

Chapter 22.112 Planning Agency

Sections:

- 22.112.010 Purpose
- 22.112.020 Board of Supervisors
- 22.112.030 Regional Planning Commission
- 22.112.040 Director of Planning
- 22.112.050 Hearing Officer
- 22.112.060 Hearing Examiner

22.112.010 Purpose

This Chapter identifies the powers and duties of the officials responsible for administering this Ordinance.

22.112.020 Board of Supervisors

The Los Angeles County Board of Supervisors (Board) has the following powers and duties:

- A. Initiate, adopt, deny, or modify amendments to the Los Angeles County General Plan, Zoning Ordinance, Zoning Map, and amendments, and other similar plans and policies.
- B. Consider and certify environmental documents and hear appeals on environmental determinations by the Director, Hearing Officer or the Regional Planning Commission (Commission) as provided for by the California Environmental Quality Act (CEQA).
- C. Affirm, deny, or modify decisions of the Commission through appeals or calls for review pursuant to the provisions of

<p>Chapter 22.138 (Appeals) and the State Government Code.</p> <p>D. Establish fees for filing applications and services provided by the Department.</p> <p>E. Appoint commissioners to the Commission as provided for in Chapter 2.108 (Department of Chief Administrative Officer) in Title 2 (Administration) of the County Code.</p> <p>F. Appoint the Director of the Department of Regional Planning as provided for in Chapter 2.106 (Department of Regional Planning) in Title 2 (Administration) of the County Code.</p> <p>G. Confirm the appointment of Hearing Officers and Hearing Examiners.</p> <p>22.112.030 Regional Planning Commission</p> <p>The Commission is established pursuant to the County Code and the California Government Code and has the following powers and duties:</p> <p>A. Recommend to the Board amendments to the General Plan, Zoning Ordinance or Zoning Map.</p> <p>B. Conduct public hearings pursuant to Table 22.114.020: Review Authority and approve or deny applications.</p> <p>C. Consider and adopt, deny, modify, or certify environmental documents for applications other than for legislative items.</p> <p>D. Affirm, deny, or modify decisions of the Director or the Hearing Officer pursuant</p>	
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<p>to Chapter 22.138 (Appeals) and the State Government Code.</p> <p>E. Hear and decide appeals from the Director's decisions on Type II, III, IV applications as described in Table 22.114.020: Review Authority.</p> <p>22.112.040 Director of Planning</p> <p>The Director of Planning (Director) is appointed by the Board pursuant to Chapter 2.106 (Department of Regional Planning) in Title 2 (Administration) of the County Code and has the following powers and duties, which the Director may delegate to staff of the Department who are supervised by and report to the Director:</p> <p>A. Approve or deny applications pursuant to Table 22.114.020: Review Authority.</p> <p>B. Review discretionary applications subject to CEQA and the County's environmental review requirements and determine whether the discretionary application is exempt from review under CEQA and the County's environmental review.</p> <p>C. Review applications and notify the applicant if any additional information is necessary to conduct review in compliance with this Ordinance.</p> <p>D. Issue interpretations of this Ordinance pursuant to Chapter 22.116 (Interpretations).</p> <p>E. Recommend appointment of Hearing Officers and Hearing Examiners to the Board.</p> <p>22.112.050 Hearing Officer</p> <p>A Hearing Officer is an employee of or under</p>	
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<p>contract to the Department appointed by the Director and confirmed by the Board who has the following powers and duties:</p> <ul style="list-style-type: none">A. Conduct public hearings and approve or deny applications pursuant to Table 22.114.020: Review Authority, and approve or certify environmental documents.B. Affirm, rescind or modify zoning enforcement orders issued per Chapter 22.142 (Enforcement Provisions). <p>22.112.060 Hearing Examiner</p> <p>A Hearing Examiner is an employee of or under contract to the Department appointed by the Director and confirmed by the Board who has the following powers and duties:</p> <ul style="list-style-type: none">A. Conduct public hearings on discretionary applications when requested by the Director.B. Prepare and transmit recommendations to the Commission on Type IV and V applications for its consideration prior to the public hearing at the Commission, when requested by the Director. Recommendations may include findings, conditions and associated environmental determinations.	
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Chapter 22.114 Common Procedures

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22.114.010 **Purpose**

This Chapter establishes zoning application and processing procedures.

22.114.020 **Authority**

Table 22.114.020: Review Authority identifies the authority body responsible for making decisions on each type of application. The following authority bodies are listed within this Table:

- A. **Advisory Body.** The Advisory Body makes recommendations to a higher level Review Authority.
- B. **Review Authority.** The Review Authority is the decision maker that approves or denies an application. The Review Authority may refer an application to a higher level Review Authority for a decision on the application.
- C. **Appeal Body.** The Appeal Body makes decisions on an appeal to a decision of a lower level Review Authority.
- D. **California Coastal Commission.** Final decisions on the following actions are within the jurisdiction of the California Coastal Commission (CCC) pursuant to State law.
 - 1. Appeals of decisions on Coastal Development Permits pursuant to Chapter 22.130 (Coastal Development Permits).
 - 2. Final decision on Coastal Development Permits issued within their retained jurisdiction.

<p>3. Final decision on the certification of local coastal programs (LCPs).</p> <p>4. Amendments to the County's certified Local Coastal Programs.</p> <p>E. Review Authority Levels. The levels of review authorities, from highest to lowest is:</p> <ol style="list-style-type: none"> 1. Board of Supervisors; 2. Regional Planning Commission; 3. Hearing Officer; and 4. Director. 	
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TABLE 22.114.020: REVIEW AUTHORITY

<i>Application Type</i>	<i>Chapter</i>	<i>Noticing Required</i>	<i>Public Hearing Required</i>	<i>Advisory Body</i>	<i>Review Authority</i>	<i>Appeal Body</i>
Type I (Ministerial)	22.118	No	No	N/A	Director	Commission if applicable
Type II (Discretionary)	22.120	No	No	N/A	Director	Commission
Type III (Discretionary)	22.122	Yes	No	DRP Biologist, Environmental Review Board (ERB), Significant Ecological Areas Technical Advisory Committee (SEATAC)	Director	Commission/ Board
Type IV (Discretionary)	22.124	Yes	Yes	Director, DRP Biologist, ERB, SEATAC, Hearing Officer, Hearing Examiner	Hearing Officer/ Commission/ Board/ CCC	Commission/ Board/ CCC

Type V (Legislative)	22.126	Yes	Yes	Commission, Director, DRP Biologist, ERB, SEATAC, Hearing Officer, Hearing Examiner	Board/C CC	
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22.114.030 **Application Types**

This Ordinance establishes the application type required for a specific request. Application types include Type I, II, III, IV, and V applications.

22.114.040 **Multiple Applications**

- A. **Review Authority in Multiple Applications.** When a project requires two or more applications to be considered by different Review Authorities, all applications for the project shall be subject to jurisdiction by the highest Review Authority.
- B. **Concurrent Ministerial and Discretionary Applications.** If concurrent related uses and/or structures on a property require both ministerial and discretionary applications, a separate ministerial application may not be required. The discretionary application may include authorization for the ministerial uses and/or structures, unless otherwise noted within this Ordinance.
- C. **Concurrent Uses on a Site Requiring Different Discretionary Application Types.** If two uses are concurrently proposed on the same site, one use requiring a Type IV application and the other use requiring a lesser discretionary application (Type II or III), then a separate application for the lesser use may not be required if the Type IV application includes authorization for the lesser use, unless otherwise noted within this Ordinance.
- D. **Applications and Other Permits.** Applications for other permits (Oak Tree Permit, Housing Permit, etc.) listed in this

<p>Ordinance shall be processed in compliance with the application type listed and any additional requirements or review criteria related to the permit.</p> <p>E. Advisory Recommendation by Commission. If the Commission is reviewing a discretionary application that requires associated legislative approvals, the Commission shall make recommendations to the Board on both the environmental documentation and the discretionary and legislative applications. The Board takes final action on all such environmental documentation and discretionary and legislative applications.</p> <p>22.114.050 Application Filing and Withdrawal</p> <p>A. Application Forms and Information for Submitted Materials.</p> <ol style="list-style-type: none">1. The Director shall prepare application forms, including checklists that specify the information and materials necessary for processing each type of application.2. The applicant shall submit an application, all information and materials listed for the specific type of application on the checklist, and the filing fee, as listed in Section 22.114.060 (Fees and Deposits).3. The accuracy of all applications, information, and materials submitted shall be the responsibility of the applicant.4. Any materials submitted by an	
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applicant for an application, becomes County property and shall be available for public review.

