

**ARTICLE 5 – PLANNING PERMIT PROCEDURES PROCESSING**

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**17.50.010 Purpose~~Content~~**

The ~~purpose of~~ ~~†~~This Article is to ~~provides~~ the general authority and identifies procedures necessary to file and process development proposals in any zone.

**17.50.020 Organization of Review Process**

**A. Types of Procedures.** —The three procedures used to review all types of applications under this Article, as described in Section 17.50.040 (General Review Procedures), are the following:

1. ~~Public hearing~~Staff-level review without notice;
2. Staff-level review with notice; or
3. ~~Staff level review without notice~~Public hearing.

**17.50.030- Review Authority for Allowed Land~~Uses~~ and Permit Decisions**

The review authority of original jurisdiction for each type of application or ~~land~~-use entitlement shall be as provided below in Table 17.50.030.A. The nature of the initial action (i.e. issue, decide, or recommend) is shown, in compliance with Chapter 17.52 (Permit Requirements, Procedures, Decisions, and Appeals).

**Table 17.50.030.A Review Authority**

Type of Application	Citation	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative Permit	17.52.010	Issue <sup>4</sup>	–	Appeal	Appeal
<del>Conditional and</del> Minor Use Permit	17.52.020	Recommend <sup>1</sup>	Decide <sup>2</sup>	<del>Decide</del> <u>Appeal</u>	Appeal
<u>Conditional Use Permit</u>	<u>17.52.021</u>	<u>Reccommend</u> <sup>1</sup>	<u>Decide</u> <sup>2</sup>	<u>Decide</u>	<u>Appeal</u>

Type of Application	Citation	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Design Review Permit	17.52.030	Decide / Recommend	–	Decide	Appeal
Development Agreement	17.58.030	–	–	Recommend	Decide
Development Plan Permit	17.52.040	Recommend	–	Decide	Appeal
Revisions to an Approved Permit or Authorization Project <sup>3</sup>	17.54.070	Decide	Decide	Decide / Appeal	Appeal
Specific Plan	17.56.020	–	–	Recommend	Decide
Temporary Mobile Home Permit	17.52.050	Issue	–	Appeal	Appeal
Temporary Use Permit	17.52.060	Decide	–	Appeal	Appeal
Variance	17.52.070	–	Decide	Appeal	Appeal

NOTES:

<sup>1</sup> The review authority will consider a discretionary application and make a recommendation for decision to a higher- —review authority.

<sup>2</sup> Where two deciding review authorities are indicated, such as for Conditional and Minor-Use Permits, ~~Permits or Design Review Permit~~, the review authority of original jurisdiction will be determined by the complexity of the project, ~~or controversial nature of the project.~~

<sup>3</sup> Revisions to an approved project shall be decided by the review authority of original jurisdiction.

<sup>4</sup> Administrative relief and waivers of agricultural setbacks beyond the scope of the Director’s authority are referred to the Ag Commission for consideration and approval. The Ag Commission decision may be appealed to the Board of Supervisors.

- A. An applicant may waive their option for a decision by the Director or Zoning Administrator and be heard directly by the Commission.
- B. The Director may defer action and refer any permit or authorization application to the Commission for determination.
- C.- All decisions of the review authority are appealable, in compliance with Section 17.52.4090 (Appeals).

**17.50.0540 General Review Procedures**

The review procedures for the various types of planning applications will be subject to one of the following procedures, as identified in the [Table or following sections].:

- A. Staff-level Review without Public Notice.** Staff shall render decisions based upon standards that have been adopted by the ~~County~~county as law or as policy without the requirement of a public hearing or giving notice to surrounding property owners and other parties, ~~subject to the Director's discretion.~~
- B. Staff-level Review with Public Notice.** Staff shall provide written or published notice to affected and interested parties regarding specific findings or conditions prior to a decision. The notice shall be designed to ensure that ~~all~~ interested parties are aware of the pending decision and are given a chance to comment before staff renders a decision and provides notice of the appeal procedure.
- C. Public Hearing.** A public hearing may be conducted before the Board, the Commission, or the Zoning Administrator. During the course of the public hearing, the applicable review authority shall invite public testimony for and against the ~~land-use~~ proposal, review evidence, and then render its decision in compliance with Section 17.51.0660 (Conditions of Approval).

**CHAPTER 17.51 – GENERAL APPLICATION PROCEDURES**

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- 17.51.090 Pre-application/Conceptual Review

**17.51.010 Purpose**Content

~~The purpose of this Chapter is to establish~~es the application requirements and noticing provisions necessary to process land use and development proposals in any zone.

**17.51.020 Application Forms, Submittal Process, and Fees**

An application for an allowed ~~land~~-use decision or permit required by this Title shall be submitted on an application form provided by the Department and shall include the written consent of the lawful owner or owners of record. Each ~~land~~-allowed use application and information packet shall include a list of the information and materials necessary to render the requested ~~land~~-allowed use decision. Each application shall be accompanied by the required information and materials before the application is deemed complete and accepted for filing. Any application made under the provisions of this Title may be initiated by the Board or by an applicant identified in A below. ~~any interested party unless otherwise indicated in this Article.~~

- A. A permit application may be filed by:
  - 1. The lawful owner or owners of record of the lot on which the proposed project will be located, or their duly authorized agent.
  - 2. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted with the application.
- B. When more than one land use decision is required for a single project, all applications ~~shall~~may be filed concurrently. The review authority shall act on the different parts of a combined application on their own merits, and may approve one application without approving the other or others.
- C. Approvals granted for an application that was submitted containing a material misrepresentation or omission of material facts known to ~~false or inaccurate~~

~~information, which the applicant knew or should have known was false or inaccurate, shall~~ may result in revocation or unilateral modification of conditions of a permit or approval by the Countycounty, as provided in ~~be declared null and void and subject to immediate revocation in compliance with~~ Section 17.54.090 (Revocation, etc.).

D. Applications for permits or authorizations required by this Title shall be filed with the Department. All applications shall meet the following requirements:

1. The proposed use is ~~permitted~~ allowed, or has been found to be similar and compatible with permitted ~~allowed uses,~~ within the zone in which it is located;
2. The proposed use meets all applicable standards and requirements of this Title or such standards that are the subject of a concurrently filed Variance application ~~which will, if approved, achieve such compliance;~~ and
3. No violation of the County Code or any condition of approval of an applicable ~~land~~ use entitlement exists on the subject site, unless the purpose of the application is to bring the violation into compliance.

E. **Application Fees.** Application fees adopted by resolution of the Board shall be paid upon application submittal. Additional fees may be required subject to the provisions of the adopted fee schedule, such as for “time and material” fee categories. Policies for collection of fees, refunds, and handling overdue accounts while processing applications shall be determined by the Director.

F. **Review of Applications.** Within 30 days of the filing of an application, the Department shall review it for completeness and accuracy before the application is accepted as being complete and officially filed. The applicant shall be notified in writing by the Department that either:

1. The application has been determined to be complete and accepted for processing; or,
2. The application is incomplete and additional information, specified in writing, must be provided. If an application is determined to be incomplete, the time in which the application must be processed shall be stayed until such time as the applicant has provided the required information.

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If the Department fails to notify the applicant in writing within 30 days of filling, the application shall be deemed complete. The Department may request additional information where needed to comply with CEQA.

G. **~~Permit~~ Expiration of Application.** The application shall expire and be deemed withdrawn, requiring processing to stop and the filing of a new application for project consideration, if:

1. An application has been determined to be incomplete and the required information is not submitted within one year from the date of determination; or
2. An applicant has requested that processing be delayed or stayed for a period of more than one year.



