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From: Karen L. Garner, Director, Planning and Building Department 

Subject: Director Interpretation - Zoning Ordinance Section 130.51.050.F and Table 130.51.050.2 (Public Notice Requirements and Procedures; Physical Sign Posting for County Initiated Planning Efforts)

INTERPRETATION:

The Public Notice Requirements and Procedures section of the Zoning Ordinance (Section 130.51.050.F and Table 130.51.050.2) requires physical sign postings for certain types of discretionary development projects including Planned Developments, Specific Plans and Zone Changes. The above sign posting regulations should only be applied to privately initiated discretionary development applications and not to County-initiated planning efforts (e.g. Board of Supervisors-directed zone changes). The above sign posting requirements are part of Chapter 130.50 (Application Filing and Processing) which applies only to private applications from a developer and not legislative directives from the Board of Supervisors.

Zoning Ordinance Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects) shall be interpreted as follows:

1. *Notwithstanding any other provision of this Title, the following determination shall apply to all County-initiated planning efforts, including but not limited to Board of Supervisors-directed zone changes:*
 - a. *The physical sign posting requirements shown on Table 130.51.050.2 shall not apply. No physical sign posting shall be required for County-initiated planning efforts, including Planned Developments, Specific Plans or Zone Changes.*

DISCUSSION:

Physical sign postings are listed on Table 130.51.050.2 as a requirement for specific discretionary planning permits, including Planned Developments, Specific Plans and Zone Changes.

Although physical sign posting requirements were incorporated into the Zoning Ordinance on September 1, 2020 as part of a recent Zoning Ordinance Update (Ordinance No. 5127, Legistar File No. 20-1037), it was never the intent of the Board of Supervisors to apply this sign posting requirement to County-initiated planning efforts, but rather to private development applications. The following Section 130.51.050.H (Physical Sign Posting) provides clarification as to the purpose of the sign posting requirement: “The Applicant shall post a sign on the subject property for the purpose of providing notice that an application at the subject property is currently undergoing review.” As shown by this language, the intent of this chapter was to apply sign posting requirements to private development applications (“applicants”) and not to County-initiated planning efforts resulting from specific legislative directives from the Board of Supervisors.

Therefore, the physical sign posting requirements shown on Table 130.51.050.2 shall apply only to private development applications and not to Board of Supervisors-initiated planning efforts.

Attachment:

Zoning Ordinance Section 130.51.050 (Public Notice Requirements and Procedures)

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

130.51.050 Public 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 the various types of planning actions are set forth below in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) and Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). 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 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 Director, 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.
- E. **Public Notice Requirements and Procedures - Administrative Projects.** Administrative projects are projects that require the issuance of an Administrative Permit as specified throughout the various matrices of allowed uses set forth in this Title. Administrative project types listed in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) require public notice prior to a Director decision or no public notice as specified below.

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

**Table 130.51.050.1—Public Notice Requirements and Procedures – Administrative
Projects**

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 Owners¹/Local Agencies³/Persons Who File for Written Request for	Notice Date prior to decision: (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
Administrative Relief or Waiver	N/A	D	N/A	N/A	N/A	N/A	N/A
Agricultural Setback Reduction	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Fences, Walls, and Retaining Walls (greater than 7ft in height)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Special Setbacks for Mineral Resource Protection	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Sensitive Riparian Habitat Setback Reduction	N/A	D	N/A	N/A	N/A	N/A	N/A
Setback Reduction	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Adult Business Establishment	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Caretaker Unit: Permanent	N/A	D	N/A	N/A	N/A	N/A	N/A
Child Day Care Facilities: Child Day Care Centers Employer-sponsored Child Day Care Centers	100ft	D	N/A	Yes	At least 10 days	Yes	N/A
Co-location on Communication Facilities (Non-building Structures, Public Facilities, Monopoles, and Towers)	N/A	D	N/A	N/A	N/A	N/A	N/A
Commercial Recreation (Arcade; Indoor Entertainment, Sports and Recreation; Outdoor Entertainment, Sports, and Recreation; and Large Amusement Complex)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Contractor's Office: On-site	N/A	D	N/A	N/A	N/A	N/A	N/A

**Attachment - Zoning Ordinance Section 130.51.050
(Public 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 Owners/Local Agencies³/Persons Who File for Written Request for	Notice Date prior to decision: (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
Commercial Caretaker, Construction Employee, Agricultural Employee, and Seasonal Worker Housing)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Legal Nonconforming Use or Structure	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Lodging Facilities (Guest Ranch, Health Resort and Retreat Center)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Marina: Non-motorized craft	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Mobile/Manufactured Home Sales Lots	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Oak Tree and Oak Woodland Removal Permits	N/A	D	N/A	N/A	N/A	N/A	N/A
Off-highway or Off-road Vehicle Area	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Parks (Day Use, Nighttime Use)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Outdoor Retail Sales in Commercial Zones (Permanent, Temporary, Seasonal)	N/A	D	N/A	N/A	N/A	N/A	N/A
Outdoor Retail Sales in Residential, Recreational, Open Space Zones (Seasonal)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Produce Sales (Sale of Produce Grown On-site or Off-Site)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Snow Play Area	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Swimming Pool: Public	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Tennis Court: Public	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Ranch Marketing Use Review	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Stable: Commercial	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Storage Facilities (Storage Yard: Equipment and Material)	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Temporary Real Estate Sales Office	N/A	D	N/A	N/A	N/A	N/A	N/A
Trail Head Parking or Staging Area	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Transitional Housing Large	500ft	D	N/A	Yes	At least 10 days	Yes	N/A

**Attachment - Zoning Ordinance Section 130.51.050
(Public 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 Owners/Local Agencies³/Persons Who File for Written Request for	Notice Date prior to decision: (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
Wind Energy Conversion System- Administrative Permit	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Winery Activity Review	500ft	D	N/A	Yes	At least 10 days	Yes	N/A
Appeal of Director Decision (Heard by the Planning Commission)	Same as initial application	PC	N/A	Same as previous hearing	At least 10 days	Yes	N/A
Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)	Same as initial application	BOS	N/A	Same as previous hearing	At least 10 days	Yes	N/A
Appeal of Planning Commission Decision (Heard by the Board of Supervisors)	Same as initial application	BOS	N/A	Same as previous hearing	At least 10 days	Yes	N/A
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: date, location, APN, project description, and pending decision.							