B. **Applicants.** The following persons may file applications:

1. The owner(s) of the subject property;
2. An agent for the applicant with written authorization by the owner(s) of the property;
3. The plaintiff in an action in eminent domain to acquire the subject property, or any portion thereof; or
4. A public agency in negotiation to acquire a portion of the subject property.

C. **Withdrawal.** An applicant may withdraw an application at any time before a decision is made by the responsible Review Authority by filing a written request with the Director. Refunds shall comply with Section 22.114.060.D (Fee Refunds).

22.114.060 **Fees and Deposits**

A. **Schedule of Fees and Deposits.** The Board shall establish a schedule of fees and deposits for application processing. This shall be referred to as the Filing Fee Schedule. Fees are subject to change according to annual updates to the Consumer Price Index or adjusted by the County Auditor-Controller.

B. **Filing Fee(s).** No application shall be accepted without payment of the required fee or deposit per Subsection A, above, unless a fee waiver has been granted per

<p>Subsection C, below.</p> <p>C. Fee Waivers. No fee shall be required where, through an adopted resolution, the Board has determined that it is in the public interest to waive the required fee or deposit for an application.</p> <p>D. Fee Refunds. If any application is withdrawn as provided in Section 22.114.050.C (Withdrawal), the Director shall refund the following fraction of the filing fee:</p> <ol style="list-style-type: none">1. One-half of the payment shall be refunded if the application is withdrawn prior to publication of the required notice or prior to the mailing of the first correction letter for an incomplete application.2. There shall be no refund of any portion of the payment after:<ol style="list-style-type: none">a. Publication of the required notice;b. After an action has been taken by the Review Authority; orc. Mailing of the first correction letter for a Type I application. <p>E. Deposit Refunds. The Director may approve a refund of deposits after all fees and expenses incurred have been paid.</p> <p>22.114.070 Initial Application Review</p> <p>A. Review of Applications Filed. Within 30 days from the date the Department accepts an application for processing, the Director shall review the application to</p>	<p>22.60.110 Waiver of fees authorized when.</p> <p>In those instances where the board of supervisors, by resolution, determines it in the public interest to accept applications or petitions without filing fee, the director shall accept such applications or petitions subject to the requirements specified in said resolution. (Ord. 1494 Ch. 6 Art. 2 § 621.5, 1927.)</p> <p>22.60.120 Refund of fees or deposits.</p> <p>If any application or petition is withdrawn as provided in Section 22.60.090, the county shall refund the following fraction of the filing fee:</p> <p>A. Three-fourths of the fee shall be refunded if the case is withdrawn prior to the preparation and mailing of the notice of completeness. (Deleted)</p> <p>B. One-half of the fee shall be refunded if the case is withdrawn after the preparation and mailing of the notice of completeness, but prior to publication of the notice of hearing or prior to ex parte action by the hearing officer.</p> <p>C. There shall be no refund of any portion of the fee after the notice of hearing has been published or after ex parte action has been taken by the hearing officer. (Ord. 91-0101 § 12, 1991; Ord. 85-0195 § 15 (part), 1985; Ord. 1494 Ch. 6 Art. 2 § 622, 1927.)</p>
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<p>determine whether any additional information or detail is required to take action on the application. The Director shall also determine if the project is subject to review as determined by CEQA Guidelines.</p> <p>B. Determining Completeness. An application filing shall be complete when:</p> <ol style="list-style-type: none">1. All required application materials have been submitted as specified in the Department's filing instructions per Section 22.114.050.A (Application Forms and Information for Submitted Materials); and2. Fees have been submitted as required by Section 22.114.060.B (Filing Fees). <p>C. Additional Information.</p> <ol style="list-style-type: none">1. The Director may request additional information to clarify, correct or otherwise supplement information required after the application has been accepted by the Department for processing. The Department may suspend application processing if the additional information is not submitted.2. If an application is subject to environmental review, the Director may require the applicant to submit additional information needed to conduct an initial study to determine if the project may have a significant effect on the environment.	
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<p>D. Consultation. The Director may consult with any local, state or federal agency after the application has been accepted by the Department for processing. The applicant shall pay any required fee as listed in the Filing Fee Schedule for such consultation. Application processing may be suspended if any required fee is not paid.</p>	
<p>E. Incomplete Application. If an application is deemed incomplete, the Director shall provide written notification or correction letter to the applicant listing the applications, exhibits, revisions to plans, information, additional fees or any other materials that are necessary to complete the application. If the applicant does not provide the items required by the Director within 30 days of notification, the application shall become inactive. The Director may extend the time limit for a maximum of 30 days upon written request from the applicant.</p>	<p>This was added per LDCC request:</p> <p>In all other cases, the Hearing Officer's denial of an inactive application closes the application file. Once an application is denied, the applicant shall submit a new application and fees in compliance with Section 22.114.050 (Application Filing and Withdrawal) in order to proceed with the request.</p>
<p>F. Denial of Inactive Application. The Hearing Officer may deny, without a public hearing, an application for a discretionary permit if such application does not contain the information required by Subsections B through D, above. The Hearing Officer may permit the applicant to amend such application without the filing of additional permit fees if the amendments are made before the application is denied. In all other cases, the Hearing Officer's denial of an inactive application closes the application file. Once an application is denied, the applicant shall submit a new application and fees in compliance with Section 22.114.050 (Application Filing and Withdrawal) in order to proceed with the</p>	<p>22.56.060 Application--Denial for lack of information.</p> <p>The hearing officer may deny, without a public hearing, an application for a conditional use permit if such application does not contain the information required by Sections 22.56.030 and 22.56.040. The hearing officer may permit the applicant to amend such application. (Ord. 85-0195 §§ 13 (part) and 14 (part), 1985; Ord. 1494 Ch. 5 Art. 1 § 501.6, 1927.)</p>