**17.51.030 Environmental Review**

- A. After acceptance of an application in compliance with Subsection 17.51.020.F, the Department shall review the proposed project ~~for~~in compliance with the *CEQA Statutes and Guidelines* (Public Resources Code 21050 et seq.) and ~~the~~any ~~County~~county's CEQA implementation resolutions, as may be amended from time to time. Unless the Department determines that the proposed project is not a "project" as defined by CEQA, and that the project is not exempt from the requirements of CEQA, ~~The~~ Department shall prepare the appropriate CEQA document concurrently with the processing of the application(s).
- B. The Department may require the applicant to submit additional information, reports, or analyses that may be needed for the environmental review of the project.
- C. When a determination is made to prepare an Environmental Impact Report (EIR) in compliance with CEQA, the Commission may, when necessary, separately consider the Director's decision to require the preparation of an Environmental Impact Report prior to its preparation.
- D. Before taking an action to approve an allowed ~~land~~-use application that is subject to CEQA, the review authority shall consider and make one or more environmental findings based on the discussion within ~~certify the applicable~~ the CEQA document, including appropriate findings.
- E. ~~The review authority shall certify~~Following certification of the applicable CEQA document, the County shall and file either a Notice of Determination or Notice of Exemption ~~for each approved project.~~

**17.51.040- Staff Report and Recommendations**

When an application requires action by a review authority at a public hearing, the Department shall prepare a report and make a recommendation on the project. The procedure for preparing said report shall be as follows:

- A. Application information shall be distributed to appropriate ~~County~~county departments, local, state, and federal agencies, interested organizations and individuals, and any other party whom the Department finds could provide ~~applicable~~relevant comments on the potential effects of the project.
- B. The Department may perform an on-site inspection of the project ~~site~~ lot(s) before confirming that the request complies with all of the applicable criteria and provisions identified in this Title.
- C. Upon receipt of comments after distribution, the Technical Advisory Committee (TAC) shall conduct a meeting as set forth in Section 17.60.060, unless staff determines no TAC meeting is necessary. The applicant is encouraged to attend the TAC meeting.

- D. After the meeting, or where staff determines no TAC meeting is necessary, the Department shall review the application and prepare a report to the applicable review authority on whether the proposed project should be approved, conditionally approved, or denied. The staff report shall include the recommendations of state and local agencies, and other ~~County~~county departments, and shall include an analysis of the proposed project and its compliance with this Title, the General Plan, adopted design standards, and any other applicable provisions of the County Code or State law.
- E. The staff report shall be distributed to the applicant and made available to the public within the time frames established by state law, as may be amended from time to time.

#### **17.51.050- Public Notice**

Notice of public hearings or staff-level review with notice procedures shall be provided as set forth in California Government Code Section 65090 et seq., except that notice shall be provided to owners of real property, as shown on the latest equalized assessment roll, within 500 feet of the real property that is the subject of the public hearing or staff-level review.

#### **17.51.060- Conditions of Approval**

In approving an application for a permit or authorization, the review authority may establish reasonable conditions to its approval that are found to be necessary to mitigate impacts created by the proposed project, that are consistent with the General Plan, Zoning Ordinance, and other applicable laws, ordinances, standards, or regulations, and that protect the public health, safety, and welfare.

- A. Conditions of approval may be revised in compliance with Chapter 17.54.070 (Revisions to an Approved-Project Permit or Authorization).
- B. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit or authorization in compliance with Section 17.54.090 (Revocation, etc.).
- C. The review authority may require recordation of the conditions of approval for Design Review, Variance, Conditional/Minor Use, and Development Plan permits.

#### **17.51.070- Conditions of Automatic Approvals**

- A. In the event the ~~County~~county fails to act on a development project, as defined in Government Code (GC) Section 65928, within the time limits set forth in GC Section

65920 et seq., the development project shall be deemed approved provided the project meets all of the following:

1. Public notice is provided by the applicant in compliance with GC Section 65956(b);
  2. The proposed use in the development project is an allowed use in the applicable zone.
  3. The development project is consistent with General Plan policies, any applicable specific plan requirements, and development standards and other provisions in this Title.
  4. The development project complies with the adopted standards of the County Department of Transportation, Environmental Management Department, Building Services, the responsible fire department, and any other state or local agency necessary to protect the public health, safety, and welfare.
- B. Any automatic approval of a development project shall become null and void unless all conditions imposed by this Section have been fully complied with and the occupancy, use of the land, and use of the proposed or existing structure(s) authorized by the automatic approval has taken place within **24 36** months after the date of the automatic approval.

#### **17.51.080- Post-Decision Notice**

- A. Within 10 days of a final decision on an application for an allowed land-use decision or permit required by this Article, the County shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the County's final action and has provided a self-addressed stamped envelope.
- B. The notice shall contain the final decision by the review authority, any conditions that may have been imposed, and the findings made to support the decision.

#### **17.51.090- Pre-application/Conceptual Review**

~~When the complexities of a land use or permit application warrants, it, the Department or the applicable review authority may require that the applicant submit materials and attend necessary conferences or hearings conducted in an informal workshop setting, in order to perform a preliminary review of the development proposal before the application is accepted for processing.~~

- A. Purpose.** ~~The purpose of~~ This process provides for a pre-application or conceptual review is to prior to the submittal of a development applications to: ~~accomplish any one or combination of the following:~~
1. ~~To~~ Review preliminary project design to ensure compliance with ~~County~~ county policy and ordinances;
  2. ~~To~~ Provide early identification of possible issues, giving the applicant the opportunity to seek solutions or consider design alternatives before formal filing of an application;
  3. ~~To~~ Suggest alternatives for the project, ~~which, in the experience of the Department have improved chances for a recommendation of approval;~~
  4. ~~To~~ Assist the applicant in determining the scope of materials required for submittal of an application, especially those which are complex or involve multiple applications; and
  5. ~~To~~ Improve the quality of the application when submitted, thereby simplifying its processing.
- B. Application.** The applicant must submit an application to the Department ~~on a form provided by the same,~~ requesting either a pre-application meeting with staff or a conceptual review hearing before the Commission or the Board.
- C. Information Provided.** Contents of the application at the time of submittal shall be any available information that will assist staff, Commission members, or the Board in reviewing the proposed project in a timely manner. Required and suggested information shall be listed on the application form, as may be amended from time to time.
- D.** When the complexities of an allowed ~~land~~ use or permit application warrants, the Department or the applicable review authority may recommend that the applicant submit materials and attend necessary conferences or hearings to conduct, in an informal workshop setting, a preliminary review of the development proposal.

**CHAPTER 17.52 – PERMIT REQUIREMENTS, PROCEDURES, DECISIONS, AND APPEALS**

**Sections:**

- 17.52.010 Administrative Permit, Relief, or Waiver
- 17.52.020 Minor Use Permits
- 17.52.021 Conditional and Minor Use Permits
- 17.52.030 Design Review Permit
- 17.52.040 Development Plan Permit
- 17.52.050 Temporary Mobile Home Permit
- 17.52.060 Temporary Use Permit
- 17.52.070 Variance
- 17.52.080 Effect of Denial *Reserved*
- 17.52.090 Appeals

**17.52.010 Administrative Permit, Relief, or Waiver**

~~A. **Applicability.** An Administrative Permit is required in cases where to allow limited review of a proposed structure or use through the site plan review process is necessary to verify compliance with established standards adopted to ensure compatibility with adjacent land uses and availability of public services and infrastructure. The Administrative Permit shall also be used for the processing of administrative relief or waiver requests in compliance with Subsection D or to establish the legal nonconforming status of a use or structure in compliance with Subsection E Chapter 17.61.~~

~~The issuance of an Administrative Permit shall be a ministerial project pursuant to CEQA.~~

**A. Administrative Permit**

~~B1. **Review Authority, and Procedure, and CEQA.** The Director shall be the review authority of original jurisdiction for Administrative Permits. The procedure shall be staff-level without public notice, except where Specific Use Regulations in Article 4 provide for public notice, except as provided under Subsection D, below. The issuance of an Administrative Permit shall be a ministerial project pursuant to CEQA.~~

~~C2. **Findings Standards for Approval.** When issuing a An Administrative Permit shall comply with the following standards: the Director must find that:~~

~~1.a. **Consistent with the General Plan.** The structure(s) or use(s) are consistent with the General Plan, in compliance with the applicable zone provisions, standards or requirements of this Title, any other applicable specific plans, standards or requirements under this Title, or any other as adopted by the County regulations adopted by the County through ordinance or resolution; and~~

- 2b. \_\_\_\_\_The structure(s) and use(s) are in compliance with all requirements and conditions of previously approved entitlements, such as Minor and Conditional Use Permits, or variances, if applicable.

