

# Division V: Administration

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## Chapter 11.52 Land Use Authorities

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11.52.080	Environmental Health Director
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11.52.100	Zoning Administrator
11.52.110	Summary of Review Authorities for Land Use Decisions and Appeals

### **11.52.010 Purpose**

The purpose of this chapter is to identify the hearing bodies, officials, and administrators with designated responsibilities under various divisions and chapters of this Code. Subsequent chapters of Division V, Administration, provide detailed information regarding various procedures, applications, and permits, including zoning and general plan amendments, establishment of fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

### **11.52.020 Board of Supervisors**

The powers and duties of the Board of Supervisors under this Code include, but are not limited to the following:

- A. Consider and adopt, reject or modify amendments to the map and text of the General Plan pursuant to the provisions of Chapter 11.62, General Plan Amendments, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- B. Consider and adopt amendments to the Official Zoning Map and to the text of this Code pursuant to the provisions of Chapter 11.61, Amendments to Development Code and Official Zoning Map, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- C. Consider and adopt, reject or modify Community Plans pursuant to the provisions of Chapter 11.63, Community Plans, and the California Government Code, following a public hearing and recommended action by the Planning Commission.

- D. Consider and adopt, reject or modify Specific Plans and amendments thereto, pursuant to the provisions of Chapter 11.64, Specific Plans and Amendments, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- E. Consider and adopt, reject or modify Development Agreements and amendments thereto, pursuant to the provisions of Chapter 11.66, Development Agreements and Amendments, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- F. Sets priorities for the County and establishes land use goals and policies.
- G. Adopt guidelines for Design Review pursuant to Chapter 11.56, Design Review.
- H. Have final jurisdiction over the approval of final maps.
- I. Approving improvement agreements and accepting lands and improvements proposed for dedication to the County.
- J. Act as the final appeal board for decisions by the Development Review Committee, Zoning Administrator, Planning Commission, County Surveyor and Department Heads within the Community Development and Services Agency in the administration or enforcement of the provisions of this Code, pursuant to Section 11.53.150, Appeals and Calls for Review.
- K. Appoint and remove members of the Planning Commission as provided for in Title IV, Boards and Commissions, of the County Code.
- L. Establish, by resolution, a municipal fee schedule listing fees, charges, and deposits for various applications and services provided pursuant to this Code.

### **11.52.030 Planning Commission**

The Planning Commission is established and organized pursuant to Title IV, Boards and Commissions, of the County Code and the requirements of the California Government Code. The powers and duties of the Planning Commission under this Code include, but are not limited to the following:

- A. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on proposed amendments to the General Plan map and text, pursuant to Chapter 11.62, General Plan Amendments.
- B. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on proposed amendments to the Official Zoning Map and to the text of this Code, pursuant to Chapter 11.61, Amendments to Development Code and Official Zoning Map.
- C. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on the adoption of Community Plans, pursuant to Chapter 11.63, Community Plans.
- D. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on the adoption or amendment of Specific Plans, pursuant to Chapter 11.64, Specific Plans and Amendments.
- E. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on the adoption or amendment of Development Agreements, pursuant to Chapter 11.66, Development Agreements and Amendments.
- F. Approve, conditionally approve, modify or deny Use Permits and Variances, pursuant to Chapter 11.57, Use Permits, and Chapter 11.59, Variances.

- G. Conduct Design Review on any approvals it grants that are subject to Design Review, pursuant to Chapter 11.56, Design Review.
- H. Hear and decide proposals to revoke permits, pursuant to Section 11.53.140, Revocation of Approvals, following a public hearing.
- I. Approve, conditionally approve, or disapprove tentative subdivision maps and vesting tentative subdivision maps, and impose requirements or conditions thereon.
- J. Approve, conditionally approve, or disapprove amendments to a tentative subdivision map that the CDSA Director determines not to be minor.
- K. Approve modifications to an approved tentative subdivision map.
- L. Approve variations to lot and block design requirements when submitted as part of a tentative subdivision map application.
- M. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the County's environmental review guidelines pursuant to the State law and the procedures in Chapter 11.54, Environmental Review.
- N. Prepare and recommend to the Board of Supervisors for adoption guidelines for Design Review, pursuant to Chapter 11.56, Design Review.
- O. Provide interpretations of this Code when forwarded by the CDSA Director.
- P. Such other duties and powers as assigned or directed by the Board of Supervisors.

#### **11.52.040 Development Review Committee**

The Development Review Committee shall consist of one designee each, by the CDSA Director, from the Planning (acting as the Zoning Administrator), Public Works, and Environmental Health Departments. The powers and duties of the Development Review Committee under this Code include, but are not limited to the following:

- A. Serve as the advisory agency for purposes of the Subdivision Map Act (Government Code § 66410 et seq.) and Division IV, Subdivisions, of this Code.
- B. Develop all rules and regulations necessary to implement Division IV, Subdivisions, and the Subdivision Map Act (Government Code § 66410 et seq.), including rules for the conduct of its business and obtaining of necessary information. Said rules and regulations shall be in effect upon approval by the Board of Supervisors.
- C. Approve, conditionally approve or disapprove tentative parcel maps by a majority vote of the Committee. Imposing any conditions necessary to make the required findings for approval.
- D. Review petitions for reversion to acreage.
- E. Approve minor changes to approved tentative subdivision maps.
- F. Approve major changes to approved tentative parcel maps.
- G. Grant extensions to the expiration dates for tentative parcel maps and initial extensions to the expiration dates for tentative subdivision maps.

- H. Approve or disapprove Lot Line Adjustments, Certificates of Compliance and Conditional Certificates of Compliance.
- I. Develop such forms as may be required to implement Division IV, Subdivisions, and the Subdivision Map Act (Government Code § 66410 et seq.).
- J. Approve, conditionally approve, or deny Planned Sign Permit Programs.
- K. Approve, conditionally approve, modify or deny Minor Use Permits pursuant to Chapter 11.57, Use Permits.
- L. Approve, conditionally approve, modify or deny Administrative Use Permits that require a public hearing.
- M. Conduct Design Review on any approvals it grants that are subject to Design Review, pursuant to Chapter 11.56, Design Review.
- N. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the County's adopted environmental review guidelines pursuant to the State law and the procedures in Chapter 11.54, Environmental Review.
- O. Other duties as established in this Code or as assigned by the Board of Supervisors.

#### **11.52.050 Community Development and Services Agency Director**

The powers and duties of the Community Development and Services Agency Director (CDSA Director) under this Code include, but are not limited to the following:

- A. Direct and coordinate the administration of this Code, including interpretations of this Code, processing of applications, abatements and other enforcement actions.
- B. Interpret this Code to members of the public and to other County departments.
- C. Prepare and effect rules and procedures necessary or convenient for the conduct of the CDSA Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the County Administrator. They may include the administrative details of hearings officiated by the CDSA Director (e.g., scheduling, rules of procedure and recordkeeping).
- D. Process and make recommendations to the Board of Supervisors on all matters upon which the Board has the authority and the duty to act under this Code.
- E. Initiate revocations of permits, pursuant to Section 11.53.140, Revocation of Approvals.
- F. Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.
- G. Delegate administrative and technical functions as he/she so deems to members of the Community Development and Services Agency.
- H. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

### **11.52.060 Planning Director**

The powers and duties of the Planning Director, or the CDSA Director in the absence of a Planning Director, under this Code include, but are not limited to the following:

- A. Maintains and administers this Code as it pertains to zoning, parking, landscaping, signs, design review and environmental review pursuant to the California Environmental Quality Act and (CEQA) and National Environmental Protection Act (NEPA).
- B. Interpret this Code to members of the public and to other County departments as it pertains to the duties of the Planning Department.
- C. Acts as the Enforcement Officer as it pertains to zoning, parking, landscaping, signs, design review and environmental review pursuant to the CEQA and NEPA.
- D. Prepare and effect rules and procedures necessary or convenient for the conduct of the Planning Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the Planning Commission. They may include the administrative details of hearings officiated by the Planning Director (e.g., scheduling, rules of procedure and recordkeeping).
- E. Develop such forms as may be required to implement this code.
- F. Issue administrative regulations for the submission and review of applications subject to the requirements of this Code and Government Code Section 65950.
- G. Review applications for discretionary permits and approvals under this Code for conformance with applicable submission requirements and time limits.
- H. Conduct Design Review for projects that do not require approval of another discretionary permit or modifications to an approved Design Review Permit pursuant to the requirements of Chapter 11.56, Design Review.
- I. Review applications for discretionary permits and approvals to determine whether the application is exempt from review under the California Environmental Quality Act and the County's environmental review requirements (Chapter 11.54, Environmental Review) and notify the applicant if any additional information is necessary to conduct the review.
- J. Process and make recommendations to the Board of Supervisors on all applications, amendments, appeals and other matters upon which the Board has the authority and the duty to act under this Code.
- K. Process and make recommendations to the Planning Commission on all applications, appeals and other matters upon which the Planning Commission has the authority and the duty to act under this Code.
- L. Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.
- M. Serve as technical staff of the Planning Commission.
- N. Investigate and make reports to the Planning Commission on violations of permit terms and conditions.
- O. Delegate administrative functions as he/she so deems to members of the Planning Department.
- P. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

### **11.52.070 Public Works Director**

The powers and duties of the Public Works Director under this code include, but are not limited to the following:

- A. Maintains and administers this Code as it pertains to grading, drainage, flood control, water quality, roadway standards, and Subdivision Map Act.
- B. Interpret this Code to members of the public and to other County departments as it pertains to the duties of the Public Works Department.
- C. Acts as the Enforcement Officer as it pertains to grading, drainage, flood control, water quality, roadway standards, and Subdivision Map Act.
- D. Prepare and effect rules and procedures necessary or convenient for the conduct of the Public Works Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the County Administrator.
- E. Process and make recommendations to the Board of Supervisors on all matters upon which the Board has the authority and the duty to act under this Code.
- F. Establish design and construction details, standards and specifications.
  - 1. Approve design plans and specifications.
  - 2. Inspect improvements to confirm adequate conformance with approved plans, specifications and design standards.
- G. Process improvement agreements and Deferred Improvement Agreements.
- H. Ensure adequate financial security is posted for improvements not constructed prior to recordation of map.
- I. Make recommendations to the Board of Supervisors on the acceptance of improvements for maps and the release of any associated bonds.
- J. Delegate administrative functions as he/she so deems to members of the Public Works Department.
- K. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

### **11.52.080 Environmental Health Director**

The powers and duties of the Environmental Health Director under this Code include, but are not limited to the following:

- A. Maintains and administers this Code as it pertains to compliance with State and local regulations for food handling, housing institutions (i.e. hotels, and organized camps), public pools, kennels, septic systems, solid waste facilities, public water systems, wells, underground storage tanks, and handling of hazardous materials.
- B. Interpret this Code to members of the public and to other County departments as it pertains to the duties of the Environmental Health Department.

- C. Acts as the Enforcement Officer as it pertains to food handling, housing institutions (i.e. hotels, and organized camps), public pools, kennels, septic systems, solid waste facilities, public water systems, wells, underground storage tanks, and handling of hazardous materials.
- D. Prepare and effect rules and procedures necessary or convenient for the conduct of the Public Works Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the County Administrator.
- E. Process and make recommendations to the Board of Supervisors on all matters upon which the Board has the authority and the duty to act under this Code.
- F. Delegate administrative functions as he/she so deems to members of the Environmental Health Department.
- G. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

#### **11.52.090 County Surveyor**

The powers and duties of the County Surveyor under this Code include, but are not limited to the following:

- A. Establish standards for the form and content of final maps and parcel maps.
- B. Review requests for determination of compliance with the Subdivision Map Act including but not limited to determining the legality of parcels.
- C. Examine and certify that final maps and parcel maps are in substantial conformance with the approved tentative map and Subdivision Map Act.
- D. Approve minor changes to approved tentative parcel maps and Public Work's conditions of approval where the intent of the conditions is maintained or deemed no longer necessary.
- E. Review and approve amendments and corrections to final maps and parcel maps. Determine if amending maps or certificates of compliance are required.
- F. Issue Certificates of Approval for Lot Line Adjustments and Certificates of Compliance.
- G. Process Notice of Violations as it pertains to the Subdivision Map Act.
- H. Mail notices of intention to determine status for parcel mergers and, in cases in which the property owner does not request a hearing before the Development Review Committee, making determinations regarding whether affected parcels are to be merged or not.

#### **11.52.100 Zoning Administrator**

The Zoning Administrator is a County staff member appointed by the CDSA Director with the following powers and duties:

- A. Review applications for permits and licenses for conformance with this Code and issue a Zoning Clearance when the proposed use or building is allowed as a matter of right and conforms to all applicable development and use standards, pursuant to Chapter 11.55, Zoning Clearances.
- B. Approve, conditionally approve, modify or deny Administrative Use Permits for projects that are exempt from CEQA pursuant to the provisions of Chapter 11.57, Use Permits.