F. Public Notice Requirements and Procedures - Discretionary Projects. Discretionary projects require the issuance of a discretionary permit as specified throughout the various matrices of allowed uses set forth in this Title. Discretionary projects include project types such as Conditional Use Permit, Design Review, General Plan Amendment, and other project types listed in Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). Discretionary projects listed in this table require public notice prior

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

to Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors decision; or no public notice as specified below.

Table 130.51.050.2 - Public Notice Requirements and Procedures – Discretionary Projects

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
Conditional Use Permit	1,000ft	ZA/PC	N/A	Yes	At least 10 days	Yes	Yes
Design Review	1,000ft	D/PC	N/A	Yes	At least 10 days	Yes	Yes
Development Agreement ⁵	1,000ft	PC/BOS	N/A	Yes	At least 10 days	Yes	Yes
General Plan Amendment ⁵	1,000ft	PC/BOS	N/A	Yes	At least 10 days	Yes	Yes
Minor Use Permit	1,000ft	ZA/PC	N/A	Yes	At least 10 days	Yes	Yes
Planned Development ⁵	1,000ft	PC	Yes	Yes	At least 10 days	Yes	Yes
Planned Development - Revision	1,000ft	PC	Yes	Yes	At least 10 days	Yes	Yes
Pre-application/Conceptual Review	N/A	D/PC/BOS	N/A	N/A	N/A	N/A	N/A
Specific Plan ⁵	1,000ft	PC/BOS	Yes	Yes	At least 10 days	Yes	Yes
Specific Plan-Revision	1,000ft	PC/BOS	Yes	Yes	At least 10 days	Yes	Yes
Temporary Mobile Home Permit	N/A	D	N/A	N/A	N/A	N/A	N/A
Temporary Use Permit	N/A	D	N/A	N/A	N/A	N/A	N/A
Variance	1,000ft	ZA	N/A	Yes	At least 10 days	Yes	Yes
Williamson Act Contract	1,000ft	PC/BOS	N/A	Yes	At least 10 days	Yes	Yes
Zone Change ⁵	1,000ft	PC/BOS	Yes	Yes	At least 10 days	Yes	Yes

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

Project Type	Notice Mailed to Property Owners ¹ Nearby (distance radius ²)	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 Owner/Local Agencies/ ³ 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 Service ⁴	Notice Published in One Newspaper of General Circulation ⁴
Appeal of Director Decision (Heard by the Planning Commission)	Same as initial application	PC	N/A	Same as previous hearing	At least 10 days	Yes	Yes
Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)	Same as initial application	BOS	N/A	Same as previous hearing	At least 10 days	Yes	Yes
Appeal of Planning Commission Decision (Heard by the Board of Supervisors)	Same as initial application	BOS	N/A	Same as previous hearing	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 The County of El Dorado Subdivision Ordinance (Title 120) prescribes the public notice requirements and procedures for planning activities associated with tentative maps. Please refer to the requirements prescribed in Section 120.24.085 for (Major Land Divisions) and Section 120.48.065 for (Minor Land Divisions). The greater distance radius shall apply to planning activities with conflicting distance radii in either Title 120 or Title 130.							

H. **Physical Sign Posting.** The Applicant shall post a sign on the subject property for the purpose of providing notice that an application at the subject property is currently undergoing review. The sign shall comply with the following specifications:

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

1. The size of the sign shall be a minimum of 32 square feet (4 feet high by 8 feet wide).
2. The sign text shall be large, black letters on a white background. The font size shall be proportional to the sign size for optimum readability. The sign content shall specify project type (e.g., Commercial, Residential, Industrial, Mixed Use) and shall include the following minimum information: project type, project name, number of units or building square footage, project number, Planning Services phone number, and Planning Services website. Below is a typical example as a guideline for a sign layout; apply the information as it pertains to the individual project.

Typical Example

Proposed [Type] Development
PROJECT NO. - PROJECT NAME [X sq. ft. or X Units]
MORE INFORMATION: 530-621-5355 www.edcgov.us/planning

3. A minimum of one sign shall be posted facing each right-of-way on which the property has frontage.
4. The sign shall be posted no more than 20 feet from the edge of the right-of-way for maximum visibility.
5. For property that does not have street frontage or is not easily visible from the right-of-way, the sign(s) shall be posted in a location deemed suitable by the Director or designee.
6. The sign(s) shall be posted on the property at least 30 calendar days prior to the hearing. The sign(s) shall remain posted until final action has been taken on the application and the appeal period has expired.
7. The sign(s) shall be removed within 30 days of the final action.

**Attachment - Zoning Ordinance Section 130.51.050
(Public Notice Requirements and Procedures)**

8. The sign(s) shall be constructed of materials suitable to withstand the estimated posting time and to endure weather conditions.