**DB. Administrative Relief or Waiver.**

1. **Review Authority and Procedure.** The Director shall be the review authority of original jurisdiction. The procedure shall be staff-level with public notice as described below. The Director may grant administrative relief or waiver from the standards set forth in this Title of up to the limits set forth in the applicable sections, or 10 percent of the area or dimension, whichever is greater, subject to the following procedures:

- a. After submittal of a complete application, the Department shall notify all adjacent property owners by mail of the proposed request;
- b. A period of ten working days shall be provided to the adjacent property owners to comment on the proposed request;
- c. If an objection is received during the comment period, the Director shall not approve the proposed request, and elevate the review to the Zoning Administrator or Commission.

2. **Administrative relief or waiver requests may be approved if in compliance with Prior to approval of administrative relief, the following standards Director must make all of the following findings:**

- a. The proposed reduction ~~is~~ does not exceed the limits set forth in this Title; ~~the minimum amount necessary to accommodate the needs of the property owner;~~
- b. There are no objections from any adjacent property owner; and
- c. The proposed relief will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

3. A Variance application shall be required for consideration of a reduction in development standards if any of the **findings standards** for administrative relief or waiver set forth in Paragraph 2, above, cannot be **met**.

4. **Administrative relief and waivers of agricultural setbacks beyond the scope of the Director’s authority are referred to the Ag Commission for consideration and approval. The Ag Commission decision may be appealed to the Board of Supervisors**

**E. ~~Nonconforming Use Determinations.~~**

1. ~~The Director shall review requests for determination of a nonconforming use or structure by determining whether it was established legally under the provisions of this Title at the time the use or structure was established, consistent with the provisions of Chapter 17.61 (Nonconforming Uses, Structures, and Lots).~~
2. ~~The process for making said determination shall be as set forth in Subsection D.~~
3. ~~Where a written objection is made on the request for determination of legal nonconforming status, the Commission shall consider the request at public hearing subject to further public notice in compliance with Section 17.51.050 (Notice of Pending Permit or Authorization Decisions).~~

**17.52.020 Conditional and Minor Use Permits**

**A. Purpose/Applicability.**

~~1. **Conditional Use Permit.** A Conditional Use Permit provides a process for reviewing uses and activities that may not be appropriate in the applicable zone or may be injurious to the neighborhood if permitted without control but the potential for effects on the site and surroundings cannot be determined without a site specific review.~~

~~2. **Minor Use Permit.** A Minor Use Permit provides a process for reviewing uses and activities that are typically compatible with other permitted allowed uses within a zone, but due to their nature require consideration of site design and adjacent land uses. Minor Use Permits provide for a discretionary review for of minor projects or uses that are allowed, but do not meet the standards for administrative review. Unless the Department makes the following determination finds all the following to be true, the project will be processed as a Conditional Use Permit in compliance with this Chapter:~~

- a. ~~The project incorporates standards or conditions that are capable of mitigating potentially significant environmental impacts to a level less than significant or determined to be exempt from CEQA.~~
- ~~There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts to less than or no significance;~~

**B. Review Authority and CEQA.**

- b. ~~The project is planned for immediate development and does not include a phased development; and~~

~~1. **Minor Use Permit.** The Zoning Administrator shall have review authority of original jurisdiction for a Minor Use Permit. The approval of a Minor Use Permit is a discretionary project pursuant to CEQA, and public notice and hearing is required.~~

**C. Specific Findings for Minor Use Permits.** In addition to findings of consistency with the requirements and standards of this Title, the review authority shall make the following findings before approving a Minor Use Permit application:

- 1. The proposed use is consistent with the General Plan; and
- 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and
- 3. The proposed use is specifically allowed by a minor use permit pursuant to this Title.

e. The project is not likely to result in controversy.

**17.52.021 Conditional Use Permits**

**A. Applicability.**

- 1. **Conditional Use Permit.** A Conditional Use Permit is a process for reviewing uses and activities that may be appropriate in the applicable zone but the potential for effects on the site and surroundings cannot be determined without a site specific review.

**B. Review Authority and CEQA.**

- 1. **Conditional Use Permit.** The Zoning Administrator or the Planning Commission shall have review authority of original jurisdiction for Conditional Use Permit applications. The determination of the review authority shall be made by the Director based on the nature of the application, including, but not limited to the extent of controversy and the policy issues raised by the application project. The approval of a Conditional Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA.
- 2. ~~Minor Use Permit.~~ The Zoning Administrator shall have review authority of original jurisdiction for a Minor Use Permit. The approval of a Minor Use Permit is a ministerial project pursuant to CEQA, however, due to the potential for neighborhood sensitivity, public notice and hearing is required.

**C. Specific Findings for Conditional and Minor-Use Permits.** In addition to findings of consistency with the requirements and standards of this Title, the review authority shall make the following findings before approving a Conditional Use Permit or Minor Use Permit application:

- 1. The proposed use is consistent with the General Plan; and
- 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and



~~1.3. The proposed use is specifically permitted allowed by a conditional use permit pursuant to this Title.~~

~~1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.~~

~~2. The site for the proposed use has adequate access to serve the proposed use.~~

~~3. The proposed use will not have a substantial adverse effect on adjacent property or the allowed use of the adjacent property. In addition, the use will not interfere with an existing solar, wind, or other alternate energy system on the adjoining property.~~

~~4. There is sufficient infrastructure, existing or available, that will accommodate the intensity of the proposed development without significantly lowering service levels.~~

~~5. The design of the site has considered the potential for the use of alternate energy systems and passive or natural heating and cooling opportunities.~~

~~6. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable specific plan or community design.~~

~~7. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and welfare.~~

~~D. If there is any single use that triggers the need for a Conditional Use Permit, the Conditional Use Permit will include and address, all existing uses allowed on the site and, as long as it remains active, all existing and subsequent uses whether otherwise allowed by right or allowed by discretionary permit.~~

**17.52.030- Design Review Permit**

**A. Purpose Applicability.** The Design Review Permit process ~~has been~~ established in specific areas of the ~~County~~ county to ensure compatibility with historical, scenic, or community design criteria. This process is applied only to commercial, industrial, mixed-use, and multi-unit residential projects in the following areas:

- 1.- Meyers Community Plan Area.
- 2.- Land ~~adjoining~~ adjacent to designated State Scenic Highways Corridors.

3.- Other areas where the Design Review-Community (-DC), -Historic (-DH), or Scenic Corridor (-DS) Combining Zones have been applied.

**B. Review Authority, Procedure, and CEQA.** The Director shall have the review authority of original jurisdiction for those projects not ~~adjoining~~ adjacent to or visible from designated state scenic or federal-highways corridors. The procedure ~~in this case~~ shall be staff-level with public notice. The Commission shall have the review authority of original jurisdiction for those projects that are ~~adjoining~~ adjacent to or visible from designated state scenic or federal-highways corridors ~~or are considered to be controversial~~. The adoption of Design Standards in accordance with 17.27.050.F is a discretionary project pursuant to CEQA. The approval of a Design Review Permit is a discretionary ministerial project pursuant to CEQA, when in compliance with adopted Design Standards. Approval ~~or denial shall be based on architecture, color, building materials, site layout, and other similar development features and their appropriateness to the surrounding area.~~ The Design Review process shall be limited to consideration of compliance with established standards, provided that the use proposed for ~~The use of the project site shall not be a consideration when reviewing a design review permit providing it is an allowed-permitted in the use matrix for~~ within the zone.