- C. Approve, conditionally approve, modify, or deny Temporary Use Permits pursuant to the provisions of Chapter 11.58, Temporary Use Permits.
- D. Conduct Design Review on any approvals it grants that are subject to Design Review and other projects pursuant to Chapter 11.56, Design Review.
- E. Approve, conditionally approve, modify or deny Waivers and Modifications pursuant to the provisions of Chapter 11.60, Waivers and Modifications.
- F. Hear and decide applications for minor modifications to approved permits pursuant to the provisions of Section 11.53.120, Changes to an Approved Permit.
- G. Other duties and powers as may be assigned by the CDSA Director and/or Planning Director.

**11.52.110 Summary of Review Authorities for Land Use Decisions and Appeals**

Table 11.52.100 below summarizes the authorities responsible for decisions and appeals of different types of zoning and land division permits under this Code. This table is provided for reference; the specific duties of each authority, as well as specific procedures for types of permits, are spelled out in the relevant sections.

<b>TABLE 11.52.110: REVIEW AUTHORITY</b>				
<i>Application or Action Type</i>	<i>Found in Chapter</i>	<i>Advisory Body (if applicable)</i>	<i>Decision-Making Authority</i>	<i>Appeal Body</i>
<b>Type One: Ministerial Actions</b>				
Interpretations	11.52	N/A	CDSA Director	Board of Supervisors
Minor Changes to an Approved Permit except maps	11.53	N/A	Zoning Administrator	Board of Supervisors
Parcel Mergers	11.43	County Surveyor	Development Review Committee	Board of Supervisors
Zoning Clearance	11.55	N/A	Zoning Administrator	Board of Supervisors
<b>Type Two: Discretionary Quasi-Judicial Actions</b>				
Administrative Use Permits – Exempt from CEQA	11.57	N/A	Zoning Administrator	Board of Supervisors
Certificate of Compliance	11.47	N/A	County Surveyor	Board of Supervisors
Conditional Certificate of Compliance	11.47	County Surveyor	Development Review Committee	Board of Supervisors
Conditional Use Permits	11.57	Planning Director	Planning Commission	Board of Supervisors
Design Review	11.56	Planning Director	If project requires other permit: decision-making authority for associated permit If project does not require other permit: Planning Director	Board of Supervisors

<b>TABLE 11.52.110: REVIEW AUTHORITY</b>				
<i>Application or Action Type</i>	<i>Found in Chapter</i>	<i>Advisory Body (if applicable)</i>	<i>Decision-Making Authority</i>	<i>Appeal Body</i>
Lot Line Adjustments	11.43	County Surveyor	County Surveyor or Development Review Committee if CEQA required	Board of Supervisors
Minor Use Permits	11.57	Planning Director	Development Review Committee	Board of Supervisors
Major Changes to an Approved Permit	11.53	CDSA Director	Decision-making authority for original permit	Board of Supervisors
Parcel Maps including modifications	11.41	County Surveyor	Development Review Committee	Board of Supervisors
Permit Revocation	11.53	CDSA Director	Planning Commission	Board of Supervisors
Planned Sign Permit Program	11.27	CDSA Director	Planning Commission	Board of Supervisors
Temporary Use Permits	11.58	N/A	Zoning Administrator	Board of Supervisors
Tentative Tract Map	11.40	Planning Director	Planning Commission	Board of Supervisors
Variances	11.59	Planning Director	Planning Commission	Board of Supervisors
Waivers and Modifications	11.60	N/A	Zoning Administrator	Board of Supervisors
<b>Type Three: Discretionary Legislative Actions</b>				
Community Plans	11.63	Planning Commission	Board of Supervisors	Superior Court
Development Agreements	11.66	Planning Commission	Board of Supervisors	Superior Court
General Plan Amendments	11.62	Planning Commission	Board of Supervisors	Superior Court
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## Chapter 11.53 Common Procedures

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### Sections:

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### 11.53.010 Purpose and Applicability

This chapter establishes procedures that are common to the application and processing of all discretionary permits and approvals provided for in this Code, unless superseded by specific requirement of this Code or State law.

### 11.53.020 Application Forms and Fees

- A. **Qualified Applicant.** A qualified applicant shall be the owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the CDSA Director, of the right to use and possess the property as applied for, shall accompany the application.
- B. **Application Forms and Materials.**
  1. **Application Forms.** The CDSA Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
  2. **Supporting Materials.** The CDSA Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.
  3. **Availability of Materials.** All material submitted becomes the property of the County and may be distributed to the public. All project materials except administrative or working drafts, cultural resource reports and similar confidential data, protected personally identifiable

information (PII) or communications with legal counsel shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the CDSA office. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. **Application Amendment or Withdrawal.** An applicant may amend an application, at will, any time prior to the opening of any required public hearing on the application. Thereafter, the application may be amended only with the consent of the decision-making authority before which the matter is pending, consistent with the following:

1. The application may be amended in any way except if:
  - a. A change in boundaries would result in a change in the requirements for notice of public hearings; or
  - b. A change is determined by the Planning Director not to be covered by the environmental determination issued for the application pursuant to Chapter 11.54, Environmental Review.
  - c. The change needs to be evaluated by another department or outside agency for compliance with their standards and regulations.
2. A change in the application may require additional fees to be paid as set forth in the schedule of fees related to the change.

D. **Application Fees.**

1. **Payment of Fees.** No application shall be accepted as complete and processed without payment of the applicable fee, according to the fee schedule adopted by the Board of Supervisors. No fee shall be deemed paid until any negotiable instrument has been cleared and funds received in the County's account.
2. **Multiple Applications.** The County's processing fees are cumulative. For example, if an application for Design Review also includes a Use Permit, both fees shall be charged pursuant to Title XIII, Fees.
3. **Fee Waivers.** A fee may not be required when the applicant is the County, or if it is waived by the Board of Supervisors under any other provision of the County Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the County Code or by policy of the Board of Supervisors.

### 11.53.030 Concurrent Filing

An application for a planning permit pursuant to this Code may be filed and processed concurrently with any other discretionary permit including legislative action (i.e., general plan amendment, zoning text or map amendment) related to a development proposal for the subject property.

A. **Concurrent Review.** Whenever applications for the same site have been filed for one or more development permits or legislative approvals, such development permit or approvals may be reviewed and acted on in a unified process.

1. When any application for a planning permit pursuant to this code is filed concurrently with any request for legislative action, the applicant shall sign a statement acknowledging that the application for the permit shall not be deemed complete and eligible for hearing until the applicant has submitted all items required pursuant to Section 11.53.020, Application Forms and Fees, and either:
    - a. The Planning Commission has held a public hearing and made a recommendation to the Board of Supervisors; or
    - b. The adoption date of the legislative act(s) which is the subject of the concurrent application.
  2. Any permit approval governed by this Code may be approved after final approval of a legislative act for the property, but shall not be effective unless and until the referendum period has expired without challenge for the legislative approval.
- B. **Review Procedures.** The concurrent review process shall use the procedures required for the highest level zoning and land division permit or approval. Permits and approvals are ranked as follows with the highest level permit of approval listed first:
1. General Plan Amendment including amendments to the Land Use Map.
  2. Development Code or Official Zoning Map Amendment.
  3. Specific Plan.
  4. Specific Plan Amendment.
  5. Community Plan.
  6. Community Plan Amendment.
  7. Master Plan
  8. Master Plan Amendment
  9. Development Agreement.
  10. Planned Unit Development.
  11. Tentative Subdivision Tract Map.
  12. Conditional Use Permit.
  13. Variance.
  14. Tentative Parcel Map.
  15. Minor Use Permit.
  16. Design Review.
  17. Administrative Use Permit.
  18. Temporary Use Permit.
  19. Waiver.
  20. Lot Line Adjustment.

- 21. Certificate of Compliance.
- 22. Environmental Assessment
- C. **Required Findings.** The hearing body shall make the findings, if any, applicable to each permit or approval.
- D. **Board of Supervisors Approvals.** In the case of concurrent applications in which the decision-making authority is the Board of Supervisors, the lower level hearing body (Planning Commission or Development Review Committee) shall hold one public hearing on the project to make a recommendation to the Board of Supervisors.

#### 11.53.040 Review of Applications for Completeness

- A. **Review Process.** With the exception of applications subject to a legislative action, the CDSA Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee.
- B. **Incomplete Application.** If an application is incomplete, the CDSA Director shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.
  - 1. **Development Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations.
  - 2. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Section 11.53.150, Appeals and Calls for Review, except that there shall be a final written determination on the appeal not later than 60 days after receipt of the appeal.
  - 3. **Submittal of Additional Information.** The applicant shall provide the additional information within the time limit specified by the CDSA Director, which must be at least 30 days. The CDSA Director may grant an extension of up to 90 days. Extensions of greater than 90 days may be authorized for the completion of environmental studies that are based on seasonal criteria.
  - 4. **Second Completeness Determination.** Not later than 30 days after the submittal of additional information in response to notification pursuant to the above subsection, the CDSA Director shall notify the applicant if the application is still not complete. The CDSA Director shall specify those parts of the application that are incomplete and shall indicate the manner in which it can be made complete, including a list and thorough description of specific information needed to complete the application.
  - 5. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. In absence of a specified time period, where there has been inactivity on the part of the applicant for at least six months the application shall be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

- C. **Complete Application.** When an application is determined to be complete, the CDSA Director shall make a record of that date. If an application requires a public hearing, the Planning Director shall schedule it and notify the applicant of the date and time.
- D. **Extensions.** The CDSA Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Code.

### 11.53.050 Notice of Public Hearings

Unless otherwise specified, whenever the provisions of this Code require public notice, the County shall provide notice in compliance with State law as follows.

- A. **Notice.** At least 10 days before the date of the public hearing or 11 days before the date of action when no public hearing is required, the Planning Director, or the County Clerk of the Board for hearings before the Board of Supervisors, shall provide notice by mail or delivery to:
  - 1. The applicant and any occupant of the subject property;
  - 2. All property owners of record as shown on the latest available assessment roll located within a minimum 300-foot radius of the subject property when located within the Valley Growth Boundary or 1,000-foot radius for properties outside the Valley Growth Boundary. If deemed necessary by the Planning Director, a larger radius may be required in order to provide adequate public notification;
  - 3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
  - 4. Any person or group who has filed a written request for notice regarding the specific application.
- B. **Posted Notice.** Notices shall be posted at three public places within the County. In addition, the applicant may be required to erect a temporary sign or post a poster, in a format approved by the Planning Department, in a prominent place on the site for the 10 days prior to the hearing.
- C. **Newspaper Notice.** At least 10 days before the date of the public hearing, the hearing secretary or the County Clerk of the Board for hearings before the Board of Supervisors, shall publish a notice in at least one newspaper of general circulation in the County.
- D. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Planning Director or County Clerk of the Board may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the county at least 10 days prior to the hearing.
- E. **Contents of Notice.** The notice shall include the following information:
  - 1. The location of the real property, if any, that is the subject of the application;
  - 2. A general description of the proposed project or action;
  - 3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
  - 4. The identity of the hearing body or officer;

5. The names of the applicant and the owner of the property that is the subject of the application;
  6. The location and times at which the complete application and project file, including any environmental document prepared in connection with the application, may be viewed by the public;
  7. A statement that any interested person or authorized agent may appear and be heard;
  8. A statement describing how to submit written comments; and
  9. For Board of Supervisors hearings, the Planning Commission recommendation.
- F. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive a mailed notice.

### 11.53.060 Conduct of Public Hearings

Whenever the provisions of this Code require a public hearing, the hearing shall be conducted in compliance with the requirements of State law, as follows.

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board. All other hearings shall be scheduled by the Planning Director.
- C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The decision-making authority conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.
- G. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by County staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- H. **Decision.** The public hearing must be closed before a vote is taken.

### 11.53.070 Timing and Notice of Action and Findings Required

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Code, the decision-making authority shall issue a Notice of Action and make findings of fact as required by this Code.

- A. **Date of Action.** The decision-making authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the Board of Supervisors in accordance with Section 11.53.150, Appeals and Calls for Review. Time extensions may be granted pursuant to Section 11.53.110, Expiration and Extension.
1. **Project Exempt from Environmental Review.** Within 30 days of the date the County has determined an application to be complete; a determination must be made whether the project is exempt from Environmental Review per State CEQA Guidelines.
  2. **Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the County shall take action on the accompanying discretionary project.
  3. **Project for which an EIR is Prepared.** Within 180 days from the date the decision-making authority certifies a Final EIR, the County shall take action on the accompanying discretionary project.
- B. **Notice of Action.** After the decision-making authority takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, the Planning Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Planning Director shall mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Department.
- C. **Findings.** Findings, when required by State law or this Code, 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 in the resolution or record of the action on the permit.