<p>request.</p> <p>G. Pre-Approval Inspections. Every applicant seeking a permit in compliance with this Ordinance shall allow any County official participating in review of the application access to any premises or property that is the subject of the application. Failure to cooperate with the official shall result in the suspension of application processing until the inspection is completed.</p> <p>22.114.080 Project Evaluation and Staff Reports</p> <p>When a staff report is required, the Director shall make a report in writing to the Review Authority based on consideration of information in the record at the time the Director prepares the report. The report shall include:</p> <p>A. A recommendation based on:</p> <ol style="list-style-type: none">1. Evaluation of the project's conformance with the applicable goals, objectives, policies, and proposals of the General Plan and any other applicable adopted plans and policies;2. Determination of compliance with all applicable development standards and requirements for the base zone in which the subject property is located;3. Determination of the provision of adequate essential services for the subject property. The Director may consult with local agencies that provide essential facilities or services to determine if the project will be adequately served. Essential facilities and services	<p>NEW</p>
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<p>include, but are not limited to Fire, Sheriff, schools, water, and roads; and</p> <p>4. Information in the record including, but not limited to, the application, exhibits, maps, site plan, initial study, environmental determination or CEQA statutory exemption, agency comments, and review comments received prior to the public hearing.</p> <p>B. A recommendation on the environmental determination:</p> <p>1. If the project is subject to environmental review, a recommendation to adopt a Negative Declaration, Mitigated Negative Declaration or certify an Environmental Impact Report.</p> <p>2. If the project is found to meet the standards for a categorical exemption under the CEQA Guidelines, a statement that the project is exempt from environmental review and the class of exemption in which the project qualifies for.</p> <p>22.114.090 Public Hearing Notice</p> <p>When this Ordinance requires a public hearing, notice of the public hearing shall be provided in compliance with this Section and the State Government Code.</p> <p>A. Notice Content. Notice of a public hearing shall include the following information:</p> <p>1. Hearing Information.</p>	
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<p>a. The date, time, and place of the public hearing and the name of the Review Authority;</p> <p>b. A general description of the County's procedure concerning the conduct of the public hearing;</p> <p>c. A statement that comments may be submitted to the Director prior to the public hearing and that comments may be made or written material may be submitted at the public hearing;</p> <p>d. A statement that any interested person or authorized agent may appear and be heard at the public hearing; and</p> <p>e. The phone number, street address, and website of the County, where an interested person can call or visit to obtain additional information.</p> <p>2. <i>Project Information.</i></p> <p>a. The name of the applicant;</p> <p>b. The application number(s);</p> <p>c. A general description of the project and location of the subject property; and</p> <p>d. A statement that the Review Authority will also consider the project's environmental document, if</p>	
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<p>applicable.</p> <p>B. Distribution. Notice shall be provided as follows:</p> <p>1. Publication. Notice shall be published once in a newspaper of general circulation in the County of Los Angeles available in the community in which the project is proposed. The publication shall be at least 30 calendar days before the scheduled hearing, unless stated otherwise in this Ordinance.</p> <p>2. Mailing. Notice shall be mailed or delivered at least 30 calendar days before the scheduled hearing to the following, unless stated otherwise in this Ordinance.</p> <p>a. <i>Owner(s) and Applicant.</i> The owner(s) of the subject property, the applicant and the applicant's agent, if one has been provided.</p> <p>b. <i>Surrounding Properties.</i></p> <p>i. Type III Applications. Unless otherwise indicated in this Ordinance, all owners of property located within a 300-foot radius of the exterior boundaries of the subject property, as shown on the County's last equalized assessment roll.</p>	<p>22.60.174.A Unless otherwise specified by this Title 22, no less than 30 days prior to the date of any hearing, the director shall:</p> <p>A. Cause a copy of a notice of the time and place of such hearing to be published as follows:</p> <p>1. Hearings on general amendments to the Zoning Ordinance shall be published once in a newspaper of general circulation in the county of Los Angeles.</p> <p>2. Hearings on permits, variances, nonconforming uses or structure review, development agreements or zone changes shall be published once in a newspaper of general circulation in the county of Los Angeles available in the community in which the permit, variance or agreement is proposed to be established; except that surface mining permits for mining operations described in Part 9 of Chapter 22.56 shall be published in two newspapers of general circulation at least one of which is a newspaper available in the community in which such use is proposed to be established. Such publications, if made in a daily newspaper, shall be for a period of not less than five consecutive publications of such newspaper, and if made in a weekly newspaper, shall be for a period of not less than two consecutive publications of such paper, the first publication in either case appearing not less than 20 days before the date of the hearing; (This will be moved to Division 6 for Surface Mining.)</p>
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<p>ii. Type IV and V Applications. Unless otherwise indicated in this Ordinance, all owners of property located within a 500-foot radius of the exterior boundaries of the subject property, as shown on the County's last equalized assessment roll.</p> <p>iii. <i>Additional Notification Radius.</i> All owners of property located within a 1,000-foot radius of the exterior boundaries of the subject site, as shown on the County's last equalized assessment roll, unless a Community Standards District requires a different radius, for properties in the following areas:</p> <p>(1) Fifth Supervisorial District;</p> <p>(2) The Community of Avocado Heights,</p>	<p>22.60.174 Required procedures described.</p> <p>B. Cause a notice to be mailed by first class mail, postage prepaid to:</p> <ol style="list-style-type: none"> 1. The applicant and all persons listed in the application or petition as owners of the property under consideration, and 2. All persons whose names and addresses appear on the verified lists of property owners required to be submitted by the applicant, and 3. Such other persons whose property might in his judgment be affected by such application or permit, and 4. Any person who has filed a written request therefor with the director. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The director may establish a reasonable fee for persons on such list; <p>C. Cause a notice of the time and place of such hearing to be sent to such public officers, departments, bureaus or agencies who, in the opinion of the director, might be interested, requesting a report thereon;</p> <p>D. If for a revocation, also serve upon every person, if any, in real or apparent charge and control of the premises involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the holder of any lease of record, the record holder of any other estate or interest in or to the premises or any part thereof, written notice of the time and place of such hearing, either in the manner required by law for the service of summons,</p>
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<p>within the Puente Zoned District;</p> <p>(3) Workman Mill Zoned District; and</p> <p>(4) South San Gabriel Zoned District. (NEW)</p> <p>iv. Multi-Unit Housing. In the case of where multi-unit housing (a structure containing more than one dwelling unit) exists within the required noticing radius, a notice addressed to "Occupant" shall be mailed to each dwelling unit in addition to those mailed to the owner when the dwelling unit's address is different than the owner's address.</p> <p>c. <i>Persons Requesting Notice.</i> A person who has filed a written request for notice with the Director within one year prior to the public hearing.</p> <p>3. Notice Sign Posting. Where required by the application type,</p>	<p>or by registered mail, postage prepaid;</p> <p>E. The director may, as an alternative to the mailed notice required by subsections B1 and B2 of this section, provide an advertised notice in the time and manner specified in the Government Code when authorized by the Government Code.</p>
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<p>notice shall be posted on the subject property at least 30 days before the scheduled public hearing in the following manner, unless otherwise stated in this Ordinance.</p> <p>a. <i>Dimensions, Materials, and Content.</i> The size, height, materials, colors, content and lettering of the notice sign shall adhere to the specifications described in the checklist by the Department.</p> <p>b. <i>Location.</i> One sign shall be erected on each public road frontage adjoining the subject property, legible and accessible by foot from said public road(s). The sign(s) shall not create sight distance problems along the adjacent rights-of-way. If the subject property is not visible from an existing public road, the sign posting requirement may be modified by the Director.</p> <p>c. <i>Additional Posting Requirements.</i> The Director may require sign(s) to be larger and/or constructed of stronger weather-proof materials to improve visibility and legibility at the posted location(s) as the Director deems appropriate.</p> <p>d. <i>Verification.</i> The applicant</p>	<p>22.60.175 Posting.</p> <p>Not less than 30 days prior to a public hearing scheduled pursuant to this Title 22, the affected applicant shall post sign(s) according to the following specifications:</p> <p>A. Size. Dimension of sign(s) shall be two feet in width and three feet in length;</p> <p>B. Height. Sign(s) shall be placed not less than four feet above ground level;</p> <p>C. Materials. Sign(s) shall be cardboard with a plywood backing. Except for sign(s) located within structures, sign(s) shall be affixed to (a) wooden stake(s);</p> <p>D. Location. One sign shall be located on each public road frontage adjoining the proposed project, legible and accessible by foot from said public road(s). If the subject property is not visible from an existing public road, the signposting requirement may be waived by the director;</p> <p>E. Colors. Black letters on white background;</p> <p>F. Content and Lettering. Major block-style letters three inches in height shall state: "NOTICE OF HEARING." Minor letters one and one-half inches in height shall specify the case number and the phone number to be called for information. A notice of hearing the same as that specified by subsection A.2 of Section 22.60.174 indicating the time, date, and location of the public hearing, the case number, a telephone number which may be called for information about the proposal, a description of the proposal, and a map showing the boundaries of the subject property in relation to the adjoining public roads, shall be securely affixed to the sign;</p> <p>G. Additional Requirements.</p> <p>Notwithstanding the specifications provided in subsections A, B, C, and F, above, the</p>
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<p>shall provide the Director with a photograph showing the sign(s) erected on the subject property. The applicant shall also sign an affidavit stating that the sign(s) have been placed on the subject property in compliance with this Subsection B.3.</p> <p>e. <i>Maintenance and Display.</i> The applicant shall be responsible for maintaining the sign(s) in a satisfactory condition and continuously displaying the sign during the 30 days prior to the public hearing.</p> <p>f. <i>Removal.</i> The sign(s) shall be removed from the subject property within one week following the close of the final public hearing.</p> <p>g. <i>Failure to Comply.</i> Failure of the applicant to comply with this Subsection B.3 shall result in postponement of the public hearing.</p> <p>h. <i>Exception.</i> The sign posting provisions of this Subsection B.3 shall not apply to public hearings on matters initiated by the Commission or Board. The Director may post signs for such public hearings at locations he or she deems appropriate.</p>	<p>director may at his discretion require any sign(s) to be larger and/or constructed of stronger materials to improve visibility and legibility at the posted location(s);</p> <p>H. Verification. At the time of the public hearing the applicant shall provide the director with a photograph showing the sign(s) erected on the subject property. The applicant shall also sign an affidavit stating that the sign(s) have been placed on the subject property in conformity with the provisions of this section;</p> <p>I. Removal of Sign(s). The sign(s) shall be removed from the subject property within one week following the public hearing; and</p> <p>J. Applicability. These provisions shall not apply to public hearings on matters initiated by the Board of Supervisors or the Regional Planning Commission; however, the director may, in his discretion, cause signs for such public hearings to be posted at locations he deems appropriate. (Ord. 2006-0006 § 1, 2006: Ord. 2001-0044 § 1, 2001: Ord. 92-0096 § 6, 1992.)</p>
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C. **Failure to Receive Notice.** The failure of any person or entity to receive notice provided in compliance with this Section or with the State Government Code shall not invalidate the actions of the Review Authority.