**C. Design Review Committee.** If a project is located within a district for which a design review committee has been established in compliance with Section 17.60.070 (Design Review Committee), the Director shall transmit the application to the committee prior to rendering a written decision or making a recommendation to the Commission. The application review process by the committee shall provide an opportunity for the applicant or other interested persons to provide testimony. After public testimony, the committee shall discuss the proposed project and by motion present a recommendation to the Director. The Director may ~~impose~~ approve or deny the permit, and may incorporate conditions or modify the project based on the recommendations of the committee to ensure compliance with the applicable design standards.

### 17.52.040 Development Plan Permit

**A. Purpose and Intent**~~Process~~. This section describes the Development Plan Permit, process which is intended to provide ~~proposed development~~ flexibility from the strict application of the Ordinance standards to allow for proposed developments to utilize innovative innovation in-site planning techniques and ~~more other~~ effective design responses to site features, uses on ~~adjoining~~ adjacent properties, and environmental constraints.

**B. Applicability.** A Development Plan Permit application shall be filed and processed in conformance with Chapter 17.28 [Planned Development (-PD) Combining Zone].

- C. **Review Authority and CEQA.** The ~~Planning~~ Commission shall have the review authority of original jurisdiction for a Development Plan Permit application. The approval of a Development Plan Permit is a discretionary project pursuant to CEQA.
  
- D. **Scope of Approval.** When determined by the review authority to be ~~necessary and justifiable~~ appropriate, Development Plan Permit approval may allow:
  - 1. Variations in zone development standards contained in this Title, or design standards contained in the ~~Land County~~ county's site planning and design manual, such as setbacks, lot size, lot width, ~~maximum coverage~~, floor area ratio (FAR), and height limits for greater flexibility in project design;
  - 2. Establishment of project specific design guidelines to be applied consistently throughout the development, including but not limited to architectural standards and review processes, landscape standards, maintenance agreements, sign programs, and CC&Rs; and
  - 3. ~~Limitation on the permitted uses.~~
  
- E. **Findings for Development Plan Permits.** When approving a request for a Development Plan Permit, the review authority must make the following findings:
  - 1. The proposed development plan is consistent with the General Plan, any applicable specific plan, and Chapter 28 of this Title [Planned Development (~~-~~PD) Combining Zone];
  - 2. ~~The physical characteristics of the site have been~~ is adequate in shape and size to accommodate proposed ~~land~~ uses and adequately assessed and the site for the proposed development is adequate in terms of shape and size to accommodate the use and other required features, such as open space, setbacks, landscaping, walls and fences, parking and loading areas, and internal circulation;
  - 3. ~~That any exceptions to the development standards of the zone are justified by the design or existing topography;~~
  - 4. Adequate public services and facilities exist or will be provided to serve the proposed development including, but not limited to, water supply, sewage disposal, roads, and utilities;
  - 5. If mixed-use development is being proposed, the development conforms to the standards in Section 17.40.180 (Mixed-use);
  - 6. The proposed development complies with the provisions ~~carries out of the purpose and intent of the~~ PD Combining Zone Section 17.28.010. ~~provisions by providing a more efficient use of the land and a quality of design greater than that which would be achieved through the application of conventional development standards.~~

**F. Concurrent Applications.** A project that is also subject to a Conditional Use or Design Review Permit, or tentative subdivision or parcel map, shall have such application(s) processed concurrently with the Development Plan Permit. The findings for each permit shall be made separately and combined under the authority of the Development Plan Permit. In addition, the following shall apply:

1. A separate Design Review Permit application shall not be required with a Development Plan Permit; however, the proposed development plan shall require review by the applicable design review committee, as provided in Section 17.52.030 (Design Review Permit.)
2. If a subdivision of land is proposed in conjunction with a project that requires a Development Plan Permit, a tentative map application and rezone application to add the –PD combining zone, if not already zoned as such, are also required. In the event a tentative map application is concurrently approved with a Development Plan Permit application, expiration of the Development Plan Permit shall occur at such time that the tentative map expires and shall be extended as a part of any map extension authorized by Title 16 and/or the provisions of ~~Section 66452.6 of~~ the California Government Code.

~~**G. Phased Development Plans.** A phased development plan shall encompass all of the land within the project boundaries in establishing a list of specific parameters, uses, limits, and objectives that guide development based on the identified phases of the project. A phased project may be separated into portions of property to be developed in each phase or phases of structural development and/or uses throughout the project site, subject to the following:~~

- ~~1. A Development Plan Permit application shall contain a detailed project description and corresponding site plan that demonstrates each phase of development.~~
- ~~2. Timing of each phase of development be clearly stated.~~
- ~~3. The open space requirement shall be completed or dedicated as part of the first phase of development.~~

**HG. Time Limits and Expiration.** The time limit and expiration of Development Plan Permit applications shall be in compliance with Section 17.54.060 (Time Limits and Extensions). The expiration of a Development Plan Permit related to a tentative subdivision or parcel map shall have the same expiration date as the tentative map. Extensions of the tentative subdivision map shall automatically extend the Development Plan Permit.

**IH. Revisions to an Approved Permit.** Any requested change to the Development Plan Permit shall be in compliance with Section 17.54.070 (Revisions to an Approved Project Permit or Authorization).

**17.52.050 Temporary Mobile Home Permit**

**A. PurposeContent.** ~~The purpose of t~~This Section is to provides standards for the location, occupation, and removal of temporary housing under a Temporary Mobile Home Permit. The standards ~~are intended to~~ allow residents to provide adequate housing on a temporary basis for adult family members who are dependent for financial or health reasons or for the use by a caretaker/watchman in commercial and industrial zones, and to ensure the removal of the unit upon cessation of the housing need.

**B. Applicability.** This Section shall apply to housing as a temporary accessory use to either a primary dwelling or to specified non-residential uses~~commercial or industrial development~~, as ~~permitted~~allowed in the use matrices for the zones, subject to the following purposes:

1. Use by the owner or members of the household to ~~prevent the dislocation of household~~provide temporary housing or shelter for household members and/or to allow for in-home care of household members; or
2. Use by a caretaker where the purpose of the caretaker is to assist the elderly or ~~handicapped~~disabled homeowner(s) in the care and protection of their property. In this instance, “elderly” shall mean ~~anyone over the age of 62~~a person 62 years of age or older.
3. In commercial and industrial zones, as well as for public and private schools and churches, one mobile home or recreational vehicle placed for the purpose of providing temporary housing for caretakers or watchmen in compliance with Section 17.40.120 (Commercial Caretaker and Agricultural Employee Housing). Findings of necessity shall be based on, but not limited to, the following factors:
  - a. Value and portability of goods and/or equipment stored on the property;
  - b. ~~The applicant's past experience with theft or loss of goods and/or equipment, supported by Sheriff's records~~ demonstrating significant exposure to vandalism or the loss of goods and/or equipment;~~submitted with the applicant's request;~~
  - c. Precautionary measures taken by the applicant to prevent loss or vandalism; and
  - d. Practicality of permanent facilities.

**C. Review Authority, Procedure, and CEQA.** The Director shall have the review authority of original jurisdiction for a Temporary Mobile Home Permit application. The review procedure shall be staff-level without public notice. The approval of a Temporary Mobile Home Permit is considered a ministerial project pursuant to CEQA.

**D. Temporary Mobile Home Permit Requirements.**

1. One temporary housing unit may be granted on a lot or contiguous lots under common ownership.

~~2. If a secondary dwelling unit is located on a lot, no temporary mobile home may be permitted on the same lot.~~

~~32.~~ The property owner shall occupy ~~a~~ the primary dwelling on the site for the uses allowed under Paragraphs B.1 and B.2 above.

