

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: _____
City Clerk of the City of Roseville, California

Jill N. Whland
DEPUTY CLERK

WLO:vlc
Rev. 11-29-72

Repealed by Ord # 1267.

ORDINANCE NO. 1190

AN ORDINANCE ENACTING ARTICLE 8A OF THE CODE OF THE CITY OF ROSEVILLE RELATING TO ENVIRONMENTAL REVIEW OF PERMITS ISSUED BY THE CITY OF ROSEVILLE AND DECLARING THE SAME TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. ENVIRONMENTAL REVIEW

Article 8A is hereby enacted and added to the Code of the City of Roseville to read as follows:

Sect. 8A.1 Application of Ordinance

This ordinance shall apply to all permits issued by the City of Roseville as well as to all subdivision and other projects requiring approval of the City of Roseville, except the following:

- (a) Permits for the repair, maintenance or alteration of existing single-family residential structures;
- (b) Permits for the construction of new detached single-family residential structures to be built in existing approved subdivisions;
- (c) Permits for the construction of new detached two-family residential structures to be built in existing approved subdivisions;
- (d) Permits for repair, interior alteration or minor exterior alteration of multi-family residential, commercial, industrial or institutional structures;
- (e) Permits for the construction of any structure within a project when said project, together with the structures to be located therein, have been the subject of environmental impact report review in accordance with the provisions of the Environmental Quality Act of 1970.

FILED

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CITY OF ROSEVILLE
BY _____

The above exceptions do not apply to parcels of land lying wholly or partially within any floodplain area subject to the provisions of Ordinance 1158 or any permanent floodplain management ordinance hereafter adopted. All projects proposed upon such parcels shall be subject to environmental evaluation pursuant to this Article.

This Article shall also apply to any permit issued for the construction of or additions to a mobilehome park, excluding permits for repair of or minor alterations to an existing mobilehome park.

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The City Council may, by resolution, exempt other classes or categories of construction from the provisions of this Article if the Council determines that said classes or categories of construction have a trivial or lesser effect upon the environment. Adoption of any such resolution shall be done at a public hearing before the Council, notice of which shall have been published once in the official newspaper of the City at least seven (7) days prior to the date of hearing.

Section 8A.2 Referral of Plans

Prior to the issuance of any permit to construct a project, the application for said permit and the plans accompanying said permit shall be referred to the Planning Director for his review and determination if the proposed project for which said permit is sought is subject to the provisions of Chapter 4 of the Environmental Quality Act of 1970.

Section 8A.3 Review by Planning Director

The Planning Director shall review the plans for the proposed project to determine if the project as constructed in the location proposed might have a significant effect upon the environment. Said determination and written findings shall be made within fifteen (15) calendar days of the date upon which he receives the plans for the proposed project. The term "significant effect upon the environment" as used herein shall mean any activity which has a non-trivial effect upon the environment.

The Planning Director shall use as his guide, in making a determination of a project's significance, the guidelines of Resolution No. 72-94.

Section 8A.4 Determination by Planning Director that Project May Have Significant Effect Upon Environment.

If the Planning Director determines that the proposed project might have a significant effect upon the environment, the permit shall not be issued until an environmental impact report on said project has been prepared by the Planning Director in accordance with the provisions of Chapter 4 of the Environmental Quality Act of 1970 and said report has been submitted to and acted upon by the City Council. Notice of said determination shall be mailed by the Planning Director to the mailing address of the permit applicant as shown on the application.

Section 8A.5 Determination That Project Has Trivial Effect Upon Environment.

If the Planning Director determines that the proposed project would have a trivial or lesser effect upon the environment, he shall prepare such findings in writing. A copy of said determination shall be posted for a period of ten (10) days on a public bulletin board maintained in the public hallway of the second floor of the Roseville City Hall and shall be provided to any person who has requested in writing that he be notified of such actions of the Planning Director. In addition, public notice of said determination shall be published in a newspaper of general circulation at least once during said ten (10) day posting period, the cost of publication to be paid by the permit applicant as an additional permit fee. Upon the expiration of the posting period, unless an appeal has been taken from the determination of the Planning Director, the building permit or permits for the project shall be issued.

Section 8A.6 Appeal from Determination of Planning Director.

Any person may appeal the determination of the Planning Director made pursuant to Sections 8A.4 and 8A.5 of this Article. Said appeal shall be in writing, shall specify the grounds upon which the appealing person contends that the Planning Director's determination is in error, and shall be filed with the City Clerk not later than the tenth (10th) day following the date upon which said notice determination was first posted or mailed to the applicant. Such notice of appeal shall be accompanied by a fee of \$20.00 to cover the costs of legal advertising. The appeal shall be set for hearing before the City Council at the first available hearing date provided that a notice of such hearing shall be published in a newspaper of general circulation at least five (5) days before the hearing. The filing of an appeal shall stay all action on the permit until thirty (30) days following the final determination of the appeal.

Section 8A.7 Preparation of Environmental Impact Report.

Environmental impact reports shall be prepared by the Planning Director. The permit applicant shall prepare and submit to the Planning Director a draft environmental impact statement on the proposed project which may be taken into consideration by the Planning Director in his preparation of the final report.