### 11.53.080 Ex Parte Communications

- A. **Disclosure of Communications.** Any official who receives an ex parte communication, or engages in any other exchange of information covered by this section or who participates in a site visit shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.
- B. **Applicability.** Ex parte communications are oral or written, off-the-record communications made to or by members of the Planning Commission or Board of Supervisors with applicants, neighbors, or other interested parties. Such contacts include, but are not limited to, one-on-one meetings, site visits, discussions, telephone calls, or e-mail messages that occur outside of a public meeting of the body on which the County official serves at which the matter discussed has been publicly noticed.

- C. **Exceptions.** Ex parte communications do not include communications between County staff and elected or appointed County officials acting in their official capacity, the receipt of expert opinion, or the review of mail and other correspondence relating to the proceedings.
- D. **Effect.** Actions taken by the decision-making authority are not invalidated by the occurrence of ex parte communication.

### 11.53.090 Scope of Approvals

- A. **Scope.** Any approval permits only those uses and an activity actually proposed in the application, and excludes other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. **Conditions of Approval.** The site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties or insures that he or she will comply with the permit's plans and conditions in all respects.
- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of this Code or require additional permits, then the approval shall be deemed null and void.
- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions and pay any associated fees for review or monitoring.

### 11.53.100 Effective Dates

A final decision on an application for any discretionary approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 11th day following the date of the action. If a different termination date is fixed at the time of granting, or if actual construction or alteration has begun under valid building permits, the 10-day period may be waived.

### 11.53.110 Expiration, Effectuation, and Extension

- A. **Expiration.** The decision-making authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Code shall automatically expire if it is not effectuated or extended within one year of its issuance.
- B. **Planning Permit Effectuation.** A planning permit is deemed effectuated when any of the follow occurs:
  - 1. A planning permit authorizing the construction or modification of a building(s) or structure(s) -- shall be effectuated when a building or foundation permit is issued by the Building Department; or,

2. A planning permit authorizing the construction or modification of property, building(s) or structure(s) -- shall be effectuated when improvement plans have been approved by the Public Works Department, and substantial construction occurs. Substantial construction shall be defined as underground or utility improvements and/or frontage improvements not associated with a land division; or
  3. A planning permit not associated with the construction or modification of property, building(s), or structure(s) -- the land use shall be effectuated when the use is initiated in full compliance with all applicable conditions, ordinances, or resolutions.
- C. **Extensions.** An appropriate and complete request must be received prior to the original expiration date of a permit or approval granted under this Code. The CDSA Director may authorize project extensions up to one year upon written request. The Development Review Committee may approve up to a two-year extension upon receipt of a written application and required fee. In no circumstance shall an extension exceeding two-years be granted. Unless there are extenuating circumstances, requests for extensions of time shall not be submitted more than six (6) months prior to project expiration.

#### 11.53.120 Changes to an Approved Permit

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code.

- A. **Minor Modifications.** The Development Review Committee may approve modifications to parcel maps or minor modifications to subdivision maps. The Zoning Administrator may approve minor changes to all other approved discretionary permits that are consistent with the original findings and conditions approved by the hearing body and would not intensify any potentially detrimental effects of the project.
- B. **Major Modifications.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan, building plan, or subdivision map that would affect a condition of approval shall be treated as an amendment. The amendment shall be acted on by the decision-making authority for the original permit.

#### 11.53.130 Limitation on Re-Filing

Upon final denial of any application, reapplication for the same request shall not be accepted for filing for a period of six months commencing on the effective date of the final denial.

#### 11.53.140 Revocation of Approvals

Any permit granted under this Code may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the CDSA Director.
- B. **Notice of Violation.** Whenever in the opinion of the CDSA Director any of the conditions or terms of the permit are violated or if any law or ordinance is violated, the CDSA Director shall give the property owner and lessee of the subject property a notice providing not less than 10 days to comply, unless the violation is immediately hazardous to the public health, safety or welfare; in which case the County may take any action necessary to remediate said violation.

- C. **Public Notice, Hearings and Decision.** If at the end of the period for compliance stated in the Notice of Violation, the property owner and lessee fail to comply with the conditions or terms of the permit or if any law or ordinance continues to be violated, the Planning Director shall immediately set a hearing before the Planning Commission to determine why the permit should not be revoked.
1. **Hearing Notice.** Notice of the hearing shall be mailed to the property owner and lessee of the subject property at least 10 days prior to the hearing. The notice shall state the violations and shall request appearance of said owner and lessee at the time and place specified for the hearing to show cause why the permit should not be revoked.
  2. **Decision.** At the conclusion of said hearing, the Planning Commission shall have the right to revoke the permit.
- D. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:
1. The approval was obtained by means of fraud or misrepresentation of a material fact;
  2. The use, building, or structure has been substantially expanded beyond what was set forth in the permit or substantially changed in character;
  3. The use in question has ceased to exist or has been suspended for one year or more;
  4. There is or has been a violation of or failure to observe the terms or conditions of the permit, or the use has been conducted in violation of the provisions of this Code, or any applicable law or regulation; or
  5. The use has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

### 11.53.150 Appeals and Calls for Review

- A. **Applicability.** Any action by the Zoning Administrator, County Surveyor, Department Head within the Community Development and Services Agency, Development Review Committee, or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed to the Board of Supervisors by filing a written appeal with the Clerk of the Board.
- B. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Code.
- C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 10 calendar days of the date of the action, decision, motion, or resolution from which the action is taken.
- D. **Procedures.**
1. **Filing.** The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee in addition to any direct costs for preparing the administrative record including but not limited to preparation of transcripts and legal notices required by State law.
  2. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of County building permits.

3. **Transmission of Record.** The Clerk of the Board shall set the date of the appeal hearing for consideration by the Board of Supervisors within 10 to 30 days of the date the appeal is filed. The appeal hearing will not be held any sooner than 30 days or later than 60 days from the date the appeal was filed and associated fee has been paid. The Community Development and Services Agency Director shall forward the Notice of Action and all other documents that constitute the record to the hearing body. The Community Development and Services Agency Director may also prepare a staff report that responds to the issues raised by the appeal including a recommendation for action.
- E. **Calls for Review.** A majority of the Board of Supervisors may call for review of a decision of the County Surveyor, Department Head within the Community Development and Services Agency, Zoning Administrator, Development Review Committee, or Planning Commission within the 10-day appeal period. The call for review shall be processed in the same manner as an appeal by any other person. Such action shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.
- F. **Standards of Review.** Appeals before the Board of Supervisors shall be reviewed pursuant to County Code Section 2.25.040 (Record appeals) and Section 2.25.050 (De novo appeals). The Board of Supervisors may uphold the decision and findings of the original decision-making authority, overturn the decision, or require changes to the application as a condition of approval.
- G. **Public Notice and Hearing.** Notice of the appeal shall be posted on the Board of Supervisors' meeting agenda, bulletin board, and website. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the County Clerk of the Board a written request for such notice.
- H. **Action.** An action to grant an appeal shall require a majority vote of the Board of Supervisors. A tie vote shall have the effect of rejecting the appeal.

### 11.53.160 Pre-application Review

- A. **Purpose.** Pre-application review is an optional review process that is intended to provide information on relevant General Plan or specific plan policies, zoning and development regulations, and procedures related to projects that will be subject to discretionary approvals, including both legislative and quasi-judicial decisions, pursuant to this Code. Additional purposes of pre-application review are:
  1. To advise the applicant of possible obstacles to approval of the project such as annexation requirements, significant adverse environmental effects which would have to be mitigated, inconsistency with the General Plan, and matters that could result in a quick disapproval of the application.
  2. To allow staff to review and comment upon preliminary development plans so that the applicant can be apprised of County standards and design criteria and/or additional recommendations so as to avoid development deficiencies and incorporate progressive design elements.
  3. To avoid unnecessary expense and consumption of time for the applicant and the County in processing applications for projects that involve substantial problems or require extensive revisions in order to comply with County standards and requirements.

- B. **Meeting.** Prior to scheduling a pre-application review meeting the CDSA Director may require the submittal of a project description or other materials that the CDSA Director has determined necessary to conduct such review.
- C. **Payment of Fee.** Pre-application reviews are subject to the payment of a fee as established by Title XIII, Fees.
- D. **Permit Streamlining Act.** Any materials that are accepted for pre-application review shall not constitute the submittal of a development application and therefore is not subject to the requirements of the California Permit Streamlining Act (the Act). An applicant wishing to pursue a project discussed as part of a pre-application review shall submit an application and associated fees in compliance with the requirements of Sections 11.53.020, Application Forms and Fees and 11.53.040, Review of Applications.
- E. **Review Procedure.** The Community Development & Services Agency shall conduct pre-application review. The CDSA Director may consult with or request review by any County agency or official with interest in the application.
- F. **Recommendations Are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by County representatives. Any recommendations that result from pre-application review shall be considered advisory only and shall not be binding on either the applicant or the County.

## Chapter 11.54 Environmental Review

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### Sections:

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11.54.040	Preliminary Review of Projects and Conduct of Initial Study
11.54.050	Negative Declaration/Mitigated Negative Declaration Process
11.54.060	Environmental Impact Reports
11.54.070	Decisions on Projects
11.54.080	Responsible Agency Procedures
11.54.090	Mitigating Standards and Ordinances
11.54.100	Mitigation Monitoring and Reporting Program
11.54.110	Appeals

### 11.54.010 Purpose

The purpose of this chapter is to enact evaluative criteria and specific procedures consistent with the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) for the evaluation of projects and the preparation of environmental documents as required by Section 15020 of the Guidelines (14 CCR § 15020).

Consistent with Public Resources Code Section 21081.6, this chapter also establishes monitoring and reporting procedures for mitigation measures included in Environmental Impact Reports (EIR) or Negative Declarations that are necessary to mitigate impacts to a less-than-significant level.

### 11.54.020 Applicability

- A. **Projects Included.** This chapter and the process it implements shall apply to all discretionary projects proposed to be carried out or approved by any board, commission or agency of Yuba County. This chapter does not apply to pre-applications as described in Section 11.53.160, Pre-application Review, in which a request for staff evaluation and comments is made on a potential project. Should an application for said project be subsequently filed, it shall be subject to this chapter.
- B. **Exceptions.** Where a project that would otherwise be deemed ministerial nevertheless appears to involve a potential significant adverse environmental effect, it shall be subjected to an evaluation by the Planning Director. If the Planning Director determines that the following criteria are satisfied, the project shall not be deemed ministerial:
  1. The project may have a significant effect on the environment and but for the presumptively ministerial nature of the permit or approval sought would clearly be subject to environmental review; and
  2. The permit or approval sought is the final step before actual execution of the project and the only point at which the environmental impact can be considered.
- C. **County Projects.** Any project proposed to be carried out by any department, board, commission or agency of Yuba County shall be subject to this chapter and the process that it implements. Prior to the

decision to carry out such a project, the initiating agency shall submit a complete description of the project, a list of responsible persons and involved agencies, a timetable of projected events and a requested action to the Planning Director. The Planning Director shall ensure compliance with this chapter and the CEQA Guidelines and shall advise the initiating agency of progress in said compliance. The Planning Director may delegate the preparation and processing of environmental documents to the Community Development and Services Agency's Public Works Department on public works projects.

#### 11.54.030 Exemptions

The following types of projects are exempt from Environmental Review:

- A. Statutory exemptions identified in Section 15260 et seq. of the CEQA Guidelines, including but not limited to planning and feasibility studies, emergency projects, the establishment of rates or charges, and projects which are disapproved.
- B. Ministerial actions in accordance with Section 15268 of the CEQA Guidelines, including but not limited to the issuance of building permits or approval of final subdivision maps.
- C. Categorically exempt projects as identified in Section 15300 et seq. of the CEQA Guidelines, including any amendments enacted hereafter.
- D. Exempted projects and activities identified in any adopted Yuba County Supplemental CEQA Implementing Procedures.

#### 11.54.040 Preliminary Review of Projects and Conduct of Initial Study

- A. **Preliminary Review.** As part of the review to determine whether an application for a development project is complete (See Section 11.53.040, Review of Applications for Completeness), the Planning Director shall conduct a preliminary assessment of potential environmental issues in order to help the County decide if the project is subject to environmental review and, if so, which issues may require analysis. Pursuant to the CEQA Guidelines, accepting an application for a project as complete does not limit the authority of the Planning Director to require the applicant to submit additional information needed for environmental evaluation of the project.
- B. **Review for Exemption; Notice of Exemption.** As soon as is practicable or upon application, if possible, the Planning Director shall determine if the project is exempt from environmental review pursuant to State law and any environmental guidelines and thresholds that the County has adopted in compliance with CEQA.
  - 1. If the Planning Director has determined that a project is exempt from environmental review under CEQA, such determination shall be announced in any required public notice for the associated project. The notice shall include a citation to the County adopted CEQA Thresholds and Guidelines section or statute under which the project is found to be exempt.
  - 2. Following approval of a project that is exempt from environmental review, the Planning Director or the applicant may file a Notice of Exemption with the County Clerk in accordance with Section 15062 of the CEQA Guidelines (14 CCR § 15062). Such a notice will not usually be filed, but may be filed if the project involves approvals by other agencies or the Planning Director determines that sufficient public controversy may arise as to warrant such notice.