~~4. The Temporary Mobile Home Permit shall be approved for a period not to exceed 24 months and may be renewed for additional 24 month periods subject to the provisions of this Section. Proof of continuing eligibility is required as a condition of renewal.~~

~~5. The property owner shall submit written notification to the Department of any change of residency in the temporary housing unit.~~

~~63.~~ The applicant shall comply with all development standards for the zone and any other statutes and ordinances relating to building, fire, and health codes.

~~74.~~ The applicant shall sign and notarize an agreement that at the conclusion of the permit or the violation thereof, the temporary housing unit shall be removed from the property. In the event the property owner fails to remove the unit, the County may be authorized to remove the housing unit and record a lien on the property for the cost of removal. Such agreement shall be recorded by the County.

**E. Permit Expiration.** The Temporary Mobile Home Permit shall be approved for a period not to exceed 24 months and may be renewed for additional 24 month periods subject to the provisions of this Section. Proof of continuing eligibility is required as a condition of renewal. A Temporary Mobile Home Permit shall expire if the temporary housing unit is removed from the property or if it is no longer occupied by a qualifying occupant for a period of 60 days. At the end of the 60 day period, the property owner shall have 30 days to remove the temporary housing unit from the property in compliance with Subsection 17.40.190.~~DC~~ (Temporary Mobile Home Removal).

**F. Development Standards.**

1. The following types of structures shall be allowed for use as temporary housing units and shall be erected, constructed, or installed in a manner that effects easy removal:

a. Units constructed to meet building codes, including panelized structures or other structural types that may be affixed to a foundation but disassembled at a later date;

- b. Units constructed to meet the standards of the *National Manufactured Home Construction and Safety Standards Act of 1974*, as amended from time to time; or
  - c. Recreational vehicles for the purpose of temporary housing under Paragraph B.3.
2. **Minimum Parcel Size.** A temporary housing unit shall be allowed on any ~~lot~~ parcel zoned for single-unit residential development; however, temporary housing for the caretaker use allowed under Paragraph B.2 above shall not be allowed on property that is less than one acre in size.
3. **Maximum Unit Size.** A temporary housing unit shall have a maximum floor area of ~~4,200~~ 1,600 square feet, subject to the maximum coverage requirements of the zone.
- a. Floor area shall be measured from the outside of the exterior walls to include all enclosed habitable ~~or potentially habitable~~ space, such as living areas, hallways, stairwells, ~~attics, basements,~~ storage areas, and equipment rooms, but shall not include attached garages.
  - b. Conversion of the unit to a permanent secondary dwelling will be subject to the maximum floor area limitations for that specific use, as well as all applicable development standards under Section 17.40.300.C (Secondary Dwellings).
4. **Design Standards.** The appearance of a temporary housing unit shall be similar to, or compatible with, the appearance of the primary dwelling; and the unit shall be situated so as to be subordinate to the primary dwelling, as viewed from the ~~adjoining~~ adjacent road easement or right-of-way.
5. **Parking.** On-site parking must be provided for the occupants of the temporary housing unit, subject to Chapter 17.365 (Parking and Loading).

**17.52.060 Temporary Use Permit**

- A. **PurposeContent.** This Section establishes procedures and standards for the granting of Temporary Use Permits to ensure that the establishment, maintenance, and operation of a temporary use, as defined in Article 8, ~~would is~~ not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity.
- B. **Applicability.** The standards in this Section shall apply to temporary uses that are generally not ~~permitted~~ allowed by right in the zone, but that may be allowed because they are of temporary duration. Temporary uses on property under approved development plans shall also be ~~permitted~~ allowed without applying for a Development

Plan Permit. Temporary uses may be subject to additional permits, licenses, or inspections as required by any applicable law, code, or regulation.

**C. Exemptions.** The following uses shall be exempt from the requirements contained within this Section providing no outdoor amplified sound systems are used during the course of the activity:

1. Temporary uses of less than three days duration that are held on county parks or public property and sponsored by bona fide charitable or nonprofit organizations provided such uses have prior approval from the public agency having responsibility for the property being utilized.
2. Garage sales, yard sales, and similar temporary sales activities on residentially zoned properties that are conducted in compliance with the standards under Section 17.40.220.E.
3. Mobile homes used temporarily during construction, as a contractor's office, or for construction employee housing in compliance with the standards under Sections 17.40.190.~~CB~~.4 and ~~CB~~.5 (Mobile/Manufactured Homes).
4. An event on the site of, or within, a meeting hall, religious facility, school, theater, or other similar facility designed and approved by the ~~County~~county for public assembly.
5. Fund-raising car washes on property within a commercial, industrial, or research and development zone, limited to a maximum of two days per month for each sponsoring organization.
  - a. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with Section 501(c) of the Federal Revenue and Taxation Code.
  - b. Notwithstanding Subparagraph C.5.a, a fundraising carwash shall be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.
6. The use of a site for location filming of commercials, movies, or videos that are allowed subject to a time specified by the Director and the County Film and Media Office.

**D. Review Authority and CEQA.** The Director shall have the review authority of original jurisdiction for a Temporary Use Permit application. The procedure shall be staff-level without public notice. The approval of a Temporary Use Permit is a discretionary project pursuant to CEQA.

**E. Requirements for Approval.** Approval of a Temporary Use Permit shall be subject to the standards under this Title that are applicable to the proposed use(s). Any other



standards or requirements adopted by the ~~County~~county through ordinance or resolution shall be applied as well, in particular Chapters 5.12 and 15.32 of the County Code regarding carnivals and outdoor music festivals, respectively. The Director, in conjunction with the other affected agencies may also impose such conditions as necessary to ensure compatibility with adjacent ~~land~~uses.

1. The following time limits for these specific temporary uses shall be the maximum allowed:
  - a. **2 Consecutive 3-day Weekends for a Total of 6 Days:**
    - (1) Auctions.
    - (2) Concerts.
    - (3) Outdoor religious revival meetings.
    - (4) Outdoor carnivals, circuses, rodeos, and itinerant shows.
    - (5) Youth, charitable, or nonprofit organization projects or events.
  - b. **30 Consecutive Days:**
    - (1) Grand opening signs (one time only per use).
    - (2) Temporary signs and banners for schools, churches, and non-profit organizations announcing special events, enrollment periods, and similar temporary activities. No more than two such temporary banners may be placed on the same ~~lot~~parcel during a calendar year beginning January 1.
  - c. **45 Consecutive Days:**
    - (1) Seasonal sales.
2. All uses ~~permitted~~allowed by a Temporary Use Permit shall be terminated no later than the expiration date indicated upon the permit. All materials or products used in connection with or resulting from the temporary use shall be removed and the site restored within five days after the expiration date.
3. Bonds or other acceptable security may be required to guarantee the removal of any materials in connection with or resulting from the temporary use in compliance with Section 17.54.050 (Performance Guarantees). If required, said bonds or acceptable security shall be filed at the time of application submittal, and shall include a nonrefundable processing fee. In particular, vegetable, fruit, or flower stands and Christmas tree lots shall be subject to a bond requirement in an amount set by resolution of the Board.
4. ~~No~~A new Temporary Use Permit shall ~~shall~~may be issued within a 30-day period from the expiration date of a similar Temporary Use Permit for the same property, or from removal of materials or structures associated with said use, ~~whichever occurs last.~~
5. Upon the removal of all materials associated with the temporary use, the applicant shall request an inspection by the Director regarding the release or other disposition of the bond or security deposit.

