



TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

AGENDA DATE: November 20, 2013

SUBJECT: Discussion of Public Hearing Noticing Requirements

PLANNER: Carol Miller, Senior Planner

To facilitate the Commission's discussion on noticing requirements, the following are the Development Code requirements for public hearings. The last revision was adopted in 2007 when Section 9.13.030.A.9 was added to require on-site posting for all General Plan Amendments, Zone Changes and projects over seventy-five (75) acres in size.

9.13.030 Notice of Public Hearings (AMENDED ORD. 336)

- A. Public Hearings.** Whenever a public hearing is prescribed by this Code, notice of said hearing shall be provided by:
- 1. Publication.** Publication in a newspaper of general circulation within the Town at least ten (10) calendar days prior to the public hearing; and
 - 2. Mailing.** Mailing at least ten (10) calendar days prior to the public hearing, to all surrounding property owners as follows:
 - a.** The last known name and address of each property owner shall be determined using the latest equalized San Bernardino County Assessor Rolls or using the records of the County Tax Collector;
 - b.** When the property involved in the application is five (5) acres or less, "surrounding property" shall be defined as all properties within a radius of three hundred (300) feet from the nearest limit of the exterior boundaries of said property;
 - c.** When the property involved in the application is greater than five (5) acres but less than twenty (20) acres, "surrounding property" shall be defined as all properties within a radius of seven hundred (500) feet from the nearest limit of the exterior boundaries of said property;
 - d.** When the property involved in the application is greater than twenty (20) acres but less than one hundred sixty (160) acres, "surrounding property" shall be defined as all properties within a radius of seven hundred (700) feet from the nearest limit of the exterior boundaries of said property;
 - e.** When the property involved in the application is one hundred sixty (160) acres or larger, all properties within a radius of one thousand three hundred (1,300) feet from the nearest limit of the exterior boundaries of said property;

3. If the number of owners to whom notice would be mailed or delivered subject to paragraph 9.13.030.A.2 above, is greater than one thousand (1,000), instead of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation in the Town at least ten (10) calendar days prior to the hearing;
4. Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to each local agency expected to provide water, sewer, schools or other essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
5. Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, to the project applicant and the applicant's authorized representative, if any;
6. Mailing at least ten (10) calendar days prior to the public hearing, to any person who has filed a written request with the Director or Town Clerk and has provided the Director or Town Clerk with a self-addressed stamped envelope for that purpose;
7. Projects which require a Negative Declaration pursuant to CEQA should be noticed at least 20 days prior to the decision to consolidate noticing requirements.
8. For a proposed conversion of the residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given by mail to each tenant of the subject property, and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard;
9. Additional Notice of a hearing shall include posting of the project site if the request is for a General Plan Amendment, Zone Change or for any project which exceeds seventy-five (75) acres in size. The Director may require that additional notice of the hearing be given in any other manner deemed necessary or desirable by the Director to ensure that all notice requirements provided by law for the proposal are complied with. If a project requires posting on the project site, if possible, the sign shall be located adjacent to the public right-of-way in a conspicuous location. The sign shall be a minimum of thirty-two (32) square feet with a minimum size lettering of two (2) inches and shall include the case number, project description, date and time of the public hearing, applicant name and contact person with phone number and address at the Town for additional information. Cost of the sign and installation shall be borne by the applicant;
10. All notices of public hearings shall include a description of the project, the identity of the hearing review authority, and shall describe the location, date, time and place of the scheduled hearing, a statement that application and associated documents and environmental review are available for public inspection at a specified location, and should include the manner in which additional information and/or testimony may be received.

The effectiveness of publishing Town notices within the Apple Valley News has been raised in the past. The Apple Valley News is the adjudicated local newspaper for Town publications, and therefore, is mandated to do so. By using another newspaper and not the Town's adjudicated one, there is the possibility of additional legal action against the Town. Therefore, any publishing in the Daily Press would have to be in addition to the required publishing in the Apple Valley News and would be at the expense of the applicant.

In accordance with Section 9.13.030.A.9, on-site posting is required for all General Plan Amendment, Zone Change or any project which exceeds seventy-five (75) acres in size. All

other applications do not require the on-site posting. The on-site posting is at the applicant's expense which costs approximately \$250.00 each posting.

RECOMMENDATION: Receive and file.