- C. **Initial Study.** If it is determined through preliminary review that a project is subject to CEQA and not exempt from environmental review, the Planning Department shall conduct an Initial Study pursuant to Section 15063 of the CEQA Guidelines (14 CCR § 15063) to determine if the project may have a significant effect on the environment.
1. **Application and Fee.** The applicant shall submit an application for environmental review accompanied by the required fee. The Planning Director may require the applicant to submit additional data and information that will enable the Planning Department to prepare the Initial Study. The project applicant shall pay the cost of conducting the Initial Study according to the fee schedule established in Title XIII, Fees of the County Code.
  2. **Consultation.** As soon as it is determined that an Initial Study will be conducted, the Planning Department shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared, pursuant to Section 15063(g) of the CEQA Guidelines.
  3. **Exceptions.** An Initial Study need not be conducted under the following circumstances:
    - a. Where the Planning Director determines that the project will clearly have a significant effect and an EIR will be required, in which case a Notice of Preparation shall be sent pursuant to Subsection 11.54.060(C).
    - b. Where the decision-making authority determines that the project cannot be approved.
  4. **Contents of Initial Study.** The Initial Study shall consider all phases of project planning, implementation, and operation and may rely upon expert opinion supported by facts, including documentation submitted by the applicant, technical studies, or other substantial evidence to document its findings regarding the project's potential impacts. The contents of the Initial Study shall be as stated in Section 15063(d) of the CEQA Guidelines.
  5. **Time Limits.** Within 45 days after the application for a project is accepted as complete and all materials necessary to prepare the Initial Study have been submitted, the Initial Study shall be completed and the Planning Director shall determine whether a Negative Declaration or an EIR shall be required. This time frame does not apply to projects that are determined to require outside consultation for the preparation of the Initial Study.
- D. **Determination of Environmental Significance.** Based on the Initial Study, the Planning Director will make one of the following findings:
1. The project will have no significant impacts on the environment, and a Negative Declaration will be prepared;
  2. The project has been modified to mitigate potential environmental impacts to a level of insignificance, and a Mitigated Negative Declaration will be prepared; or
  3. The proposed project will have, or may have, significant impact(s), and an EIR will be required.
- E. **Environmental Determination Notice.** The applicant and any other person requesting notice shall be notified of the environmental determination by the Planning Director and whether a Negative Declaration, Mitigated Negative Declaration, or EIR will be required for the project. In the case of a Negative Declaration, said notice shall also be published or posted in accordance with Section 15072 of the CEQA Guidelines (14 CCR § 15072) at least 10 days prior to adoption.

### 11.54.050 Negative Declaration/Mitigated Negative Declaration Process

- A. **When Authorized.** A Negative Declaration or Mitigated Negative Declaration is authorized and shall be prepared pursuant to Section 15070 of the CEQA Guidelines (14 CCR § 15070) under either of the following circumstances:
1. The Planning Director determines on the basis of an Initial Study that the project will not have a significant effect on the environment.
  2. The project is revised in response to an Initial Study or otherwise so that potential adverse effects are mitigated to a point where the Planning Director can determine that no significant environmental effects would occur, or it is determined by the Planning Commission or Board of Supervisors through appeal procedures that there are no significant environmental effects, and if such revision or determination occurs after the Notice of Preparation has been sent pursuant to Section 15082 of the CEQA Guidelines (14 CCR § 15082), the Negative Declaration may be prepared only if the applicant consents to a reasonable extension of time as necessary for its preparation. All persons or agencies that were sent the Notice of Preparation shall immediately be notified in writing of the change of determination and the reasons for it.
- B. **Revisions to Projects to Mitigate Effects.** Where the Planning Director determines that a project may have a significant effect but the effect may be mitigated, he or she may propose such mitigation to the applicant, who may revise the project or otherwise incorporate said mitigation measures into the project. Mitigation measures thus incorporated may be in the form of draft conditions of approval, in which the applicant has consented to said conditions. If on the basis of such revisions or mitigation measures, the Planning Director determines that the project no longer has a significant effect, a Mitigated Negative Declaration shall be prepared.
- C. **Review of Negative Declaration.** In addition to the notice required under Subsection 11.54.040(E), Environmental Determination Notice, above, the Planning Director shall submit a copy of a notice to adopt a Negative Declaration/Mitigated Negative Declaration to the State Clearinghouse and/or any other responsible agencies in accordance with Section 15073 of the CEQA Guidelines (14 CCR § 15073) whenever a project requires a permit from said responsible agencies or is subject to the jurisdiction of a State agency under law.
- D. **Clearinghouse Review.** Where review by the State Clearinghouse is required, the decision-making authority shall not consider adoption of the Negative Declaration/Mitigated Negative Declaration prior to 30 days from receipt by the Clearinghouse.
- E. **Adoption.** Following the review period, but no earlier than 10 days after the notice required in Subsection 11.54.040(E), Environmental Determination Notice, the decision-making authority for the associated discretionary action shall consider any objections filed and shall only adopt the Negative Declaration/Mitigated Negative Declaration if it finds on the basis of the whole record that there is not substantial evidence that the project will have a significant effect on the environment that cannot be mitigated to less than significant and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis. In a case in which there is no discretionary action, the Development Review Committee shall be the decision-making authority. The form of said adoption may be by resolution or minute order and may be combined with the decision on the project if explicitly stated.

- F. **Time Limits for Adoption.** A Negative Declaration/Mitigated Negative Declaration for a project shall be adopted within 180 days after the application for the project was accepted as complete and all necessary documents for the County to prepare the environmental document have been submitted by the applicant.

#### 11.54.060 Environmental Impact Reports

- A. **When Authorized.** An Environmental Impact Report (EIR) shall be prepared in accordance with Public Resources Code Section 21082.1 (California Environmental Quality Act 14 CCR Ch. 3 (14 CCR § 15000 et seq.), including Article 5 (14 CCR § 15060) and 7 (14 CCR § 15080 et seq.) in any of the following circumstances:
1. Following an Initial Study that determines that a project may have a significant effect on the environment.
  2. At any time prior to the decision on the project where there is substantial evidence in the record that a project may have a significant environmental effect.
  3. There is serious public controversy over a significant effect on the environment.
- B. **Authority to Review and Certify.** In the case of the review and certification of an EIR, the decision-making authority shall be the body statutorily required to make the final decision on the associated discretionary action. In a case in which there is no discretionary action, the Board of Supervisors shall be the decision-making authority.
- C. **Notice of Preparation.** Immediately after deciding that an EIR is required for a project, the Planning Director shall cause a notice of preparation to be sent to each responsible agency and every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project pursuant to Section 15082 of the CEQA Guidelines (14 CCR 15082). Work on the Draft EIR may begin immediately without awaiting responses to the Notice of Preparation.
- D. **Preparation of Draft EIRs.** When an EIR has been required for a project, the Planning Director shall immediately initiate the preparation of a Draft EIR. Said Draft EIR shall be prepared by a qualified consultant selected by the Planning Director, provided that all expenses incurred in preparation of the EIR shall be at the expense of the project applicant. The Planning Director shall transmit to the consultant any responses to the notice of preparation in a timely manner.
- E. **List of Qualified Consultants.** The Planning Director shall maintain a list of qualified consultants to prepare an EIR, which shall include any qualified local consultants. The Planning Director shall periodically update said list.
- F. **Selection of Consultant; Payment of EIR Management Fees.** The Planning Director may select a consultant from the list of qualified consultants or send out a request for proposals to qualified consultants. The Planning Director shall make the final selection of the consultant to prepare the Draft EIR. Upon selection, the Planning Director shall establish the cost for the preparation of the Draft EIR and the project applicant shall deposit the amount of such cost with the Yuba County Community Development and Services Agency. In addition, the applicant shall pay EIR management fees as set by ordinance adopted by the Board of Supervisors.
- G. **Scope of Work.** The Planning Director shall establish the scope of work for the Draft EIR based upon the Initial Study and responses to the Notice of Preparation.

- H. **Acceptance of Draft EIRs.** The consultant preparing the EIR shall submit a preliminary draft for approval to the Planning Director. The Planning Director shall ensure that the Draft EIR adequately and objectively discloses any potential environmental effects on the County as required by Section 15084(e) of the CEQA Guidelines.
- I. **Notice of Completion.**
1. As soon as a Draft EIR is accepted as complete by the Planning Director, a Notice of Completion shall be filed by the Planning Director with the Office of Planning and Research pursuant to Section 15085 of the CEQA Guidelines (14 CCR § 15085). Within 10 days of such filing, the notice shall also be given to all organizations and individuals who have previously requested such notice and shall further be given by publication at least one time in a newspaper of general circulation in the area affected by the proposed project.
  2. The notice shall provide a review period for the Draft EIR of not less than 45 days nor longer than 60 days from the date of the notice, except in unusual situations. The notice may also include the time set for consideration of the Draft EIR by the decision-making authority and may be included in any public notice otherwise required by law for the project.
- J. **Public Review of Draft EIRs.** During the review period stated in the Notice of Completion, the Planning Department shall engage in consultation and solicitation of comments pursuant to Sections 15086 and 15087(d), (e), and (f) of the CEQA Guidelines (14 CCR §§ 15086, 15087(d), (e), and (f)). The essence of such consultation and comments shall be available to the decision-making authority for its consideration of the Draft EIR. Each member of the Planning Commission and Board of Supervisors shall receive a copy of the Draft EIR.
- K. **Public Workshop.** The Planning Department shall hold a public workshop on the Draft EIR during the public review period. Notification of the workshop shall be posted at the County at least 72 hours prior to the workshop and property owners shall be noticed pursuant to Chapter 11.53.050.A or 11.53.050.D of this Code. The purpose of the workshop is to inform the public of the Draft EIR and to receive and evaluate comments from concerned persons with respect to the adequacy of the Draft EIR in conformity with the standards set forth in Section 15151 of the CEQA Guidelines (14 CCR § 15151). County staff will prepare responses to significant environmental issues raised during the public review and consultation process through revisions or attachments to the Draft EIR or other methods pursuant to Section 15088 of the CEQA Guidelines (14 CCR § 15088).
- L. **Final EIR.** Following the public workshop and completion of the public review period, the Planning Director shall cause a Final EIR to be prepared and shall present it to the decision-making authority (responsible for action on the project) for certification.
- M. **Certification.** The decision-making authority shall consider a Final EIR and shall either certify it as adequate or shall return it for corrections prior to certification, or reject certification of the EIR as inadequate. A copy of the certified, Final EIR shall be distributed to each member of all decision-making authorities. The project applicant shall provide a copy of the certified, Final EIR to each responsible agency as required by Section 15095(d) of the CEQA Guidelines (14 CCR § 15095(d)). The form of said certification may be by resolution or minute order and may be combined with the decision on the project if explicitly stated.
- N. **Time Limits.** Time limits for the procedures described in this section shall be in compliance with Article 8 of CEQA (Public Resources Code § 21000 et seq.).

### 11.54.070 Decisions on Projects

- A. **Findings.** Before reaching a decision on a project, the decision-making authority shall consider the environmental effects of the project as shown in the EIR and shall not approve the project if feasible alternatives or feasible mitigation measures within the County's powers which have not been implemented or required are found to exist that would substantially lessen any significant effect the project would have on the environment. In acting on the project, the decision-making authority shall make written findings required by Section 15091 of the CEQA Guidelines (14 CCR § 15091) for each significant effect or shall make the findings in Section 15093 of the CEQA Guidelines (14 CCR § 15093) regarding overriding considerations if necessary.
- B. **Effect of Appeals on Project Decisions.** Where a decision to approve, conditionally approve, or deny a project has been appealed pursuant to Section 11.53.150, Appeals and Calls for Review, and said appeal is based upon an environmental issue, the Negative Declaration or EIR that was adopted or certified by the decision-making authority shall be invalid and the body considering the appeal shall either readopt or recertify the environmental document or shall cause a revised environmental document to be prepared pursuant to this chapter.
- C. **Time for Decision.** A decision to approve, conditionally approve or deny a development project for which a Negative Declaration or EIR has been prepared shall be made within one year from the date on which the application requesting approval was accepted as complete. Such time limit may be extended by the County for a period not to exceed 90 days with the consent of the project applicant. The following are exceptions to the one year time frame for a decision:
1. Projects that include a legislative action;
  2. Suspension of Time Periods pursuant to CEQA Guidelines Section 15109; or
  3. Projects with Federal Involvement pursuant to CEQA Guidelines Section 15110.
- D. **Failure to Act.** Upon the County's failure to act to approve, conditionally approve, or deny a development project within such time or extension thereof the applicant may invoke the Permit Streamlining Act pursuant to Government Code Section 65956 to constitute approval of the project subject to compliance with any standards, improvements, or dedications required by ordinance including adoption or certification of any required CEQA determination by the County.
- E. **Notice of Determination.** After a decision to approve, conditionally approve, or deny any project for which an Negative Declaration, Mitigated Negative Declaration or EIR was prepared the Planning Director shall file a Notice of Determination pursuant to Section 15094 of the CEQA Guidelines (14 CCR § 15094).