**17.52.070 Variance**

- A.- PurposeContent.** ~~The purpose of~~ This Section is to provide adescribes the process for ~~County~~county consideration of requests to modify certain standards of this Title when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards for the zone denies the property owner rights enjoyed by other property owners in the vicinity and in the same zone.
- B. Applicability.** A Variance may be granted to modify any development standards as set forth in ~~the tables in Article 2 of this Title.~~ A Variance may not be used to authorize a use or activity not otherwise allowed within the zone.
- C. Approving Authority and CEQA.** The Zoning Administrator shall have the review authority of original jurisdiction for a Variance authorization. The approval of a Variance is a discretionary project pursuant to CEQA.
- D.- Findings Required.** A Variance shall ~~not~~be granted by the review authority ~~unless~~only where all of the following circumstances are found to apply:
1. There are special circumstances or exceptional or extraordinary characteristics ~~circumstances or conditions~~ relating to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the vicinity and the same zone; ~~and have not resulted from any act of the owner or applicant;~~
  2. The strict application of the ~~provisions of the ordinance~~zoning regulations as they apply to the subject property requested to be varied would deprive the subject property of the privileges enjoyed by other property in the vicinity and the same zone (CAL. GOV. CODE § 65906)~~reasonable use of the land or building that are enjoyed by other properties in the vicinity and the same zone;~~
  3. A variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (CAL. GOV. CODE § 65906)~~(The Variance is the minimum necessary for the reasonable use of the land or building;~~ and
  4. The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.
- E.- Conditions of Approval.** In approving a Variance, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required in Subsection D, above.

**17.52.080 \_\_\_\_\_ Effect of Denial Requests for Reasonable Accommodation**

**A. \_\_\_\_\_**

**Content.** This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

**B. Applicability.**

1. A request for reasonable accommodation may be made by any person with a disability, or by an entity acting on behalf of a person or persons with disabilities, to provide or secure equal access to housing, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities. As defined in the Acts, a person with a disability is one having a physical or mental impairment that limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone having a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Subsection C below.

**C. Application requirements.**

1. Application. Requests for reasonable accommodation shall be submitted in writing in the form of a letter to the Development Services Director, and shall contain the following information:
  - a. The name, address, and telephone number of the individual(s) requesting reasonable accommodation (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities);
  - b. The street address and assessor’s parcel number of the property for which the request is being made;
  - c. Name and address of the property owner(s);
  - d. The current actual use of the property;
  - e. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts;
  - f. Description of the requested accommodation and the zoning law, provision, regulation or policy for which reasonable accommodation is being sought and any supporting information, such as site plans;

- g. Reason that the requested accommodation may be necessary for the individual(s), or group of individuals, with the disability to have equal opportunity to housing.
- 2. Concurrent Review. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant may file the request concurrently with the application for discretionary approval.
- 3. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

#### **D. Review authority and procedure.**

- 1. Reviewed by the Development Services Director. Requests for reasonable accommodation shall be reviewed by the Development Services Director, or his/her designee, if no other discretionary approval is required. The Director or his/her designee shall make a written determination within forty-five (45) calendar days of the request and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Subsection E below.
- 2. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty-five (45) day period to issue a decision is stayed until the applicant responds to the request.
- 3. Concurrent review authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The applicable review authority shall make a written determination and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Subsection E below as part of its action(s) regarding the discretionary land use application.

#### **E. Findings and conditions of approval.**

- 1. Findings. The written decision to grant, grant with modifications, or deny a request for reasonable accommodation will be consistent with the Acts and shall require the following findings of approval:
  - a. The housing that is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;
  - b. Alternative reasonable accommodations that are within existing parameters (e.g., zoning district regulations) that would provide an equivalent level of benefit are not available or suitable for a particular case;

- c. The requested reasonable accommodation will not impose an undue financial or administrative burden on the County;
  - d. The requested reasonable accommodation is consistent with the County General Plan land use designation of the property that is the subject of the reasonable accommodation request, and with the applicable zoning district;
  - e. The requested reasonable accommodation does not substantially affect the physical attributes of the property;
  - f. The requested reasonable accommodation will not adversely impact surrounding land uses.
2. Conditions of Approval. In granting a request for reasonable accommodation, the Development Services Director or other reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in Subsection 1 of this section.
  3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

**F. Appeal of determination.**

A determination by the reviewing authority to grant, grant with modifications, or deny a request for reasonable accommodation may be appealed pursuant to Section 17.52.090 (Appeals) of this code.

~~Where an application for a permit or authorization provided for in this Chapter has been denied by the review authority of original jurisdiction and the decision is not reversed through appeal in compliance with Section 17.52.090 below, no further application for the same use on the same property may be considered within a period of one year from the date of such denial unless the Director finds that there has been a substantial change in circumstances from those existing under the previous application, or the application was denied without prejudice.~~

**17.52.090 Appeals.**

Any decision by the review authority of original jurisdiction may be appealed by the applicant or any other affected party, as follows:

- A. An appeal must be filed within 10 working days from the decision by the review authority by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board, to the Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal and the relief requested.
- B. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:

1. All decisions of the Director are appealable to the Commission and then to the Board.
  2. All decisions of the Zoning Administrator and the Commission are appealable to the Board.
  - 3.- All decisions of the Board are final.
- C. The hearing on an appeal shall be set no more than 30 days from receipt of a completed appeal form and fee. If the Board meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 30-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.
- D. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the 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 staff.
- E. Upon the filing of an appeal, the Commission or the Board shall render its decision on the appeal within 60 days.
- F. No person shall seek judicial review of a ~~County~~county decision on a planning permit or other matter in compliance with this Title until all appeals to the Commission and Board have been first exhausted in compliance with this Section.

**CHAPTER 17.54 – PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS**

**Sections:**

- 17.54.010 ~~Purpose~~Content
- 17.54.020 Effective Date of Permit Approvals
- 17.54.030 Applications Deemed Automatically Approved
- 17.54.040 Permits to Run with the Land
- 17.54.050 Performance Guarantees
- 17.54.060 Time Limits, Extensions, and Permit Expiration
- 17.54.070 Revisions to an Approved Permit or Authorization
- 17.54.080 Re-submittals
- 17.54.090 Revocation or County Mandated Modification of a Permit

**17.54.010– ~~Purpose~~Content**

~~The purpose of t~~This Chapter is to ~~provide~~contains general requirements for the implementation of the approved permits and authorizations required under this Article including time limits for permit implementation, procedures for granting time extensions or revisions to an approved permit, and revocation of permit approvals.

**17.54.020— Effective Date of Permit Approvals**

Except in the case of a Specific Plan (Chapter 17.56) or Development Agreement (Chapter 17.58), final action on any permit or authorization approval of the Zoning Administrator or Planning Commission shall become effective 11 working days from the decision by the review authority where no appeal of the approval has been filed in compliance with Section 17.52.100090 (Appeals). A decision by the Board is final and effective on the date of the action, unless otherwise required by state law. A properly filed appeal shall stay the issuance of any such permit or authorization until the appeal is decided.

**17.54.030 Applications Deemed Automatically Approved**

A permit or authorization application that is deemed automatically approved in compliance with Government Code Section 65956 shall be subject to all applicable provisions under Section 17.51.070 (Conditions of Automatic Approvals), which shall be satisfied by the applicant before a building permit is issued or a use not requiring a building permit is established.

**17.54.040– Permits to Run with the Land**

Any Minor and Conditional Use Permit, Variance, or Development Plan Permit approval that is granted in compliance with Chapters 17.51 and 17.52 (General Application Procedures and Permit Requirements, etc.) shall be deemed to run with the land through any change of ownership of the subject site from the effective date of the permit, providing it is in compliance with Subsection 17.54.050.A, ~~as~~when applicable, and with any licensing requirements by the new property owner. All active conditions of approval shall continue to apply after a change in property ownership.

### 17.54.050 Performance Guarantees

**A. Deposit of Security.** As a condition of approval of a Conditional/Minor/Temporary Use Permit, Development Plan Permit, or Variance, and upon a finding that the public health, safety, and welfare warrants it, the review authority may require a form of surety in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the aforementioned permits or authorizations.

1. The applicant may elect to provide adequate surety for the faithful performance of a condition(s) of approval if the Director determines that the condition(s) may be implemented at a later specified date due to reasons beyond the applicant's control, such as the inability to install required landscaping due to poor weather conditions.
2. The surety shall be in the form of cash, certified or cashier's check, letter of credit, performance bond, or other form of surety executed by the applicant and a corporate surety authorized to do business in California and approved by the ~~County~~county.