22.114.100 **Public Hearing Procedure**

When this Ordinance requires a public hearing, it shall be conducted in compliance with this Chapter.

A. **Time and Location.** A public hearing shall be held at the date, time, and location for which notice was given.

B. **Continued Public Hearing.**

1. A public hearing may be continued without further notice, provided that the Review Authority announces for the record the date, time, and location where the public hearing will be continued before the Review Authority adjourns.

2. If the public hearing is continued to an undetermined date or taken off the public hearing calendar, the applicant shall pay the rehearing fee per the Filing Fee Schedule before the public hearing is rescheduled. Notice of the continued public hearing shall be provided in accordance with Section 22.114.090 (Public Hearing Notice).

C. **Referral.**

1. The Hearing Officer may refer an application to the Commission for decision. Continued public hearings shall comply with

22.60.178 Continuance of hearings authorized when.

If for any reason the testimony on any case set for public hearing cannot be completed on the appointed day, the chairman of such hearing may, before adjournment or recess, publicly announce the time and place at which said hearing will be continued, and no further notice thereof shall be required. (Ord. 85-0009 § 14 (part), 1985; Ord. 1494 Ch. 6 Art 3 § 632, 1927.)

<p>Subsection B, above.</p> <p>2. The Board may refer an application to the Commission for decision or additional review.</p> <p>22.114.110 Findings and Decision</p> <p>A. Authorized Actions. The Review Authority may approve, conditionally approve, or deny the application.</p> <p>B. Required Findings. The Review Authority shall approve the application only after the applicant substantiates the following required findings:</p> <ol style="list-style-type: none"> 1. The proposal is consistent with the General Plan; 2. The proposal is allowed within the applicable base zone and complies with all other applicable provisions of this Ordinance; 3. The design, location, size, and operating characteristics of the proposal are compatible with the existing land uses and zoning in the vicinity; and 4. The proposal is physically suitable for the site. The factors related to the proposal's physical suitability of the site shall include, but are not limited to, the following: <ol style="list-style-type: none"> a. The design, location, shape, size, and operating characteristics are suitable for the proposed use; b. The highways or streets that provide access to the site are of sufficient width 	<p>22.56.090 Application--Grant or denial--Findings and decision at public hearing.</p> <p>A. The hearing officer shall approve an application for a conditional use permit where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:</p> <ol style="list-style-type: none"> 1. That the proposed use will be consistent with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply; 3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and 4. That the proposed site is adequately served: <ol style="list-style-type: none"> a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and b. By other public or private service facilities as are required.
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<p>and are improved as necessary to carry the kind and quantity of traffic such proposal would generate;</p> <p>c. Public protection services (e.g., fire protection, Sheriff protection, etc.) are readily available; and</p> <p>d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.) are adequate to serve the site.</p> <p>5. The proposal will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare, or be materially detrimental or injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.</p> <p>C. Additional Findings. In addition to the findings stated in Subsection B, above, additional findings may be required for a proposed use, as required by the Review Authority, this Division 7 (Administration and Permits), Division 6 (Standards for Specific Uses) or elsewhere in this Ordinance.</p> <p>D. Failure to Substantiate Findings. The Review Authority shall deny the application where the information submitted by the applicant and/or</p>	<p>2. That the requested use at the location proposed will not:</p> <p>a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or</p> <p>b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or</p> <p>c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and</p> <p>B. The hearing officer shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate such findings to</p>
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<p>presented at the public hearing fails to substantiate all of the required findings to the satisfaction of the Review Authority.</p> <p>22.114.120 Recommendations after Public Hearing</p> <p>A. Hearing Examiner. If the Director requests a Hearing Examiner to conduct a public hearing on a specific application, the following shall apply:</p> <ol style="list-style-type: none">1. After the Hearing Examiner's public hearing, the Hearing Examiner shall prepare recommendations and findings based on the testimony received and analysis of the application.2. The recommendations and findings shall be transmitted to the Commission for its consideration prior to the Commission's public hearing on the same application. <p>B. Commission. When the Commission makes a recommendation to the Board, the following shall apply</p> <ol style="list-style-type: none">1. After the Commission's public hearing on a legislative action, the recommendation and findings of the Commission shall be forwarded to the Board.2. After the Commission's public hearing on a discretionary application, which is heard concurrently with a legislative action, the recommendation and findings of the Commission on the legislative and quasi-judicial matters shall be forwarded to the Board	<p>the satisfaction of the hearing officer.</p>
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concurrently.

C. **Copy of Recommendation to Applicant.** A copy of the recommendations shall be mailed to the applicant at the mailing address stated in the application.

D. **Copy of Recommendation to Testifiers.** A copy of the recommendations shall be delivered to every member of the public who testifies at their respective public hearings, and to any other person who has filed a written request with the Director.

22.114.130 Decision after Public Hearing

A. **Hearing Officer.** At the conclusion of a public hearing, the Hearing Officer shall take action on the application. The decision is final unless the decision is appealed to the Commission.

B. **Commission.** At the conclusion of a public hearing, the Commission shall take action on the application. The decision is final, unless the decision is appealed to the Board of Supervisors.

C. **Board of Supervisors.** At the conclusion of a public hearing, the Board shall take action on the application. The decision of the Board shall be final on any matter except a Local Coastal Program amendment or a Coastal Development Permit, or a Coastal Development Permit located in an area without a certified Local Coastal Program.