The City Council shall, by resolution, adopt policies, guidelines and regulations relating to the preparation of draft environmental reports and the contents of said reports. The environmental impact report prepared by the Planning Director shall be submitted to the Planning Commission not later than sixty (60) calendar days after the permit applicant has submitted to the Planning Director a draft environmental impact report which has been prepared in accordance with the above-mentioned policies, guidelines and regulations. If a draft environmental impact report does not comply with the regulations, guidelines and policies established by the City Council, the Planning Director shall so inform the permit applicant and shall afford him the opportunity to appropriately amend or revise the draft report.

In preparation of the final report, the Planning Director shall make reasonable efforts to solicit the recommendations and viewpoints of all public agencies and divisions and departments of the City that may be affected by the proposed project and those private persons and organizations which have expressed interest in the environmental impact of the proposed project.

Section 8A.8 Action by Planning Commission

The Planning Commission shall review the environmental impact report and, based upon said review, shall make its report and recommendation on the proposed project to the City Council not later than fifty (50) calendar days following the meeting date upon which the report was first submitted to the Commission. Said report shall be in writing and shall be filed with the City Clerk for presentation to the Council.

Section 8A.9 Hearing by City Council

The City Council shall hold a public hearing to consider the environmental impact of the proposed project. Said hearing shall be held within thirty (30) calendar days following the receipt of the environmental impact report by the Council. Notice of said hearing shall be published in a newspaper of general circulation, at least once, more than five (5) calendar days preceding the hearing.

Section 8A.10 Action on Proposed Project

Within fifteen (15) calendar days following the submission of the environmental impact report and following the public hearing on the environmental impact of the proposed project, the Council shall take action on the proposed project by approving, conditionally approving, or denying the issuance of the permit necessary for the construction of said project. In making its determination, the Council shall be guided by the public policy and legislative intent set forth in Chapter 1 of the Environmental Quality Act of 1970; provided, however, that a determination by the Council that the proposed project would have a significant, adverse effect upon the environment shall not preclude the Council from approving or conditionally approving the issuance of a permit. If issuance of the permit is approved or conditionally approved, the permit shall not be issued until the expiration of a period of thirty (30) days following the determination of the Council.

Section 8A.11 Limitation of Time for Bringing Legal Action.

Any action or proceeding to attack, review, set aside, void or annul any decision of matters listed in this Article, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and served upon the City Clerk within thirty (30) days after the date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

Section 8A.12 Planning Director - Representative.

The term "Planning Director" as used herein, shall mean the Planning Director of the City of Roseville or authorized member of the Planning Department staff.

SECTION 2. This ordinance is declared to be an emergency measure to take effect immediately, the nature of such emergency being the necessity of immediately providing the procedures by which the City of Roseville may comply with the interpretation given to the Environmental Quality Act of 1970 by the California Supreme Court in Friends of Mammoth v. Board of Supervisors of Mono County, et al., 8 Cal. 3d 1.

SECTION 3. This ordinance shall be posted in accordance with Section 5.03 of the Charter of the City of Roseville.

SECTION 4. Nothing in this ordinance shall preclude the City of Roseville from taking such other action in respect to the approval, conditional approval, denial or revocation of building permits as is deemed necessary by the City Council to obtain full compliance by the City with the requirements of the Environmental Quality Act of 1970.

PASSED AND ADOPTED this 29th day of November 1972, by the following vote on roll call:

AYES COUNCILMEN: Gilbert A. Loran, Edwin R. Waltrip Jr.,
Weneth H. Poyer, Baron Reed, George A. Beaman

NOES COUNCILMEN: none

ABSENT COUNCILMEN: none

SIGNED AND APPROVED by me after its passage this
29th day of November, 1972.

George A. Beaman
MAYOR

ATTEST:

Christina Shearer
CITY CLERK

Action	Determination - Calendar Days				Flexibility in Time Allotted
	Trivial No Appeal	Trivial Appeal No. E.I.R.	Trivial Appeal E.I.R.	Non-Trivial E.I.R.	
1. Planning Director review, determination and written findings.	15	15	15	15	or less
2. Posting of findings.	10	10	10		fixed
3. Appeal to City Council at first available hearing.		15	15		or less
4. Waiting period after determination on appeal.		30	30		fixed
5. Preparation of Environmental Impact Report (EIR).			60		or less
6. Review and recommendation by Planning Commission and report to City Council.			50		or less
7. City Council hearing.			30		or less
8. City Council determination on E.I.R.			15		or less
9. Waiting period if E.I.R. approved.			30		fixed
A. Minimum time for Planning Commission hearing for use permits, variances and parcel maps not requiring E.I.R.	15	15			or more
B. Minimum time for Planning Commission and City Council hearings for rezones not requiring E.I.R.	60	60			or more
C. Use permits, variances, rezones, parcel maps, subdivisions and other items requiring an E.I.R. can be processed concurrently with the E.I.R.			0	0	
Total Days	40 85	85 130	255	200	or more or more or less