### 11.54.080 Responsible Agency Procedures

When a project is proposed in which Yuba County has discretion in a minor capacity and when another agency is the lead agency, the County shall follow the procedures of this section.

- A. **Consultation.** The Planning Director or his or her representative shall consult with the lead agency and furnish information and recommendations to assist the lead agency in preparing adequate documents for the project pursuant to Section 15063 of the CEQA Guidelines.

- B. **Response to Notice of Preparation.** As soon as possible, but no longer than 45 days after receiving a Notice of Preparation from a lead agency, the Planning Director shall send a written reply pursuant to Section 15096 of the CEQA Guidelines. The proposed reply may be presented to the Planning Commission or Board of Supervisors for information and comment prior to being sent.
- C. **Review of Draft EIRs and Negative Declaration.** Within the review period allowed by the lead agency or by law, the Planning Director shall formulate comments on Draft EIRs and Negative Declarations for projects that the County will later be asked to approve. Such comments may be based upon review and comments by the Development Review Committee, Planning Commission, or Board of Supervisors as deemed appropriate by the Planning Director.
- D. **Decision on Adequacy of Draft EIRs and Negative Declarations.** If the Planning Director believes that the EIR or Negative Declaration prepared by the lead agency is not adequate for use by the County, the Planning Director may bring the matter to the attention of the Planning Commission for recommendations and shall bring it to the attention of the Board of Supervisors for decision and possible action pursuant to Section 15096(e) of the CEQA Guidelines.

#### 11.54.090 Mitigating Standards and Ordinances

Where applicable, in accordance with Section 15183(f) of the CEQA Guidelines, compliance with appropriate County standards and ordinances can serve as mitigation to reduce significant effects. In such instances, the relevant standard or ordinance does not need to be listed as a mitigation measure in the environmental document so long as a discussion of the ability of the standard or ordinance to mitigate the effect is provided in the document's environmental analysis. The Planning Director shall maintain a list of those standards and ordinances that have been adopted by the Board of Supervisors with a finding that the standards or ordinances will substantially mitigate a particular environmental effect when applied to future projects.

#### 11.54.100 Mitigation Monitoring and Reporting Program

The County shall approve a mitigation monitoring and reporting program ("monitoring plan") for all projects that it approves with a Mitigated Negative Declaration or Final EIR. The purpose of the monitoring plan is to ensure that the project applicant complies with all of the provisions or changes identified as mitigation measures during implementation of the project.

- A. **Application.** A monitoring plan shall be prepared for any private or public nonexempt discretionary project approved by Yuba County that is subject to either a Negative Declaration or EIR and that includes mitigation measures necessary to reduce impacts to a less-than-significant level. The applicant for or sponsoring department of the project shall prepare a draft monitoring plan and submit it to the Planning Department for independent review.
- B. **Timing.**
  1. **EIRs.** Draft monitoring plans for projects for which an EIR is prepared shall be included in the Draft EIR. The monitoring plan shall be subject to the same public review and comment accorded all other portions of the EIR. The final monitoring plan shall be adopted as a part of the CEQA findings for the subject project.
  2. **Negative Declarations.** If required for a Mitigated Negative Declaration, a monitoring plan shall be prepared prior to adoption. The monitoring plan shall be attached to the proposed Negative Declaration as a supporting exhibit.

C. **Contents of Plan.** A monitoring plan shall contain, at a minimum, the following:

1. A listing of every mitigation measure contained in the EIR or Mitigated Negative Declaration. The decision-making authority may modify or delete recommended mitigation measures so long as the appropriate findings are made. Also, reference should be made to the page in the EIR where the mitigation measure is described.
2. Identification of individuals or organizations responsible for monitoring and/or reporting.
3. Identification of individuals or organizations responsible for verifying compliance.
4. Identification of the phase (or date) of the permit process (e.g., prior to tentative map application, final map application, issuance of grading permit, issuance of building permit, certificate of occupancy, etc.) when each mitigation measure shall be initially implemented.
5. Identification of the frequency and duration of required monitoring, if a measure requires continuous, frequent, monthly, or annual monitoring.
6. Identification of when measure must be implemented (monitoring milestones) (e.g., prior to approval of final map).
7. Identification of the performance criteria for determining the success of the mitigation measure, if appropriate (e.g., success rate, measurement criteria, etc.).
8. Identification of a detailed work program and task assignments for monitoring, if appropriate.
9. Identification of the cost, proposed funding, and budget for the monitoring plan, if appropriate.

D. **Implementation.**

1. **Private Projects.** For private projects, the applicant shall be responsible for monitoring mitigation measure implementation and reporting in writing on the progress, completion, and any violations of the mitigation plan to the Planning Department. The applicant shall, in those reports, certify the sufficiency of the monitor's expertise in determining whether the mitigation measures were accomplished. The Planning Department, using qualified staff or contracted personnel, shall verify all information set forth in the applicant's reports, using field visits as necessary.
2. **Public Projects.** For Public projects, the sponsoring department shall be responsible for monitoring mitigation measure implementation and reporting in writing on the progress, completion and any violations of mitigation plan to the Planning Department.
3. **Availability of Reports.** The reports specified in this section are public information and shall be made available to the public as part of the normal County filing process.

E. **Fees.**

1. All costs for the preparation and implementation of a monitoring plan shall be paid by the project applicant or sponsoring department, in accord with the adopted fee schedule.
2. The estimated cost of implementing the monitoring plan shall be submitted to the Planning Department and deposited in a trust account prior to the acceptance of any plans for review by the County for the issuance of demolition, construction, site preparation, grading, building permits, or other entitlement.

3. If the actual cost of required monitoring activities exceeds the initial deposit, the excess costs shall be submitted to the County prior to issuance of an occupancy permit unless otherwise specified in the mitigation plan. If the actual cost is less, the difference will be refunded to the applicant.
4. Mitigation plans that extend beyond 12 months may be funded with periodic payments instead of the full cost being submitted as specified above. This alternative fee arrangement must be specified in the proposed mitigation plan and approved by the decision-making authority.
5. Projects that include mitigation plans requiring monitoring for longer than 12 months will be required to demonstrate that long-term funding of monitoring will be ensured through one or more of the following mechanisms: deed restrictions; conditions, covenants and restrictions (CC&Rs); cash deposit; letters of credit; or other financial assurances acceptable to the County.

**F. Enforcement.**

1. ***Violation of Monitoring Plan Prior to Project Completion.*** Violation of the monitoring plan, where a mitigation measure is to be implemented during site preparation or building construction, shall result in notification of the violation by the Planning Director and issuance of a stop-work order by the appropriate County permit-issuing authority until the matter is resolved.
2. ***Violation of Monitoring Plan Following Project Completion.*** Violation of an approved monitoring plan subsequent to project completion or occupancy shall result in one or more of the following actions:
  - a. The person or firm responsible for monitoring shall report (whether or not it is the normal time designated in the monitoring plan for reporting) to the Planning Director the facts surrounding the noncompliance.
  - b. Upon receipt of the monitoring report, the Planning Director shall place the report on the next available Board of Supervisors agenda and notify the applicant of this action. The Planning Director shall also notify any persons who have requested such notification.
  - c. The Board of Supervisors shall consider the report and any information presented by the applicant and shall determine whether or not there is a violation of the project approval.
  - d. If no violation is found, the applicant shall be so notified in writing.
  - e. If a violation is found that can be corrected, the applicant will be notified of the needed correction in writing and will be given a reasonable period of time (normally 10 days) in which to correct the violation.
  - f. If a violation is found that cannot be corrected, or if the applicant fails to correct the violation according to Subsection (e) above, the County Counsel shall institute proceedings to stop work on the project and seek whatever legal remedies are available, such as, but not limited to prosecution of the responsible party for a misdemeanor; forfeiture of bonds, cash deposits, and/or letters of credit; and/or repeal of any land use entitlements.

- G. **Amendment of Mitigation Program Not Permitted Following Adoption.** Unless specifically authorized or required by the conditions of project approval, neither CEQA nor this Code authorize the County to modify or add mitigation measures if the monitoring program shows that the mitigation measures have not achieved the desired result.

#### **11.54.110 Appeals**

The applicant or any aggrieved person may appeal the following environmental determinations directly to Board of Supervisors in the manner described in Section 11.53.150, Appeals and Calls for Review:

- A. Determination that a project is or is not subject to environmental review.
- B. Determination that a project is exempt from environmental review.
- C. Adoption of a Negative Declaration or Mitigated Negative Declaration by the Development Review Committee or Planning Commission.
- D. Certification of a Final EIR by the Development Review Committee or Planning Commission.

## Chapter 11.55 Zoning Clearances

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### Sections:

11.55.010	Purpose
11.55.020	Applicability
11.55.030	Review and Decision
11.55.040	Appeals

### 11.55.010 Purpose

This chapter establishes procedures for conducting a Zoning Clearance to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Code.

### 11.55.020 Applicability

A Zoning Clearance may be required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, change of occupant or tenant on a parcel of land or building, or for substantial expansions in the use of land or building, that are allowed as a matter of right by this Code. In addition, any person may request and the Planning Department shall issue a zoning clearance certification stating the zoning standards for any parcel located within the unincorporated area of the county.

### 11.55.030 Review and Decision

Before the County may issue any business license, building permit, subdivision approval, or lot line adjustment, the Zoning Administrator shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Code or any Design Review, Use Permit or Variance approval and that all conditions of such permits and approvals have been satisfied.

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 11.53.020, Application Forms and Fees. The Zoning Administrator may request that the Zoning Clearance application be accompanied by a written narrative, plans and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Code and the requirements and conditions of any applicable Use Permit or Variance approval.
1. **Zoning Clearance associated with a Building Permit.** Plans submitted to the Building Department shall include plans, specifications and information that demonstrate conformance with this Title. A separate zoning clearance application form is not required and the zoning clearance associated with the issuance of a building permit shall be the plans approved by the Planning Department for issuance of the building permit.
- B. **Determination.** If the Zoning Administrator determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Zoning Administrator shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric

data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

1. **Notice.** Zoning Clearance required for issuance of a building permit shall be provided directly to the Building Department. If a Zoning Clearance is required that is not part of a building permit, it will be mailed to the applicant within seven working days.
- C. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures, or for new ancillary uses and accessory structures that are not subject to any building or zoning regulations unless specifically identified in conditions of approval or this Code.
- D. **Expiration of Zoning Clearance.** A Zoning Clearance shall expire upon the earlier event of the following:
1. 180 days after issuance, unless otherwise indicated on the Zoning Clearance; or
  2. When the proposed use or development no longer conforms to all applicable provisions of this Title (i.e. the zoning or land use designation is changed).
  3. If a Zoning Clearance is issued in conjunction with a building permit, the Zoning Clearance shall expire when the building permit expires.

#### 11.55.040 Appeals

Zoning Clearance decisions are subject to the appeal provisions of Section 11.53.150, Appeals and Calls for Review.

## Chapter 11.56 Design Review

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### Sections:

11.56.010	Purpose
11.56.020	Applicability
11.56.030	Design Review Responsibilities
11.56.040	Scope of Review
11.56.050	Procedures
11.56.060	Criteria for Approval
11.56.070	Conditions of Approval
11.56.080	Post-Decision Procedures

### 11.56.010 Purpose

This chapter establishes the Design Review procedure. The specific purposes of Design Review are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other County regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

### 11.56.020 Applicability

A Design Review Permit shall be obtained prior to the issuance of a building permit or zoning clearance for any new construction; exterior remodeling; site design, architectural, landscaping or circulation modifications including parking or driveway locations or addition of mechanical equipment to non-residential uses or new or modified residential master plans including landscaping and as otherwise required by this Code in areas subject to adopted design guidelines including community and specific plans. With the exception of the following:

- A. Single family residence or a two family residence with exception of production housing;
- B. Principally permitted uses within zone districts located within the General Plan Natural Resources land use designation including those uses that require approval of a Zoning Clearance.
- C. Construction, reconstruction, repair and maintenance, for a project developed in compliance with a previous Design Review approval, including additions of floor area within an existing building envelope;
- D. Telecommunication facilities except for camouflage facilities; and,
- E. Signs.