22.114.140 Notice of Action and Findings

A. Once the Review Authority takes action on a discretionary application, it shall

22.60.190 Notification of action taken.

The hearing officer, commission, or board of supervisors shall serve notice of its action upon:

<p>issue a Notice of Action. The Notice of Action shall describe the action taken, list the findings that were the basis for the decision, and include any applicable conditions.</p> <p>B. Findings, where required by State law or this Ordinance, shall be based upon consideration of the application, plans, testimony, reports and other materials that constitute the administrative record and shall be stated in writing.</p> <p>C. The Review Authority shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to substantiate all of the required findings to the satisfaction of the Review Authority.</p> <p>D. The Director shall mail the Notice of Action to the applicant and testifiers in compliance with Sections 22.114.120.C (Copy of Recommendation to Applicant) and 22.114.120.D (Copy of Recommendation to Testifiers).</p>	<p>A. The applicant for a permit, variance, nonconforming use or structure review, development agreement or zone change, or the person owning and/or operating a use for which the revocation of a permit, variance or nonconforming use or structure is under consideration as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested; and</p> <p>B. The following persons by first class mail, postage prepaid:</p> <ol style="list-style-type: none">1. All protestants testifying or speaking at the public hearing;2. All persons testifying or speaking in favor of the proposal at a public hearing;3. Any other persons testifying or speaking at a public hearing. <p>C. In matters for which a hearing examiner has conducted a public hearing, the hearing examiner shall mail notice of the date, time, and place for the commission public hearing on the project, a synopsis of the hearing examiner's public hearing, and the written recommendation to the commission to persons identified in subsections A and B. The commission's public hearing in such matters shall also be preceded by timely and complete notice in accordance with sections 22.60.174 and 22.60.175.</p>
<p>22.114.150 Effective Date of Decision</p> <p>A. The decision of the Review Authority shall be effective on the 15th calendar day following the date of the decision, except when the decision is appealed or called for review by the Appeal Body, according to Table 22.114.020: Review Authority, before the effective date.</p> <p>B. If the last day to file an appeal or call for review falls on a non-business day for the appellate body, then the deadline is extended to the next business day and the effective date of the decision is also extended to the following business day.</p>	<p>22.60.260 Effective dates.</p> <p>Unless otherwise specified in Chapter 22.56, the following effective dates shall apply to all land use permits and variances issued pursuant to Title 22:</p> <p>A. Except as set forth in subsection B, below, the decision of the director, hearing officer, or the commission shall be effective on the 15th calendar day following the date of the decision, except and unless the decision is timely appealed or called up for review, where available. To be timely, an appeal or call for review must be initiated on or before the 14th calendar day following the date of the decision unless said 14th day falls on a non-business day of the applicable appellate body, in which case, the appeal deadline shall be extended to</p>

- C. In all cases in which a project has received approvals issued concurrently pursuant to both this Title and Title 21 (Subdivisions), the decision shall become effective on the first calendar day after expiration of the time limit established by Section 66452.5 of the Government Code as set forth in Section 21.56.010 (Procedures-- Submittal and Determination) of Title 21 (Subdivisions) of the County Code.
- D. Appeals or calls for review shall be filed pursuant to Chapter 22.138 (Appeals).

22.114.160 Scope of Approvals

- A. Only legally established uses and development, authorized by a permit issued from the Department, may be used on a property. All other uses and activities are not permitted unless they are permitted by the Base Zone.
- B. Unless otherwise specified by the Review Authority, the approved site plan, floor plans, building elevations and any additional information submitted during the approval process shall be deemed conditions of approval.
- C. For a Type I application, an approval or denial may be in the form of a stamp, signature, or other official notation or documentation on the site plan and/or in the form of a letter.
- D. For Type II, Type III and Type IV applications, the plans, upon approval by the Director, shall be stamped and referred to as "Exhibit A". Unless otherwise indicated in the approval, the Exhibit "A" shall not be stamped approved until the permit has become effective in

the next business day and the effective date of the decision shall be the following day.
B. In all cases in which a project has received permits issued concurrently pursuant to both this Title 22 and Title 21 -- Subdivisions, the decision shall become effective on the first calendar day after expiration of the time limit established by section 66452.5 of the Government Code as set forth in Section 21.56.010 of Title 21.

C. Where an appeal to or call for review by the board of supervisors is filed relating to any land use permit or variance, the date of decision by the board of supervisors of such appeal or review shall be deemed the date of grant in determining an expiration date. (Ord. 2008-0026 § 32, 2008: Ord. 2001-0070 § 5, 2001: Ord. 87-0039 § 2 (part), 1987: Ord. 85-0195 § 7 (part), 1985.)

<p>compliance with Section 22.114.140 (Effective Date of Decision), all performance guarantees and covenants in compliance with Section 22.114.190 (Performance Guarantees and Covenants) and any applicable conditions of approval have been completed.</p> <p>E. If the use or structure is contrary to the description in the application, so as to either violate this Ordinance and/or the conditions of approval, or require additional permits, then the approval shall be deemed null and void. Enforcement measurements will be taken until the violation is corrected.</p> <p>F. All permits may be subject to periodic review to determine compliance. If a condition specifies that uses allowed under the permit are subject to periodic reporting, monitoring or assessments, or a time limitation, it shall be the responsibility of the property owner and their successors to comply with these conditions.</p> <p>22.114.170 Conditions of Approval</p> <p>In approving any discretionary application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the permit will be in compliance with the findings required by Section 22.114.130 (Notice of Action and Findings).</p> <p>22.114.180 Use of Property Before Final Action</p> <p>Any property involved in a discretionary application shall not be used for the use requested in an application until and unless the permit has become effective, in compliance with Section 22.114.140 (Effective Date of Decision) and an approved Exhibit "A" has been issued by the Department in compliance with Section</p>	<p>5.56.100 Permit--Additional conditions imposed when.</p> <p>A. The hearing officer, in approving an application for a conditional use permit, may impose such conditions as he deems necessary to insure that such use will be in accord with the findings required by Section 22.56.090. Conditions imposed by the hearing officer may involve any pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to (the listing was deleted)</p>
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<p>22.114.150 (Scope of Approvals).</p> <p>22.114.190 Approvals Run with the Land</p> <p>Any approval granted pursuant to the provisions of this Ordinance and that is valid and in effect shall adhere to the land. The approval, including any applicable conditions or requirements, shall continue to be valid upon change of ownership of the subject land or any lawfully existing structure from the effective date of the permit, except when a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the conditions of approval.</p> <p>22.114.200 Performance Guarantees and Covenants</p> <p>Approval of an application may require that the permittee guarantee, warrant or ensure compliance with the provisions of this Ordinance, approved plans or conditions. To ensure compliance, the County may require the applicant to:</p> <p>A. Record the terms and conditions of the approval with the County Registrar-Recorder. Upon any transfer or lease of the property during the term of this grant, the permittee shall provide a copy of the permit approval and its conditions to the transferee or lessee;</p> <p>B. Deposit a financial assurance or bond or other mechanism in a reasonable amount, as determined by the Director, to ensure the faithful performance of one or more of the conditions of approval;</p> <p>C. Record a covenant restricting the use of the subject property (e.g., limitations on occupancy or maintenance of affordability) with the Registrar-Recorder/County Clerk; or</p> <p>D. Record a covenant guaranteeing use and maintenance on a separate property necessary to comply with requirements</p>	<p>22.56.170 Continuing validity of permit.</p> <p>A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this Title 22 shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land. (Ord. 1494 Ch. 5 Art. 1 § 501.23, 1927.)</p>
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<p>(e.g. adequate access) with the Registrar-Recorder/County Clerk.</p> <p>22.114.210 Time Limits and Extensions</p> <p>A. A permit shall be used within the time limit specified in the permit, or, if no time limit is specified, two years after the date the decision is made by the Review Authority. If not used within the applicable time limit, the approval becomes null and void.</p> <p>B. The Review Authority may extend the time limit in which to use a permit for a maximum of one year. An application requesting the extension shall be filed prior to the expiration date.</p> <p>C. In the case of applications heard concurrently with a land division, the limits and extensions shall be concurrent and consistent with those of the land division.</p> <p>D. In the case of a nonprofit corporation organized to provide low-income housing for the poor or elderly, the Review Authority may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.</p> <p>E. In the case of an application requiring approval by the Coastal Commission, the permit shall be used within two years after the Coastal Commission approval, unless otherwise specified in the permit. If the application is denied by the Coastal Commission, the permit becomes null and void.</p> <p>F. In the case of a permit for a publicly owned use, no time limit shall apply to use the approval provided that the public</p>	<p>22.56.140 Expiration date of unused permits.</p> <p>A. A permit issued on or after January 21, 1937, which is not used within the time specified in such permit, or, if no time is specified, within two years after the granting of the permit, becomes null, void and of no effect at all:</p> <ol style="list-style-type: none">1. That in all cases the hearing officer may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. <p>In the case of a nonprofit corporation organized to provide low-income housing for the poor or elderly, the hearing officer may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension;</p> <ol style="list-style-type: none">2. Repealed by Ord. 92-0032; <ol style="list-style-type: none">3. That in the case of a permit for a publicly owned use, no time limit shall apply to utilization of such permit provided that the public agency:
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<p>agency:</p> <ol style="list-style-type: none">1. Acquires the property involved or commences legal proceedings for its acquisition, within one year of the effective date of the approval; and2. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts the subject property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area per face indicating the agency and the purpose for which it is to be developed. One sign shall be placed facing and located within 50 feet of each street, highway or parkway bordering the property. Where the property in question is not bounded by a street, highway or parkway the agency shall erect one sign facing the street, highway or parkway nearest the property. <p>G. A permit shall be considered used when activity authorized by the permit has commenced that would otherwise be prohibited in the base zone if no permit had been granted. For this Subsection G, activity shall include grading with required grading permits, construction with required building permits, or the commencement or initiation of the permitted use.</p> <p>H. A discretionary permit shall automatically cease to be of any force and effect if the use for which the permit was granted has ceased or has been suspended for a</p>	<ol style="list-style-type: none">a. Within one year of the date of such approval either acquires the property involved or commences legal proceedings for its acquisition, andb. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts such property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area per face indicating the agency and the purpose of which it is to be developed. One such sign shall be placed facing and located within 50 feet of each street, highway or parkway bordering the property. Where the property in question is not bounded by a street, highway or parkway the agency shall erect one sign facing the street, highway or parkway nearest the property;4. That, in the case of a conditional use permit filed and heard concurrently with a land division, the hearing officer shall specify the limits and extensions to be concurrent and consistent with those of the land division. <p>B. A conditional use permit shall be considered used, within the intent of this section, when construction or other development authorized by such permit has commenced that would be prohibited in the zone if no permit had been granted.</p> <p>22.56.150 Expiration following cessation of use. A conditional use permit granted by action of the hearing officer or the commission, shall automatically cease to be of any force and effect if the use for which such conditional use permit was granted has ceased or has been suspended for a consecutive period of two or more years. (Ord. 85-0195 § 10 (part), 1985; Ord. 1494</p>
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<p>consecutive period of two or more years.</p> <p>22.114.220 Resubmission of Application</p> <p>No discretionary application shall be filed or accepted if a final action (approval or denial) has been taken within one year on an application requesting the same, or substantially the same application.</p>	<p>Ch. 5 Art. 1 § 501.19, 1927.)</p>
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Chapter 22.116 Interpretations