**B. Release of Security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

**C. Failure to Comply.**

1. Upon failure to perform any secured condition, the ~~County~~county may perform the condition or cause it to be done, and may collect from the applicant and surety, in the case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the applicant after deduction of the cost of the work.

~~3. To the extent that the Director can demonstrate that the applicant willfully breached an obligation in a manner that the applicant knew or should have known would create irreparable harm to the County, the entire amount of the bond or deposit may be withheld.~~



34. The Director's determination may be appealed to the Board by the applicant, by filing an appeal with the Clerk of the Board within 10 days after the decision to withhold the bond, in compliance with Section 17.52.090 (Appeals).

**17.54.060- Time Limits, Extensions, and Permit Expiration**

**A.- Time Limits.** A permit or authorization that is not exercised within 24 months from the ~~actual~~effective date of the decision granting approval shall expire and become void unless a condition of approval or other provision of this Article establishes a different time limit or unless an extension of time is approved in compliance with Subsection B, below.

1. The permit or authorization shall be deemed "exercised" when the applicant has commenced actual construction or alteration under an active building permit and at least one inspection has been conducted and approved by the Building Official or, in cases where a building permit is not required, has substantially commenced the approved activity or allowed use on the site in compliance with the conditions of approval.
2. After it has been exercised, a permit or authorization shall remain valid as long as either a building permit remains active for the project or a final Certificate of Occupancy has been granted ~~and the use authorized by the permit continues uninterrupted,~~ in compliance with Subsection ~~E-C~~C (Permit Expiration).
3. The expiration of a permit or authorization associated with a tentative subdivision or parcel map, specific plan or development agreement, shall coincide with the term of that entitlement, and not be subject to the time extension in Section B below.

**B. Time Extensions.** The ~~County~~county may extend the time limit for a permit or authorization in compliance with the following procedures:

1. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the permit or authorization, together with the required filing fee established through resolution of the Board.
2. A permit or authorization may be extended for a total ~~of 12 months at a time up to a maximum of~~ of 36 months beyond the expiration of the original decision granting approval.
3. Action on a request for extension of a permit shall be referred to the original review authority, except as provided in Subparagraph 3.a, below. The time limit for exercising a permit or authorization may be extended by one of the following methods:
  - a. The Director finds that:
    - (1) Substantial progress has been made in implementing the permit; or the applicant has established, with substantial evidence, that circumstances beyond the control of the applicant, such as poor weather during periods of planned construction, have prevented exercising the permit or authorization; ~~and/or~~

- (2) Not more than ~~12~~36 months will be necessary to exercise the permit, in compliance with Paragraph A.1 above; or
- b. The original review authority finds that:
  - (1) No change in conditions or circumstances has occurred that would have been grounds for denying the original application; and
  - (2) The applicant has been diligently pursuing implementation of the permit.
- 4. Modified conditions may be imposed when a time extension is granted that update the permit where required to protect the public health and safety or to comply with provisions of state or federal law. ~~to reflect current standards and ordinance requirements.~~

**EC. Permit Expiration.**

- 1. All permits authorized by this Chapter shall automatically expire by operation of law when:
  - a. ~~The time frame established in Subsection A has elapsed, unless a time extension has been approved under Subsection B.; or~~
  - b. ~~The use authorized by the permit has ceased for a period of one year for any reason.~~
- 2. When it is discovered that a permit has expired, the Department shall send notice of such termination to the property owner and/or applicant. Failure to send such notice shall not affect the expiration of the permit.
- 3. After the expiration of a permit or authorization, whether through denial of a request for a time extension, failure to request a time extension, or other cause, no further work shall be done on the site until a new permit or authorization and any subsequent building permit or other ~~County~~county permits are first obtained.

**17.54.070- Revision to an Approved Permit or Authorization**

All structures and uses shall be constructed or otherwise established only as approved by the review authority, and in conformance with all conditions of approval, except as provided herein. Modifications of the conditions of approval provided for in this Chapter, including alteration of the project design, expansion, reduction, or phasing of the development, or further disturbance of the site, may be allowed as follows:

- A. An application for a revision to an approved permit or authorization may be submitted to the Department either before or after the commencement of construction or establishment of an approved use. The application shall consist of a written description of the proposed modifications, appropriate supporting documentation, plans, or other information deemed necessary by the Director to evaluate the proposed change.
- B. The Director may approve a minor modification(s) when the findings can be made that the modification(s):
  - 1. Does not involve a feature of the project that was specifically addressed in the conditions of approval, mitigation measures, or findings for approval of the project;
  - 2. Does not result in an expansion of the project;
  - 3. Does not substantially alter the original approval decision; and
  - 4. Does not result in changed or new impacts to the surrounding environment that would necessitate modifications to the CEQA document approved for the project.
- B. Revisions to a permit or authorization which result in an expansion or substantial alteration of the project, or which may affect a condition of approval, mitigation measure, or finding that was specifically addressed by the review authority, may only be approved by said authority ~~through~~ following a public hearing.
- C. Director approval of minor modifications shall be processed using the Staff Review with Notice procedures. If the Director determines that the request requires a public hearing by the review authority of original jurisdiction, notice shall be given in compliance with the same noticing requirements of the original application.
- D. The review authority may modify or impose new conditions to the permit revision ~~when as it deems reasonable and necessary to carry out the purpose and intent of the original permit or when necessary to protect the public health and safety or to comply with provisions of state or federal law and this Chapter.~~
- E. Appeal of a decision on a Revision to an Approved Permit or Authorization shall be processed in compliance with Section 17.52.090 (Appeals).

**17.54.080 Resubmittals**

- A. For a period of 12 months following the date of the disapproval of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.

- B. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or disapproved permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission in compliance with Section 17.52.090 (Appeals).

**17.54.090- Revocation or County Mandated Modification of a Permit**

Any permit authorized under this Article may be revoked or modified by the ~~County~~county when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance.

A. The following procedures shall be used for revocation or mandated modification of previously approved permits or authorizations:

1. The review authority of original jurisdiction shall hold a public hearing to revoke or modify a permit or authorization granted in compliance with the provisions of this Article. Where the review authority was the Director, the hearing shall be referred to the Zoning Administrator for determination.
2. Notice shall be provided to the owner of the property, as shown on the ~~County~~county's current equalized assessment roll, and to the applicant for the permit or approval if different from the property owner on which the use or structure authorized by the permit being considered for revocation exists for the permit or approval being considered for revocation.
3. Notice shall be mailed through the U.S. Postal Service, certified, first class, and postage paid, at least twelve days prior to the public hearing for all permits being considered for revocation except Temporary Use Permits, which shall require mailed notice three days prior to the hearing.
4. Any permit or authorization may be revoked or modified by the review authority if any one of the following findings can be made:
  - a. Circumstances under which the permit or authorization was granted have been changed by the applicant to the extent that one or more of the findings that justified the original approval can no longer be made;
  - b. The permit or authorization was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the testimony presented by the applicant during the public hearing;
  - c. One or more of the conditions of approval have not been substantially fulfilled or have been violated;
  - ~~d. The approved use or structure has ceased to exist or has been suspended for at least 12 months;~~
  - ed. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or

- fe. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare; or the manner of operation constitutes and/or is creating a public nuisance.
5. As an alternative to revocation, the ~~County~~county may mandate modification of a permit or authorization including the duration of the permit or authorization, any operational aspect of the project, or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.
6. The ~~County~~county's action to revoke a permit or authorization shall have the effect of terminating it and denying the privileges granted by the original approval.
- B. Any permit revoked by the review authority may be appealed in compliance with Section 17.52.090 (Appeals).
- C. **Use after Revocation.** When an approved permit or authorization has been revoked, no further development or use of the property authorized by the revocation shall be continued, except in compliance with the approval of a new permit or authorization required by this Title.