### 11.56.030 Design Review Responsibilities

The responsibilities for conducting Design Review shall be as follows:

- A. **Permit Review Authority.** For Design Review applications associated with another discretionary permit, such as a Use Permit or Variance, the decision-making authority for the associated permit shall also have Design Review authority.
- B. **Planning Director (Administrative Design Review).** The Planning Director shall have Design Review authority for all projects that do not meet the criteria listed in Subsection A and are not associated with another discretionary permit or minor modifications to an approved Design Review Permit such as but not limited to:
  - 1. Reviewing individual buildings for compliance with an approved Master Design Review Permit;
  - 2. Replacement of landscaping with at least equal or greater water efficient landscaping (consistent with the Water Efficient Landscape Ordinance);
  - 3. Installation of new landscaping areas when deemed to meet the intent of the approved Design Review Permit or new landscaping for projects not previously subject to Design Review;
  - 4. Modifications to parking areas including compliance with Americans with Disabilities Act and re-striping where there is no net decrease in the number of parking spaces;
  - 5. Minor building facade improvements such as the rearrangement or addition of doors, windows and awnings;
  - 6. Addition of Security Facilities including security gates and gate houses at a project entrance;
  - 7. Modifications to existing walls and fences or addition of new fencing or walls.
  - 8. Other minor alterations, enlargements or remodels to existing buildings, structures and/or improvements (including new construction on partially developed properties) which are:
    - a. Compatible with and in substantial conformance with the existing development and the previously approved permit;
    - b. Do not create the need for new parking nor affect existing or required parking;
    - c. Are not visible from any public street or area held open to the public; and
    - d. Meet all the requirements of this Code and the Community Design Guidelines.

#### **11.56.040 Scope of Review**

Design Review shall be based on consideration of the requirements of this chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:

- A. Building proportions, massing, and architectural details;
- B. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
- C. Size, location, design, development, and arrangement of on-site parking, circulation, and other paved areas;
- D. Exterior materials and, color as they relate to each other, to the overall appearance of the project, and to surrounding development;

- E. Height, materials, design, and, color of fences, walls, and screen plantings;
- F. Location and type of landscaping including selection and size of plant materials, design of hardscape, and irrigation; and
- G. Location and design of wall mounted and freestanding lighting.

#### **11.56.050 Procedures**

- A. **Applications and Fees.** Written applications for Design Review Permits shall be submitted to the Planning Department in compliance with the application procedures in Chapter 11.53, Common Procedures. In addition to any other application requirements, an application for Design Review shall include drawings or other evidence showing that the project conforms to the required findings set forth in Section 11.56.060, Criteria for Approval.
- B. **Design Guidelines.** Design Guidelines adopted by the Board of Supervisors provide recommendations to be used in the Design Review process. They are intended to promote high-quality design, well-crafted and maintained buildings and landscaping, the use of high-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.
- C. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary zoning approval in addition to Design Review approval, the Design Review application shall be submitted to the Planning Department as a part of the application for the underlying Use Permit, Variance, or other permit.
- D. **Alterations to Drawings.** If alterations to the approved drawings are desired by the applicant, the drawings shall be re-submitted and processed according to the procedures established for approval of the original drawings unless the change(s) qualifies as a minor modification.

#### **11.56.060 Criteria for Approval**

When conducting Design Review, the decision-making authority shall evaluate applications to ensure that they conform to the policies of the General Plan and any applicable specific plan, development standards of this Code, and are consistent with any other policies or design guidelines the Board of Supervisors may adopt for this purpose.

#### **11.56.070 Conditions of Approval**

In granting Design Review approval, the decision-making authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this chapter and ensure compliance with the applicable criteria and standards established by this Code. They may not impose requirements pertaining to use of land or that are more restrictive than the standards set forth in this Code or a valid Use Permit or Variance if such conditions would require a reduction in the residential density or the Floor Area Ratio (FAR) of a proposed project.

#### **11.56.080 Post-Decision Procedures**

- A. **Appeals.** Design Review decisions are subject to the appeal provisions of Section 11.53.150, Appeals and Calls for Review.

- B. **Expiration, Extensions and Modifications.** Design Review approval is effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.
- C. **Failure to Comply with Conditions.** Failure to comply with any condition of approval of a Design Review application is a violation of this Code subject to provisions of Chapter 11.67, Enforcement and Abatement Procedures.
- D. **Revocation of Design Review.** A Design Review approval may be revoked as provided by Section 11.53.140, Revocation of Approvals.

## Chapter 11.57 Use Permits

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### Sections:

11.57.010	Purpose
11.57.020	Applicability
11.57.030	Decision-Making Authority
11.57.040	Application Procedures
11.57.050	Public Notice and Hearing
11.57.060	Required Findings for Approval
11.57.070	Conditions of Approval
11.57.080	Post-Decision Procedures

### 11.57.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they will be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

### 11.57.020 Applicability

This chapter sets forth the requirements for three use permit types: Administrative Use Permits, Minor Use Permits and Major Conditional Use Permits.

#### A. Use Permit Types.

1. ***Administrative Use Permits.*** Administrative Use Permits are those uses that have minimal potential of negatively affecting surrounding properties and are exempt under the California Environmental Quality Act (CEQA). Given the ancillary nature of these types of uses, a public hearing is not required and the only improvement standards required are those mandated by state or federal law or Title 10 of the Yuba County Code. All development standards related to setbacks, site coverage, height restrictions, parking and access shall also apply.
2. ***Minor and Major Use Permits.*** Minor and Major Use Permits are those uses that due to their operational characteristics merit public review to insure compatibility with surrounding properties. The scale and intensity of a use is the basis for determining whether a use is a classified as Major or Minor Use Permit.

#### B. Approval of a Use Permit.

Approval of a Use Permit is required for uses or developments specifically identified in Division II, Base and Overlay Districts, and/or any other section of this Code that requires a Use Permit. However, the following projects shall be processed as Administrative Use Permits:

1. Enlargement or expansion of a use authorized under a Conditional Use Permit, provided that the addition will not result in an increase of more than 50 percent of the existing facility and the expansion is exempt from CEQA.

2. Enlargement or expansion of the existing nonconforming use provided that the addition will not result in an increase of more than 25 percent of the existing facility and is exempt from CEQA.
3. Uses identified in Division II Base and Overlay Districts; Land Use Regulation tables as a use allowed through approval of an Administrative Use Permit.

#### **11.57.030 Decision-Making Authority**

- A. **Major Conditional Use Permits.** The Planning Commission shall approve, conditionally approve, or deny applications for Major Conditional Use Permits based on consideration of the requirements of this chapter.
- B. **Minor Use Permits.** The Development Review Committee shall approve, conditionally approve, or deny applications for Minor Use Permits. The Development Review Committee or CDSA Director may, at its discretion, refer any application for a Minor Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision. In that case, the application shall be subject to Planning Commission hearing and any additional legal notification fees. Projects that qualify for streamlined review under Government Code § 65913.4 (SB 35) that require a Minor Use Permit must be reviewed using objective standards in compliance with law.
- C. **Administrative Use Permits.** The Zoning Administrator shall approve, conditionally approve, or deny applications for Administrative Use Permits for projects that are exempt from CEQA. The Zoning Administrator may, at his/her discretion, refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Development Review Committee for a decision rather than acting on it himself/herself. In that case, the application shall be subject to any legal notification fees. Projects that are determined not to be exempt from CEQA shall be processed as a Minor Use Permit.

#### **11.57.040 Application Procedures**

Applications for Use Permits shall be filed with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 11.57.060, Required Findings for Approval, below.

#### **11.57.050 Public Notice and Hearing**

- A. **Major Conditional Use Permits.** All applications for Major Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 11.53, Common Procedures.
- B. **Minor Use Permits.** All applications for Minor Use Permits shall require public notice and hearing before the Development Review Committee unless forwarded to the Planning Commission for action pursuant to Chapter 11.53, Common Procedures.

**C. Administrative Use Permits.**

1. The Zoning Administrator shall review the application for compliance with this Code and shall approve, approve with modifications and/or conditions, or deny the application based on the findings set forth in Section 11.57.060 of this Chapter.
2. The Zoning Administrator may waive the requirements for a public hearing; however notice of the proposed action shall be posted in the Planning Department and mailed to the applicant and all property owners of record within a 300 (VGB) or 1000 foot radius of the subject property as shown on the latest available assessment role at least 10 days prior to the date of action.
  - a. If a request for public hearing is not received by the date of action indicated in the notice, the Zoning Administrator shall take action on the permit the following business day. A copy of the determination shall be mailed to the applicant and summary of the action posted in the CDSA Department for a minimum of 10 days.
  - b. Requests for a public hearing shall be made to the Planning Department in writing on a form prescribed by the Planning Department and accompanied by a fee as established by the Board of Supervisors. Requests for public hearing shall be made prior to the date of action listed on the public notice.
    - i. The Zoning Administrator shall schedule and notice the permit for a public hearing by the Development Review Committee within 30 days of receipt of the request for public hearing.

**11.57.060 Required Findings for Approval**

The decision-making authority must make all of the following findings in the affirmative in order to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings in the affirmative is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zoning district or overlay district and complies with all other applicable provisions of this Code and all other titles of the Yuba County Code;
- B. The proposed use is consistent with the General Plan, and any applicable adopted community plan or specific plan;
- C. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the surrounding area;
- D. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- E. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code;
- F. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity;
- G. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

- H. An environmental determination has been prepared in accordance with the California Environmental Quality Act.

#### **11.57.070 Conditions of Approval**

In approving a Use Permit, the decision-making authority may impose reasonable conditions or restrictions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the Board of Supervisors;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section 11.57.060, Required Findings for Approval, above; or
- D. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

#### **11.57.080 Post-Decision Procedures**

- A. **Appeals.** A decision of the Zoning Administrator, Development Review Committee, or Planning Commission may be appealed to the Board of Supervisors, as provided in Section 11.53.150, Appeals and Calls for Review.
- B. **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.
- C. **Failure to Comply with Conditions.** Failure to comply with any condition of approval of a Use Permit is a violation of this Code subject to provisions of Chapter 11.67, Enforcement and Abatement Procedures.
- D. **Revocation of Use Permits.** A Use Permit may be revoked as provided by Section 11.53.140, Revocation of Approvals.

## Chapter 11.58 Temporary Use Permits

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### Sections:

11.58.010	Purpose
11.58.020	Applicability
11.58.030	Procedures
11.58.040	Required Findings for Approval
11.58.050	Conditions of Approval
11.58.060	Operation and Time Limits

### 11.58.010 Purpose

This chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

### 11.58.020 Applicability

Approval of a Temporary Use Permit is required for uses specifically identified in Section 11.32.300, Temporary Uses, and/or any other section of this Code that requires a Temporary Use Permit.

### 11.58.030 Procedures

- A. **Application.** Applications for Temporary Use Permits shall be filed with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures. Applications for Type 1 Temporary Use Permits require public notification and therefore should be submitted at least 60 days before the use is intended to begin. An application for a Type 2 Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin.
- B. **Decision-Making Authority.**
1. Type 1 Temporary Use Permits. Upon determining the application as complete and receipt of draft conditions from other departments within CDSA (if applicable), the Zoning Administrator shall provide notice of the proposed action to the applicant and all property owners of record within a 300 (VGB) or 1000 foot radius of the subject property as shown on the latest available assessment role at least 10 days prior to the date of action. Notice shall also be posted within the CDSA Department.
    - a. If a request for public hearing is not received by the date of action indicated in the notice, the Zoning Administrator shall approve, conditionally approve, or deny the request the following business day. A copy of the written determination shall be submitted to the applicant and posted in the CDSA Department for a minimum of 10 days.
    - b. Requests for a public hearing shall be made to the Planning Department in writing on a form prescribed by the Planning Department and accompanied by a fee as established by the Board of Supervisors. Requests for public hearing shall be made prior to the date of action listed on the public notice.

- i. The Zoning Administrator shall schedule and notice the permit for a public hearing by the Development Review Committee within 30 days of receipt of the request for public hearing.
2. Type 2 Temporary Use Permits. Within 20 days of accepting an application for a Temporary Use Permit as complete, the Zoning Administrator shall render a written decision. The decision shall be mailed to the applicant and posted in the CDSA Department..

#### **11.58.040 Required Findings for Approval**

The Zoning Administrator may approve an application for a Temporary Use Permit only upon making the following findings:

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the county; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
- C. The proposed use complies with any applicable design or development standards of Section 11.32.300, Temporary Uses and Special Events.