Sections:

- 22.116.010 Intent
- 22.116.020 Request for Interpretation
- 22.116.030 Additional Requirements for Unlisted Uses
- 22.116.040 Record of Interpretation

22.116.010 Intent

- A. **Authority.** The Director has the authority to interpret any provision of this Ordinance. Whenever the Director determines that the meaning or applicability of any Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation.
- B. **Types of Interpretations.** Interpretations made by the Director include the following:
1. Unlisted uses;
 2. Determining the location of boundaries on the Zoning Map;
 3. Applicability of development standards;
 4. Definitions, terms or phrasing, and language construction;
 5. Determining measurement; and
 6. Interpretation of how any of the Subsections B.1 through B.5, above, apply to a specific site.

NEW. Per County Counsel, this states information about powers the Director already has. This Chapter has not been vetted by the Director nor the Technical Update Focus Group.

22.116.020 Request for Interpretation

The request for an interpretation or determination shall be made in writing to the Department, shall include all information required by the Department, and the established processing fee, where applicable.

22.116.030 Additional Requirements for Unlisted Uses

A. **Similar and Compatible Uses.** The Director may determine that a proposed but unlisted use in this Ordinance is allowed in compliance with this Section.

B. **Required Findings.** The Director may determine that a proposed but unlisted use is similar to and compatible with a listed use and may be allowed, only after making the following findings:

1. The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;
2. The use will be consistent with the purposes of the applicable base zone;
3. The use will be consistent with the General Plan;
4. The use will be compatible with the other uses allowed in the base zone; and
5. The use is not listed as allowed in another base zone than where proposed.

C. **Applicable Standards and Permit Requirements.** When the Director

<p>determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Ordinance apply.</p> <p>22.116.040 Record of Interpretation</p> <p>The findings supporting the determination of an interpretation made by the Director shall be in writing and kept on file in the Department and available to the public.</p>	
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**Chapter 22.118 Type I Applications—
Ministerial**

Sections:

- 22.118.010 Purpose
- 22.118.020 Applicability
- 22.118.030 Application Filing, Fees
and Initial Review
- 22.118.040 Decision
- 22.118.050 Notice of Action
- 22.118.060 Effective Date of Decision
- 22.118.070 Time Limits and
Extensions
- 22.118.080 Procedures for Revisions
to a Site Plan
- 22.118.090 Revisions to a Site Plan—
Revised Exhibit A
- 22.118.100 Procedures for Revisions
to a Site Plan—Revised
Exhibit A

22.118.010 Purpose

The Type I application is a ministerial process to verify that a proposed use or structure is allowed in the applicable base zone, and complies with all of the applicable requirements and development standards.

22.118.020 Applicability

- A. **Base Zones.** A Type I application is required to authorize uses identified by Division 2 (Base Zones) as being permitted in the applicable base zone, subject to the approval of a Type I application.

- B. **Site Plan as Part of Application.** Where a site plan is required in an application for a Type II, III, or IV application, the site plan shall be considered a part of the

application and shall not require separate Type I approval in compliance with this Chapter.

- C. **Additional Requirements.** The Director may require a site plan for any development of land, structure, use, or modification of standards that involves the approval of the Director and supplemental information or material as may be necessary, including revised or corrected copies of any site plan or other document previously submitted.

22.118.030 Application Filing, Fees and Initial Review

Applications for a Type I application shall be in compliance with Sections 22.114.040 (Multiple Applications), 22.114.050 (Application Filing and Withdrawal), 22.114.060 (Fees and Deposits), and 22.114.070 (Initial Application Review).

22.118.040 Decision

The Director shall approve or deny the proposed use, development or modification as requested in the Type I application and as indicated in the required site plan based on an assessment that the use, development of land and development standards are or are not in compliance with all applicable provisions of this Ordinance.

22.118.050 Notice of Action

- A. **Notification Requirements.** The Director shall notify the applicant of the action taken on the application by first class mail, or other means deemed appropriate by the Director. Such notification may also be hand delivered to the applicant.

- B. **Time Limit for Decision.** If the Director

takes no action on a Type I application within 90 days from the date of filing, it shall constitute a denial of such application.

- C. **Scope of Approvals.** Only legally established uses and development, authorized by an approved permit from the Department, may be used on a property per Section 22.114.160 (Scope of Approvals).

22.118.060 Effective Date of Decision

- A. The decision of the Director on a Type I application is effective the date the site plan or letter is stamped or signed.
- B. Appeals shall be filed pursuant to Chapter 22.138 (Appeals).

22.118.070 Post-Decision Procedures

Type I application post-decision procedures shall be in compliance with Sections 22.114.180 (Use of Property Before Final Action), 22.114.190 (Approvals Run with the Land), 22.114.200 (Performance Guarantees and Covenants), and 22.114.210 (Time Limits and Extensions).

22.118.080 Procedures for Revisions to a Site Plan

Procedures for application filing, review, decision, notice of action, post-decision procedures and time limits for revisions to a site plan shall be the same as for the original site plan approved. The revised site plan shall comply with Sections 22.118.030 through 22.118.070.

