They gave direction to the Town Clerk to add additional noticing boxes around town and to provide additional notices for them. Also, they requested that the Planning Commission give staff guidance on how projects should be noticed.

The Town Ordinance on noticing follows State law which requires that public notices be given to all properties within 300' of the subject property under discussion, to those people requesting notice of a specific project, and within the newspaper of general circulation for the Town (the Loomis News). Staff also posts a notice box on the project site. (See Attachment on Public Hearing Notices for Land Use Projects)

State law requires a minimum of 300' notice but does not preclude additional notice. The City of Rocklin has expanded their notice area to 600'. In checking with their planners, their planner said

"We still do direct mailing to property owners within 600 feet. There haven't been any issues with that and we have not been asked to go further. We also post sites in the field when entitlements involve a specific piece of land and of course publish notices in the newspaper as well. In addition, there are 5 "posting

boxes" at various locations in the City where project notices and agendas are posted. Agendas for Planning Commission and City Council meetings are also published on the City's website."

The Town Council on the Priory project at Rocklin and Barton Roads has requested that the notice area be expanded to the entire AR zoning district and to the Montclair subdivisions. Other cities, particularly larger cities, have developed their community participation processes as well (see San Jose, <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=474>, and Berkeley, <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=474>). If we find additional concepts for your considerations prior to Tuesday night, we will email you- and place them on the Town's website under this item.

In your discussions, please consider (1) what you are trying to accomplish, (2) the costs versus the probable result of the various options you consider towards the goal, and (3) the pros and cons of setting this as a policy rather than an ordinance (the council, on the boxes, did not wish to set the box locations in ordinance).

Staff has also discussed notice and agenda contents, and will continue to strive to improve the written notices to better describe projects being discussed.

- B. **Application Contents.** Each application for a permit, amendment, or other matter pertaining to this title shall be filed with the director on a town application form, together with required fees and/or deposits, and all other information and materials required by the town's list of required application contents, as provided by the director. Applicants are encouraged to contact the director before submitting an application to verify which materials are necessary for application filing.
- C. **Eligibility for Filing.** An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner.

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(2) The director may defer action and refer the request to the commission, so that the commission may instead make the decision.

(Ord. 205 § 1 (Exh. A), 2003)

13.60.040 - Application fees.

- A. **Fee Schedule.** The council shall establish a schedule of fees for the processing of the applications required by this title, hereafter referred to as the town's fee schedule.