#### **11.58.050 Conditions of Approval**

The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 11.58.040, Required Findings for Approval, above, including, but not limited to: setbacks and height restrictions; regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures, and electrical service. The Administrator may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

#### **11.58.060 Operation and Time Limits**

The temporary use shall be limited to the dates and times (or period of time), nature, and extent prescribed by the Zoning Administrator.

## Chapter 11.59 Variances

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### Sections:

11.59.010	Purpose
11.59.020	Applicability
11.59.030	Decision-Making Authority
11.59.040	Procedures
11.59.050	Required Findings for Approval
11.59.060	Conditions of Approval
11.59.070	Post-Decision Procedures

### 11.59.010 Purpose

This chapter is intended to provide a mechanism for relief from the strict application of this Code where such strict application would deprive the property owner of privileges enjoyed by similar properties in the vicinity and under the same zoning classification because of the subject property's unique and special conditions.

### 11.59.020 Applicability

This chapter applies to variations to standards that exceed the thresholds to qualify for a Waiver or Exception pursuant to Chapter 11.60, Waivers and Modifications. Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow land uses or activities that this Code does not authorize for a specific site.

### 11.59.030 Decision-Making Authority

The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this chapter.

### 11.59.040 Procedures

- A. **Application Requirements.** Applications for a Variance shall be filed with the Planning Department on the prescribed application forms in accordance with the procedures in Chapter 11.53, Common Procedures. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 11.59.050, Required Findings for Approval.
- B. **Public Notice and Hearing.** An application for a Variance shall require public notice and hearing before the Planning Commission pursuant to Chapter 11.53, Common Procedures.

### 11.59.050 Required Findings for Approval

After conducting a public hearing, the Planning Commission may approve or conditionally approve a Variance application only if it can make all of the following findings. The decision-making authority shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- B. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated.
- C. The granting of the Variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans or adopted community plans, and the General Plan.
- E. The Variance does not authorize a use that is not otherwise permitted in the zone.

#### **11.59.060 Conditions of Approval**

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 11.59.050, Required Findings, above and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

#### **11.59.070 Post-Decision Procedures**

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a Variance pursuant to the provisions of Section 11.53.150, Appeals and Calls for Review.
- B. **Expiration, Extensions and Modifications.** Variances are effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.
- C. **Failure to Comply with Conditions.** Failure to comply with any Variance condition is a violation of this Code subject to enforcement, penalties, and legal procedure as prescribed by Chapter 11.67, Enforcement and Abatement Procedures.
- D. **Revocation of Variance.** A Variance may be revoked as provided by Section 11.53.140, Revocation of Approvals.

## Chapter 11.60 Waivers and Modifications

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### Sections:

11.60.010	Purpose
11.60.020	Applicability
11.60.030	Procedures
11.60.040	Required Findings for Approval
11.60.050	Conditions of Approval
11.60.060	Post-Decision Procedures

### 11.60.010 Purpose

The purpose of this chapter is to establish an alternate means of granting relief from the requirements of this Code when so doing would be consistent with the purposes of the Code and it is not possible or practical to approve a Variance. Further, it is the policy of the County to comply with the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through waiver of the application of the County's zoning regulations. This chapter authorizes the Zoning Administrator to grant administrative relief from the code's dimensional requirements to achieve these and other objectives.

### 11.60.020 Applicability

- A. **Standards for Which Waivers and Modifications May be Considered.** Applicants who are not requesting reasonable accommodation to ensure access to housing as provided for by federal and/or State law may submit an application requesting a waiver or exception to any of the following standards:
1. Minimum yards, up to 20 percent of the required yard/setback requirement;
  2. Maximum height of fences and freestanding walls, up to one foot over allowed height;
  3. Maximum height of buildings and structures, up to 20 percent;
  4. Maximum lot coverage, up to 20 percent;
  5. Minimum landscaping, up to 20 percent of required landscaping for site or parking lot;
  6. Minimum number of required parking spaces, up to 20 percent reduction;
  7. Minimum number of required bicycle parking spaces
  8. Dimensional standards for parking aisles, driveways, and parking facility design;
  9. Maximum sign area, up to 20 percent; and
  10. Maximum number of animals, up to 25 percent;
  11. Minimum parcel size for Animal Raising and Keeping (educational project exemption);
  12. Student agricultural education projects (4H and FAA) on residential properties less than one acre in size; and,
  13. Other deviations to standards as identified in this Development Code as being authorized through approval of a Waiver.

14. Minimum lot size for second residence (outside VGB 4.5 acres when on a septic and well).
- B. **Exclusions.** Waivers and modifications to subdivision standards; dedications and reservations; or improvement standards identified in Division IV, Land Divisions shall be processed pursuant to the requirements outlined in Division IV. Waivers and modifications may not be considered for increases or decreases in residential density.
- C. **Requests for Reasonable Accommodation.** A waiver of or modification to a standard that exceeds the thresholds in Subsection (A) above may be granted when such waiver or modification is necessary to comply with the reasonable accommodation provisions of federal law based on a determination that the specific circumstances of the application warrant such an accommodation.

#### 11.60.030 Procedures

- A. **Authority and Duties.** The Zoning Administrator shall approve, conditionally approve, or deny applications for waivers and modifications based on consideration of the requirements of this chapter.
- B. **Application Requirements.** An application for a waiver shall be filed with the Planning Department in accordance with Section 11.53.020, Application Forms and Fees. The application shall state in writing the nature of the waiver requested and explain why the findings necessary to grant the waiver are satisfied. The applicant shall also submit plans delineating the requested waiver.
- C. **Review of Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for reasonable accommodation to ensure access to housing will be referred to the Zoning Administrator for review and consideration. The Zoning Administrator shall issue a written decision within 45 days of the date of the application and may grant the reasonable accommodation request, grant with changes to the request, or deny the request. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.
- D. **Concurrent Processing.** If a request for waiver is being submitted in conjunction with an application for another approval, permit, or entitlement under this Code, it shall be heard and acted upon at the same time and in the same manner as that application.
- E. **Public Notice and Hearing.** Except for waivers processed in conjunction with another application or entitlement under this Code, waivers do not require a public hearing or public notice prior to taking action. A notice of the Zoning Administrator's decision shall be posted in the Planning Department for a period of 10 days from the date of the decision.

#### 11.60.040 Required Findings for Approval

A decision to grant a waiver or modification shall be based on the following findings:

- A. The waiver or modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
- B. There are no alternatives to the requested waiver or modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.

- C. The granting of the requested waiver or modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code.
- D. If the waiver or modification requested is to provide reasonable accommodation pursuant to State or federal law, in addition to any other findings that this chapter requires, the decision-maker must only make the following findings:
  - 1. That the housing or other property that is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;
  - 2. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;
  - 3. That the conditions imposed, if any, are necessary to prevent an undue financial or administrative burden on the County; and
  - 4. That granting of the requested waiver or modification would require a fundamental alteration in the nature of a County program or law including but not limited to land use and zoning.

#### **11.60.050 Conditions of Approval**

- A. In approving a waiver or modification, the Zoning Administrator may impose any conditions deemed necessary to:
  - 1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable specific plan, community plan, or other plan or policy adopted by the Board of Supervisors;
  - 2. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located;
  - 3. Achieve the findings for a waiver or exception granted; or
  - 4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.
- B. Waivers and modifications approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

#### **11.60.060 Post-Decision Procedures**

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a waiver or exception pursuant to the provisions of Section 11.53.150, Appeals and Calls for Review.
  - 1. An appellant may request a reasonable accommodation in the procedure by which an appeal will be conducted.
  - 2. If an appellant needs assistance in filing an appeal, the Planning Department shall provide the assistance that is necessary to ensure that the appeal process is accessible to the applicant.

- B. **Expiration, Extensions, and Modifications.** Waivers and exceptions granted under this chapter are effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.

## Chapter 11.61 Amendments to Development Code and Official Zoning Map

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### Sections:

11.61.010	Purpose
11.61.020	Applicability
11.61.030	Initiation of Amendment
11.61.040	Application Procedures
11.61.050	Review Procedures and Public Notice
11.61.060	Planning Commission Hearing and Recommendation
11.61.070	Board of Supervisors Hearing and Action
11.61.080	Required Findings for Approval

### 11.61.010 Purpose

This chapter provides procedures by which changes may be made to the text of this Code and to the Official Zoning Map whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan.

### 11.61.020 Applicability

The procedures in this chapter shall apply to all proposals to change the text of this Code or to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

### 11.61.030 Initiation of Amendment

An amendment to the Development Code text or Official Zoning Map may be initiated by:

- A. Application by any qualified applicant identified in Section 11.53.020, Application Forms and Fees;
- B. A motion of the Board of Supervisors; or
- C. Upon recommendation by the Planning Commission, CDSA Director or Planning Director to clarify text, address changes mandated by State law, maintain general and specific plan consistency, to address minor boundary adjustments, or for any other reason beneficial to the County.

### 11.61.040 Application Procedures

- A. **Application.** A qualified applicant shall submit an application for an amendment to the Development Code text or Official Zoning Map on a form prescribed by the Planning Department accompanied by the required fee. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Concurrent Processing.** An application for an amendment to the Development Code text or Official Zoning Map may be processed concurrently with other applications, at the discretion of the Planning Director. Entitlements approved in conjunction with an amendment to the Development Code text

or Official Zoning Map that cannot be approved without the amendment shall not be effective until the amendment is effective.

#### **11.61.050 Review Procedures and Public Notice**

- A. **Staff Report.** The Planning Director shall prepare a report and recommendation to the Planning Commission on any application for an amendment to the Development Code text or Official Zoning Map. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 11.61.080, Required Findings for Approval, of this chapter, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Department shall schedule the application for hearing by the Planning Commission.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

#### **11.61.060 Planning Commission Hearing and Recommendation**

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, findings related to the criteria in Section 11.61.080, Required Findings for Approval, and the relationship of the proposed for amendment to applicable general and specific plans, and shall be transmitted to the Board of Supervisors in the form of a Board memo, prepared by Planning Staff, with a copy of the approved minutes or minute order from the Planning Commission meeting.

#### **11.61.070 Board of Supervisors Hearing and Action**

- A. If the matter under consideration is a proposal to reclassify a property from one zone to another and the Planning Commission has recommended against the adoption of such amendment, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When a change of zone or Development Code Amendment is forwarded to the Board of Supervisors for action, the Board of Supervisors shall hold a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed amendment. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days

after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Board for adoption.

### **11.61.080 Required Findings for Approval**

The Planning Commission shall not recommend and the Board of Supervisors shall not approve an amendment unless the proposed amendment meets the criteria of this section:

- A. **Development Code Text Amendments.** An amendment that involves changes to the text of this Code may only be approved if it meets the following criteria:
  - 1. The amendment is consistent with the General Plan and any adopted and applicable community plan or specific plan; and
  - 2. The amendment is consistent with the purpose of this Code to promote the growth of the County in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.
  
- B. **Amendments to Official Zoning Map.** An amendment that involves a change to the Official Zoning Map may only be approved if it meets the following criteria:
  - 1. The change in district boundaries is consistent with the General Plan and any applicable adopted community plan or specific plan;
  - 2. The change in district boundaries is consistent with the purpose of this Code to promote the growth of the County in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare; and
  - 3. The change in district boundaries is necessary to achieve the balance of land uses desired by the County, consistent with the General Plan, and to increase the inventory of land within a given zoning district.

## Chapter 11.62 General Plan Amendments

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### Sections:

11.62.010	Purpose
11.62.020	Applicability
11.62.030	Annual Limit on Number of General Plan Amendments
11.62.040	Initiation
11.62.050	Application Procedures
11.62.060	Review Procedures and Public Notice
11.62.070	Planning Commission Hearing and Recommendation
11.62.080	Board of Supervisors Hearing and Action
11.62.090	Required Findings for Approval

### **11.62.010 Purpose**

This chapter establishes procedures for making changes to the General Plan as provided for in State law when there are compelling reasons to do so as a result of changes in conditions or circumstances unforeseen at the time of adoption or last amendment of the General Plan. These circumstances include, but are not limited to, changes in State or federal law and problems and opportunities that were unanticipated at the time of adoption or last amendment. In addition, when conditions and needs change, the County may consider proposed amendments to the General Plan policies and/or land use designations.

This chapter is intended to supplement the detailed requirements for the preparation, adoption, and amendment of general plans in Sections 65350 to 65362 of the California Government Code.

### **11.62.020 Applicability**

The procedures of this chapter apply to all proposals to change the text of the General Plan, Land Use Map, or the diagrams that illustrate the application of its provisions.