**CHAPTER 17.56 – SPECIFIC PLANS**

**Sections:**

- 17.56.010 ~~Purpose~~Content
- 17.56.020 Approval Authority
- 17.56.030 Findings Required
- 17.56.040 Contents of Specific Plan
- 17.56.050 Conformance to Specific Plan Required
- 17.56.060 Amendments

**17.56.010– PurposeContent**

~~The purpose of t~~This Chapter is to provide for acontains the procedures to implement the General Plan for a part of the area covered by the General Plan, as set forth in California Government Code Section 65450 et seq.

**17.56.020 Approval Authority**

The Board shall have review authority of original jurisdiction for specific plan applications, after review and recommendation by the Commission in compliance with Chapters 17.50 and 17.51 (Application Filing and Processing, and General Application Procedures, respectively). The Board shall approve the ~~development agreements~~specific plan by resolution or by ordinance. The approval of a specific plan is a discretionary project pursuant to CEQA.

**17.56.030- Findings Required**

The Board may adopt a proposed specific plan only if it finds that the plan:

- A. Is consistent with and implements the General Plan;
- B. Is consistent with any applicable airport land use plan, in compliance with Public Utilities Code Section 21676; and
- C. Will not have a significant effect on the environment or a statement of overriding consideration has been made for the proposed specific plan in compliance with the provisions of California Code of Regulations Section 15093 (CEQA Guidelines).

**17.56.040- Contents of Specific Plan**



An applicant shall submit a proposed specific plan for review that includes the following detailed information in formats of text, diagrams, and maps, on an application form provided by the Department:

- A. A statement of the relationship of the specific plan to the General Plan;
- B. A site plan showing the distribution, location, and extent of ~~land~~-uses proposed within the area covered by the specific plan;
- C. Identification of the proposed distribution, location, extent, and intensity of public and private infrastructure and facilities for transportation, sewage, storm water drainage, solid waste disposal, energy, education, fire protection, or other essential modes proposed to be located in the specific plan area to support the ~~land~~-uses described within;
- D. Standards and criteria by which development will proceed within the specific plan area and standards for the conservation, development, and utilization of natural resources, where applicable;
- E. Implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of Subsections A through D, above.

#### **17.56.050- Conformance to Specific Plan Required**

After adoption of a specific plan, no local public works project, Development Plan Permit, tentative map, or parcel map may be approved, and no ordinance may be adopted or amended within the specific plan area unless it is consistent with the adopted specific plan.

#### **17.56.060- Amendments**

An adopted specific plan may be amended through the same procedure set forth in this Chapter for the adoption of a specific plan.

**CHAPTER 17.58 – DEVELOPMENT AGREEMENTS**

**Sections:**

- 17.58.010 ~~Purpose and Intent~~Content; Assurances to Applicant
- 17.58.020 Limitation
- 17.58.030 Review Authority
- 17.58.040 Findings Required
- 17.58.050 Form of Agreement
- 17.58.060 Amendment, Cancellation, or Assignment
- 17.58.070 Recordation
- 17.58.080 Periodic Review
- 17.58.090 Rules, Regulations, and Official Policies

**17.58.010– ~~Purpose and Intent~~Content; Assurances to Applicant**

~~The purpose of t~~This Chapter is to provide assurance establishes procedures and requirements for the adoption and amendment of development agreements in compliance with Government Code Section 65864 et seq. A development agreement provides assurances to an applicant of a development project that, upon approval, the project may proceed in accordance with the conditions placed upon it by the review authority, as well as with existing policies, rules, and regulations. ~~The intent of this Chapter is to~~ Development agreements strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

**17.58.020– Limitation**

Unless otherwise expressed in this Title, the provisions in this Chapter are the exclusive procedures and rules relating to development agreements and, in the event of conflict, these provisions shall prevail over any other provisions of this Title.

**17.58.030– Review Authority**

The Board shall have review authority of original jurisdiction for development agreement applications, based on the review and recommendation by the Commission in compliance with Chapters 17.50 and 17.51 (Application Filing and Processing and General Application Procedures, respectively). The Board shall approve the development agreement by ordinance. The approval of a development agreement is a discretionary project pursuant to CEQA.

**17.58.040– Findings Required**

The Board may approve the development agreement only if it finds that the agreement:

- A. Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable specific plan;
- B. Will not be detrimental to the health, safety, and welfare of persons residing in the immediate area or detrimental to the general welfare of the residents of the ~~County~~county as a whole;
- C. Will not adversely affect the orderly development of property or the preservation of property values;
- D. Is consistent with the provisions of Government Code Sections 65864 through 65869.5; and
- E. If the development agreement includes a subdivision of 500 or more units, the agreement provides that there is sufficient water to serve any tentative map in compliance with Government Code Section 66473.7.

#### **17.58.050– Form of Agreement**

- A. The development agreement shall be in a form approved by County Counsel and shall contain the following:
  - 1. A legal description of the subject property;
  - 2. The ~~permitted~~allowed uses of the property;
  - 3. The density or intensity of use;
  - 4. The maximum height and size of proposed buildings;
  - 5. Provisions for reservation or dedication of land for public purposes; and
  - 6. The term of the agreement to a maximum of twenty years [consider maximum of 30 years].
- B. The development agreement may include conditions, restrictions, and requirements for subsequent discretionary actions, provided they shall not prevent development of the land for the uses and density or intensity of development set forth in the agreement.
- C. The agreement may provide that construction will commence within a specified time and that the project, or any phase thereof, will be completed within a specified time.

**17.58.060– Amendment, Cancellation, or Assignment**

- A. Either party may request an amendment or cancellation, in whole or in part, of any development agreement, either by procedures specifically set forth within the agreement or by the application process in compliance with Chapters 17.50 and 17.51 (Application Filing and Processing and General Application Procedures, respectively), on a form provided by the Department.
- B. An amendment or cancellation of the development agreement may occur upon mutual consent of the Board, the parties to the agreement, the qualified applicant(s) if different from the parties to the agreement, or as otherwise provided in the agreement.
- C. All assignments of the development agreement shall be subject to mutual agreement by all parties to the agreement, unless otherwise provided in the agreement. Any party to the agreement, excluding the County, may initiate a request for assignment. As part of the request for assignment, any amendments to the development agreement that may be required as a result of the assignment shall be identified.

**17.58.070– Recordation**

Within ten days after the effective date of a development agreement or any amendment or cancellation thereof, the Clerk of the Board shall have the agreement, amendment, or cancellation notice recorded with the County Recorder.

**17.58.080– Periodic Review**

- A. The Director shall review the development agreement not less than once every twelve months from its effective date for compliance with its terms and conditions.
- B. The Director shall begin the review proceedings by giving notice of the periodic review of the development agreement to each party to the agreement, excluding the County, and to each party entitled to notice in compliance with Section 17.51.050 (Public Notice).
- C. The Director shall conduct an investigation as to whether or not there has been good faith compliance and if it is found that there has not been such compliance a report with recommendations shall be filed with the Clerk of the Board.
- D. Upon receipt of the report, the clerk shall place the matter on the Board's agenda for public hearing, subject to public notice requirements.
- E. If the Board finds and determines on the basis of substantial evidence that the applicant has complied in good faith with the terms and conditions of the agreement during the

period under review, no further action is required. The burden of proof on this issue shall be on the applicant.

F. If the Board determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Board may modify or terminate the agreement.

**17.58.090- Rules, Regulations, and Official Policies**

Unless otherwise provided by the development agreement:

- A. The rules, regulations, and official policies of the ~~County~~county applicable to the development of the property that is subject to the development agreement, shall be those rules, regulations, and official policies in force at the time of the execution of the agreement.
- B. In subsequent actions on said property, the development agreement shall not prevent the ~~County~~county from applying new rules, regulations, or policies that do not conflict with those rules, regulations and policies in force at the time the agreement was executed.
- C. The development agreement shall not prevent the ~~County~~county from denying or conditionally approving any subsequent development project application on said property on the basis of such existing or new rules, regulations, and policies.