**Chapter 22.120 Type II Applications—
Discretionary**

Sections:

- 22.120.010 Purpose
- 22.120.020 Applicability
- 22.120.030 Review Authority and
Related Procedures
- 22.120.040 Application Filing, Fees
and Initial Review

- 22.120.050 Decision
- 22.120.060 Post-Decision Procedures
- 22.120.070 Revisions to a Site Plan –
Revised Exhibit A.

22.120.010 Purpose

The Type II application is a discretionary process for reviewing uses that may be appropriate in the applicable base zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. Type II applications do not require noticing nor a public hearing.

22.120.020 Applicability

- A. **Base Zones.** A Type II application is required to authorize uses identified by Division 2 (Base Zones) as being permitted in the applicable base zone, subject to the approval of a Type II application.

- B. **Other Specific Uses.** A Type II application may also be required for use types having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located and operated compatible with uses on

adjacent properties and in the surrounding area.

22.120.030 Review Authority and Related Procedures

- A. **Decision.** A Type II application shall be approved or denied by the Review Authority in compliance with Table 22.114.020: Review Authority, and any additional requirements or review criteria for a Type II application established in this Ordinance.
- B. **Referral.** The Review Authority may refer a Type II application to the next higher Review Authority for consideration and decision.

22.120.040 Application Filing, Fees and Initial Review

Applications for a Type II application shall be in compliance with Sections 22.114.040 (Multiple Applications), 22.114.050 (Application Filing and Withdrawal), 22.114.060 (Fees and Deposits), and 22.114.070 (Initial Application Review).

22.120.050 Decision

The Director shall either approve or deny the application for a proposed use, modification or development based on the following:

- A. That the use, development of land or application of development standards is in compliance with all applicable provisions of this Ordinance;
- B. That the use, development of land or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so

<p>arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice;</p> <p>C. That the use, development of land or application of development standards is suitable from the standpoint of functional developmental design; and</p> <p>D. That the use will be consistent with the General Plan.</p> <p>22.120.060 Post-Decision Procedures</p> <p>Type II application post-decision procedures shall be in compliance with Sections 22.114.140 (Notice of Action and Findings), 22.114.150 (Effective Date of Decision), 22.114.160 (Scope of Approvals), 22.114.170 (Conditions of Approval), 22.114.180 (Use of Property before Final Action), 22.114.190 (Approvals Run with the Land), 22.114.200 (Performance Guarantees and Covenants), 22.114.210 (Time Limits and Extensions) and 22.114.220 (Resubmission of Application).</p> <p>22.120.070 Revisions to a Site Plan— Revised Exhibit A</p> <p>A. Director May Approve Revisions. The Director may approve revisions to a site plan for an approved Type II, Type III or IV application, provided that the revisions to the site plan:</p> <ol style="list-style-type: none">1. Are consistent with the findings made when the permit was originally approved;2. Comply with all existing conditions of approval;	<p>Director's Review – no notification</p>
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<p>3. Maintains the required number of parking spaces; and</p> <p>4. Shall comply with Base Zone requirements.</p> <p>B. Allowable Revisions. Allowable revisions are limited to the following:</p> <p>1. Relocation of the proposed buildings or structures, provided that the relocation does not encroach into the required yard setbacks or where there are no required yard setbacks, any portion of a building is not relocated closer to a property line than in the original approval, except for projects that were approved under Title 21 (Subdivisions) of the County Code;</p> <p>2. Revisions to interior spaces, increasing the number of employees, rooms or entrances, as long as the occupancy load of the building is not increased;</p> <p>3. Change of uses that do not increase parking requirements;</p> <p>4. Reduction in size or intensity of approved uses;</p> <p>5. Establishing a new product line, activity, function, or service that does not substantially change the character of the use;</p> <p>6. Minor changes to grading on an approved tentative map + 3'0" pad elevation with smaller or the same size footprint;</p> <p>7. Retaining walls and associated</p>	
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<p>grading; or</p> <p>8. Modifications to the site plan or Revised Exhibit "A" if required by an approved Type IV permit.</p> <p>C. Changes to an Approved Permit. Any changes to an approved permit that are not in compliance with Subsection B, above, shall require approval of the original Review Authority for modification, in compliance with Chapter 22.134 (Minor Permit Modifications). Proposals that don't qualify for a Minor Permit Modification will require a new Type II, Type III or Type IV application.</p> <hr/> <p>Chapter 22.122 Type III Applications— Discretionary</p>	
<p>Sections:</p> <ul style="list-style-type: none">22.122.010 Purpose22.122.020 Applicability22.122.030 Review Authority and Related Procedures22.122.040 Application Filing, Fees and Project Review22.122.050 Project Notice and Required Actions22.122.060 Post-Decision Procedures22.122.070 Revisions to a Site Plan – Revised Exhibit A <p>22.122.010 Purpose</p> <p>The Type III application is a discretionary process</p>	<p>Director's Review – with notification All notification has been standardized to a 500 foot radius</p>

for reviewing uses that may be appropriate in the applicable base zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. Type III applications require public notification, but do not require public hearings.

22.122.020 Applicability

- A. **Base Zones.** A Type III application is required to authorize uses identified by Division 2 (Base Zones) as being permitted in the applicable base zone, subject to the approval of a Type III application.
- B. **Other Specific Uses.** A Type III application may also be required for use types having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located and operated compatible with uses on adjacent properties and in the surrounding area.

22.122.030 Review Authority and Related Procedures

- A. A Type III application shall be approved, conditionally approved, or denied by the Review Authority in compliance with Table 22.114.020: Review Authority, and any additional requirements or review criteria for a Type III review established in this Ordinance.
- B. **Referral.** The Review Authority may refer a Type III application to the next higher Review Authority for consideration and decision.

22.122.040 Application Filing, Fees and Project Review

Applications for a Type III application shall be in compliance with Sections 22.114.040 (Multiple Applications), 22.114.050 (Application Filing and Withdrawal), 22.114.060 (Fees and Deposits), 22.114.070 (Initial Application Review) and 22.114.080 (Project Evaluation and Staff Reports).

22.122.050 Project Notice and Required Actions

The Department shall provide notice and make a decision as follows:

- A. **Notice.** The notice shall:
1. Describe the project in compliance with Section 22.114.090.A.2 (Project Information);
 2. Indicate that any individual may request a public hearing on the application by filing a written request with the Director within 15 days of the date on the notice;
 3. Indicate that a request for a public hearing shall include a statement of why a public hearing should be held; and
 4. Include the phone number, street address, and website of the County, where an interested person can call or visit to obtain additional information.
- B. **Distribution.** Notice shall be distributed in compliance with Section 22.114.090.B (Distribution).
- C. **Approval.** The Review Authority may approve a Type III application if:
1. Not more than two valid written requests for a public hearing,

<p>pursuant to Subsection E, below, are received within the period specified in Subsection A, above; and</p> <p>2. That the findings, principles, and standards of Section 22.114.110 (Findings and Decision), are established.</p> <p>D. Denial. The Review Authority shall deny the Type III application if:</p> <p>1. Three or more separate, written requests for a public hearing, pursuant to Subsection E, below, are received within the period specified in Subsection A, above; or</p> <p>2. Where the findings, principles, or standards of Section 22.114.110 (Findings and Decision), are not established.</p> <p>E. Written Requests.</p> <p>1. The written requests for a public hearing shall be based on issues of significance directly related to the application; provision of evidence that the request cannot meet one or more of the findings, principles, or standards identified in Section 22.114.110 (Findings and Decisions) in order to be considered valid;</p> <p>2. Requests received from both an owner and an occupant of the same property shall be considered to be only one request for the purposes of this Subsection E;</p> <p>3. All requests from more than one</p>	<p>We added standards for written requests by the request of the group</p>
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<p>member of a homeowners association shall be considered as only one request; and</p> <p>4. All requests for a public hearing shall be initiated by individuals who live within the required notification radius.</p> <p>F. Notice of Action.</p> <p>1. The Review Authority shall notify the applicant and all persons specified in Section 22.114.140 (Notice of Action and Findings) in writing of the action taken on the application within 24 hours of the action; and</p> <p>2. The notification shall indicate that non-applicants may file an appeal with the Commission, in compliance with Chapter 22.138 (Appeals).</p> <p>G. Required Actions.</p> <p>1. When the Review Authority denies an application, the Review Authority shall inform the applicant that a Type IV application and a request to schedule a public hearing before the Commission must be filed within 14 days of the date of the Review Authority's decision in order for application processing to continue.</p> <p>2. The applicant shall pay the fee per the Filing Fee Schedule. The fee shall be the difference already paid by the applicant for a Type III application and a Type IV application.</p>	
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3. The Director shall provide a new application number and associated application file for the new Type IV application for the subject project.

4. If the applicant does not file a Type IV application and fee as specified in Subsection G.1 and G.2, above, The Type III application shall be denied and will not be subject to appeal.

22.122.060 Post-Decision Procedures

Type III application post-decision procedures shall be in compliance with Sections 22.114.140 (Notice of Action and Findings), 22.114.150 (Effective Date of Decision), 22.114.160 (Scope of Approvals), 22.114.170 (Conditions of Approval), 22.114.180 (Use of Property before Final Action), 22.114.190 (Approvals Run with the Land), 22.114.200 (Performance Guarantees and Covenants), 22.114.210 (Time Limits and Extensions) and 22.114.220 (Resubmission of Application).

22.122.070 Revisions to a Site Plan – Revised Exhibit A.

The Director may approve revisions to a site plan for an approved Type III application in accordance with Section 22.120.070 (Revisions to a Site Plan – Revised Exhibit A).

**Chapter 22.124 Type IV Applications—
Discretionary**

Sections:

- 22.124.010 Purpose
- 22.124.020 Applicability
- 22.124.030 Review Authority and
Related Procedures
- 22.124.040 Application Filing, Fees
and Project Review
- 22.124.050 Public Hearing Notice and
Required Actions
- 22.124.060 Public Hearing, Findings
and Decision
- 22.124.070 Post-Decision Procedures
- 22.124.080 Adequate Water Supply
- 22.124.090 Zone Regulations
- 22.124.100 Revisions to Site Plan –
Revised Exhibit A

22.124.010 Purpose

The Type IV application is a discretionary process for reviewing uses that may be appropriate in the applicable base zone, but whose effects on a site and surroundings cannot be determined before being proposed for a

specific site. Type IV applications require public notification and a public hearing.

22.124.020 **Applicability**

- A. **Base Zones.** A Type IV application is required to authorize uses identified by Division 2 (Base Zones) as being permitted in the applicable base zone, subject to the approval of a Type IV application.
- B. **Other Specific Uses.** A Type IV application may also be required for use types having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located and operated compatible with uses on adjacent properties and in the surrounding area.

22.124.030 **Review Authority and Related Procedures**

- A. **General Requirements.** A Type IV application shall be approved, conditionally approved, or denied by the Review Authority in compliance with Table 22.114.020: Review Authority, and any additional requirements or review criteria for a Type IV application established in this Ordinance.
- B. **Assignment.** The Director shall assign a Type IV application to the Hearing Officer or the Commission for a public hearing and decision. The Director may assign the Hearing Examiner to conduct a public hearing per Section 22.112.060 (Hearing Examiner).
- C. **Referral.** The Review Authority may refer a Type IV application to the next

<p>higher Review Authority for consideration and decision.</p> <p>22.124.040 Application Filing, Fees and Project Review</p> <p>Applications for a Type IV application shall be in compliance with Sections 22.114.040 (Multiple Applications), 22.114.050 (Application Filing and Withdrawal), 22.114.060 (Fees and Deposits), 22.114.070 (Initial Application Review) and 22.114.080 (Project Evaluation and Staff Reports).</p> <p>22.124.050 Public Hearing Notice and Required Actions</p> <p>The Department shall provide notice of the hearing in compliance with Section 22.114.090 (Public Hearing Notice) on a Type IV application before taking any action.</p> <p>22.124.060 Public Hearing, Findings and Decision</p> <p>Type IV application public hearing, findings and decision shall be in compliance with Sections 22.114.100 (Public Hearing Procedure), 22.114.110 (Findings and Decision), and 22.114.130 (Decision after Public Hearing).</p> <p>22.124.070 Post-Decision Procedures</p> <p>Type IV application post-decision procedures shall be in compliance with Sections 22.114.140 (Notice of Action and Findings), 22.114.150 (Effective Date of Decision), 22.114.160 (Scope of Approvals), 22.114.170 (Conditions of Approval), 22.114.180 (Use of Property before Final Action), 22.114.190 (Approvals Run with the Land), 22.114.200 (Performance Guarantees and Covenants), 22.114.210 (Time Limits and Extensions) and 22.114.220 (Resubmission of Application).</p> <p>22.124.080 Adequate Water Supply</p> <p>If the use requested will require a greater water supply for adequate fire protection than does</p>	
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either the existing use or any use permitted without a Type IV permit in the same base zone, and will not comply with the provisions of Division 1 (Water) of Title 20 (Utilities) of the County Code, such facts shall be prima facie evidence that such requested use will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the required findings according to Section 22.124.070 (Findings, Decision and Post-Decision Procedures). If the water appeals board grants a variance pursuant to any provision of Chapter 20.12 of Title 20 (Utilities) of the County Code, permitting the proposed use with the existing or proposed water supply, this Section shall not apply.

22.124.090 Zone Regulations

Unless specifically modified by an approved Type IV application, all regulations prescribed in the base zone in which such permit is granted shall apply. This shall not apply to Type IV applications for Animal Permits, Oak Tree Permits, Parking Permits, Coastal Development Permits, Surface Mining or Cemeteries.

**Chapter 22.126 Type V Applications—
Discretionary**

Sections:

- 22.126.010 Purpose
- 22.126.020 Applicability
- 22.126.030 Review Authority and
Related Procedures
- 22.126.040 Application Filing, Fees
and Project Review
- 22.126.050 Public Hearing Notice and
Required Actions
- 22.126.060 Findings, Decision and
Post-Decision Procedures

22.126.010 Purpose

The Type V application is a discretionary process for reviewing uses that are legislative and require Board approval. Type V applications require public notification and public hearings.

22.126.020 Applicability

A Type V application is required to authorize legislative actions. Zone changes and amendments shall be processed as Type V applications. Zone changes and amendments shall also be in compliance with Chapter 22.144 (Zone Changes and Amendments).

**22.126.030 Review Authority and Related
Procedures**

- A. **General Requirements.** Type V applications shall be approved, conditionally approved, or denied by the Review Authority in compliance with Table 22.114.020: Review Authority, and any additional requirements or review criteria for a Type V review established in this

<p>Ordinance.</p> <p>B. Assignment. The Director shall assign a Type V application to the Commission for a public hearing and recommendation. The Director may assign the Hearing Examiner to conduct a public hearing per Section 22.112.060 (Hearing Examiner).</p> <p>22.126.040 Application Filing, Fees and Project Review</p> <p>Applications for a Type V application shall be in compliance with Sections 22.114.040 (Multiple Applications), 22.114.050 (Application Filing and Withdrawal), 22.114.060 (Fees and Deposits), 22.114.070 (Initial Application Review) and 22.114.080 (Project Evaluation and Staff Reports).</p> <p>22.126.050 Public Hearing Notice and Required Actions</p> <p>The Department shall provide notice of the public hearing in compliance with Section 22.114.090 (Public Hearing Notice) on a Type V application before taking any action.</p> <p>22.126.060 Public Hearing</p> <p>The Department shall conduct a public hearing in compliance with Sections 22.114.100 (Public Hearing Procedure) and 22.114.120 (Recommendations after Public Hearing) and forward their recommendation to the Board.</p> <p>22.126.070 Findings, Decision and Post-Decision Procedures</p> <p>Type V application findings, decision and post-decision procedures shall be in compliance with Chapter 22.144 (Zone Changes and Amendments).</p>	
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