### **11.62.030 Annual Limit on Number of General Plan Amendments**

Pursuant to California Government Code 65358, no mandatory element of the General Plan may be amended more than four times during the calendar year. However, this annual limit does not apply to:

- A. Residential development projects in which at least 25 percent of the units will be occupied by families of low and moderate incomes.
- B. An amendment necessary to comply with a court decision in a case involving the legal adequacy of the general plan;
- C. An amendments to bring the General Plan into compliance with an airport land use plan; or
- D. An amendment needed in connection with the adoption of a comprehensive development plan under the Urban Development Incentive Act.

#### 11.62.040 Initiation

An amendment to the General Plan may be initiated by any qualified applicant identified in Section 11.53.020, Application Forms and Fees, or a motion of the Board of Supervisors or upon recommendation by the Planning Commission or CDSA Director.

#### 11.62.050 Application Procedures

- A. **Application.** The applicant shall submit an application for a General Plan Amendment on a form prescribed by the Planning Department accompanied by the required fee. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to review and approve the application.
- B. **Coordination with Other Applications.** The Planning Department may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Development Code to be reviewed and approved concurrently with the proposed General Plan Amendment.

#### 11.62.060 Review Procedures and Public Notice

- A. **Staff Report.** The Planning Director shall prepare a report and recommendation to the Planning Commission on the application for a General Plan Amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this chapter, a determination as to whether the proposed amendment will require amendment to other plans that the Board of Supervisors has adopted, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Department shall schedule the application for hearing by the Planning Commission in accordance with the County's schedule for considering General Plan Amendments.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to any school district, public utility district, or other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment and any other entity as required by Section 65352 of the California Government Code.

#### 11.62.070 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed General Plan Amendment and the environmental determination to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, findings supporting the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and a copy of the approved minutes or minute order from the Planning Commission meeting.

### **11.62.080 Board of Supervisors Hearing and Action**

- A. If the Planning Commission has recommended against the adoption of such amendment, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When an amendment is forwarded to the Board of Supervisors for action, the Board of Supervisors shall conduct a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed General Plan Amendment. Expansion of the Valley Growth Boundary requires approval of at least four of five Board members. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for its recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Board for adoption.
- D. Following the Board action, the County Clerk of the Board shall make the documents amending the plan, including the diagrams and text, available for public inspection.

### **11.62.090 Required Findings for Approval**

The Board of Supervisors shall only approve a General Plan Amendment if it makes all of the following findings:

- A. The proposed amendment is in the public interest;
- B. The proposed amendment is consistent and compatible with the goals and policies of the General Plan;
- C. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to the public health, safety, or welfare; and
- D. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
- E. In addition to the above findings, expansion of the Valley Growth Boundary requires approval of at least four out of five Board members.

## Chapter 11.63 Community Plans

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### Sections:

11.63.010	Purpose
11.63.020	Applicability
11.63.030	Initiation
11.63.040	Application Procedures
11.63.050	Requirements for Community Plans
11.63.060	Rural Centers
11.63.070	Required Findings for Approval
11.63.080	Zoning Established Consistent with Community Plan
11.63.090	Conditions of Approval
11.63.100	Review and Adoption
11.63.110	Review of Plans within a Community Plan Area
11.63.120	Amendment Procedure

### 11.63.010 Purpose

This chapter establishes a process for review and approval of Community Plans. Community Plans focus on a particular region or community within the more extensive planning area encompassed by the General Plan and refine its policies and designations as they apply to such areas. Community Plans provide a process for residents to work in conjunction with the County to prepare community-based plans that guide future land use and development. Community Plans also help ensure the orderly development of Rural Communities and Rural Centers, consistent with General Plan policies and objectives.

### 11.63.020 Applicability

The provisions of this chapter apply to all proposals for the adoption or amendment of a Community Plan.

### 11.63.030 Initiation

A Community Plan may be initiated by any qualified applicant identified in Section 11.53.020, Application Forms and Fees, or by a motion of the Board of Supervisors or recommendation of the Planning Commission or CDSA Director.

### 11.63.040 Application Procedures

- A. **Pre-application Review.** Prior to submitting an application for a Community Plan, the applicant shall schedule a pre-application review conference with the CDSA Director to discuss the general acceptability of the project proposal, possible problems that may be encountered, and the need, if any, for interagency coordination.
- B. **Application.** An applicant shall submit an application for a Community Plan on a form prescribed by the Planning Department and accompanied by the required fee. A Community Plan shall include the elements listed in Section 11.63.050, Requirements for Community Plans, of this chapter. The application for a Community Plan shall include:

1. **Plan Narrative.** A general narrative describing the location of the plan, its total acreage, and the existing character and use of the plan area and adjoining areas; proposed uses and activities; proposed residential densities, if appropriate; and the relation of the proposed Community Plan to the General Plan.
  2. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the plan area and demonstrate the relationship among its constituent land uses and public facilities.
    - a. **Project Boundaries.** A map showing the proposed project boundaries, the perimeter of the ownership, location and dimensions of any existing property lines and easements within the site, and the location of buildings, roads, parking and open areas.
    - b. **Site Plan.** A site plan indicating the proposed land uses and the total floor area or land area devoted to each; the proposed density or intensity of development; the location of proposed streets, pedestrian ways, and bike ways; and the general location of proposed lot lines, structures, buildings, parking, yards, pathways, open spaces and other public or private facilities.
  3. **Other Information.** The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application and for the Board of Supervisors to determine if the project meets the required findings for approval.
- C. **Coordination with Other Applications.** The Planning Director may allow any necessary applications for Community Plans to be processed concurrently with any other permit required by this Code.

### 11.63.050 Requirements for Community Plans

- A. **Minimum Area.** The minimum plan area for a Community Plan shall be five acres. However, a Community Plan for a smaller area may be considered and approved if consistent with the purposes of this chapter and the General Plan. The plan area may consist of a single parcel or a combination of adjoining parcels.
- B. **Land Uses.** Land uses shall reflect the land use mix in the General Plan Land Use Diagram. Adjustments to the locations of land uses indicated on the General Plan Land Use Diagram may be approved, as long as the total allocation of each use within each plan area is generally consistent with the proportions indicated on the General Plan Land Use Diagram.
  1. **Residential Uses.** The plan shall include proposed lot size ranges and residential dwelling types (single-family detached, small-lot single family, townhomes, multi-family) within the plan area.
  2. **Public Parks and Open Space.** A Community Plan shall identify parks and open spaces. It shall contain an appropriate range of park facilities, such as local parks, regional parks, trails, and open space, to serve the plan area. Parks and open spaces shall be sized and located consistent with the Recreational Open Space Guidelines in the Natural Resources Element of the General Plan, and shall also be consistent with the Yuba County Parks Master Plan.
  3. **Public Uses.** A Community Plan shall indicate the location of public uses needed to serve the plan area or surrounding area. Schools shall be located as shown on the General Plan Land

Use Diagram or as determined through consultation with the County and the applicable school district.

- C. **Density and Intensity Standards.** The Community Plan may identify more precise standards related to density and intensity to locations within the plan area provided the total development density and intensity in a Community Plan shall not exceed the amount permitted by the General Plan total area of the Community Plan.
- D. **Development Standards.** Development standards for the physical development of property. The General Plan provides for flexibility to allow reduced front yard setbacks, smaller driveways, and other techniques for compact housing that makes efficient use of land and still fits within the context of Yuba County.
- E. **Circulation System.** A Community Plan shall indicate the location of transportation facilities that will serve the plan area and connect it to surrounding areas. It shall show the location of arterials and collector roads and their relation to existing and planned roads in adjacent areas. Streets shall be aligned with existing planned arterial and collector streets in adjacent areas in such a way that a continuous street pattern is created. The Community Plan shall include a system of bicycle and pedestrian routes that provides access to the plan area, according to the character and needs of the area. The circulation system shall be consistent with the Vehicular Circulation Diagram, Bicycle and Pedestrian Circulation Diagram, and Transit Circulation Diagram of the General Plan and Yuba County Master Bikeway Plan, though refinements and additional facilities needed to serve the plan area may be proposed.
- F. **Utilities.** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site.
- G. **Other Information.** Any other information deemed necessary by the Planning Director to ascertain if the project meets the required findings for a Community Plan.

### 11.63.060 Rural Centers

Community Plans in areas designated Rural Community on the General Plan Land Use Diagram may identify one or more Rural Centers that provide areas for activities, goods and services needed or anticipated to be needed by the local population.

- A. **Location.** Rural Centers should be located on collector roads, arterial roads, or highways, particularly at “crossroads” locations central to the surrounding rural communities.
- B. **Land Uses.** A Rural Center shall be composed of a mix of land uses that may include, but need not be limited to locally-oriented retail, service commercial, and medical uses; agricultural- and ecological-based tourist uses; public and semi-public uses (e.g., schools, parks, libraries, post offices); and residential uses.
- C. **Public Space.** Each Rural Center shall contain at least one common area for public gathering such as a park, gazebo, public plaza, or square.
- D. **Residential Density.** The overall residential density for the plan area shall be consistent with the Rural Community designation of the General Plan. The Community Plan may provide for a wide range of densities and housing types within the plan area. Where possible, dwellings shall be clustered on smaller lots around Rural Centers with larger lots at the edges of the plan area that transition to surrounding open space or agricultural areas.

### 11.63.070 Required Findings for Approval

- A. **Community Plans (Generally).** The Board of Supervisors shall only approve a Community Plan if it makes all of the following findings.
1. The proposed Community Plan is consistent with the General Plan and any other applicable plan that the County has adopted.
  2. The proposed land uses will be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.
  3. There is a strong relationship between the proposed land uses. They complement one another and will be physically connected through transportation facilities.
  4. The Community Plan includes adequate space for community gathering or recreation. Where feasible, the plan also includes public facilities and services such as post offices, libraries, fire stations, or government offices.
  5. The potential effects of the proposed Community Plan have been evaluated and determined not to be detrimental to the public health, safety, or welfare; and
  6. The proposed Community Plan has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
- B. **Rural Community Plans.** In addition to the general findings for approval of Community Plans, the following findings are required for approval of Community Plans in areas designated Rural Community on the General Plan Land Use Diagram:
1. The plan will maintain the predominant rural character of the area;
  2. Proposed land uses and development intensities within any Rural Center will complement the rural character of the surrounding area.
  3. Rural Centers will provide for a variety of activities and services anticipated to be needed by the local population.
  4. Rural Centers are appropriately located. To the extent feasible, Rural Centers will be on major roadways and at “crossroads” locations central to surrounding rural communities.
  5. The plan provides for adequate preservation of natural and cultural resources. Rural development will be located so as to preserve and provide buffers around native oak trees and other healthy and attractive native vegetation, cultural resources, biological features, mineral deposits, active agricultural operations, unique landforms, historic structures and landscapes, and other natural resources.
  6. The plan provides appropriate transitions in scale, density, and lot size between rural development and surrounding open space areas.
  7. Any clustering of uses or reduction in parcel sizes from the base zoning has to demonstrate the ability to provide adequate water and waste facilities consistent with any adopted Environmental Health Department standards or regulations.

### **11.63.080 Zoning Established Consistent with Community Plan**

A Community Plan may include proposed zoning districts that accommodate the proposed land uses and densities and are consistent with this chapter and the General Plan. If the Board of Supervisors approves a Community Plan, it may concurrently adopt a set of zoning districts for a portion or all of the plan area.

### **11.63.090 Conditions of Approval**

In approving a Community Plan, the Board of Supervisors may impose reasonable conditions necessary to:

- A. Ensure that the Community Plan conforms with the General Plan and with any other applicable plan adopted by the Board;
- B. Achieve the general purposes of this Code;
- C. Protect the public health, safety, and general welfare; or
- D. Mitigate any potentially significant impacts identified as a result of environmental review.

### **11.63.100 Review and Adoption**

A Community Plan shall be reviewed and acted upon by the Board of Supervisors. A public hearing before the Planning Commission is required prior to Board of Supervisors review, and the Planning Commission shall make a recommendation to the Board of Supervisors.

### **11.63.110 Review of Plans within a Community Plan Area**

Plans for a project within the boundaries of a Community Plan shall be accepted for review only if they are consistent with the approved Community Plan.

### **11.63.120 Amendment Procedure**

A Community Plan may be amended in the same manner as it was adopted. Amendment of a Community Plan is subject to the same findings as required for the initial approval.

## Chapter 11.64 Specific Plans and Amendments

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### Sections:

11.64.010	Purpose and Applicability
11.64.020	Applicability
11.64.030	Initiation
11.64.040	Application Procedures
11.64.050	Specific Plan Contents
11.64.060	Land Use Regulations and Standards
11.64.070	Review Procedures and Public Notice
11.64.080	Planning Commission Hearing and Recommendation
11.64.090	Board of Supervisors Hearing and Action
11.64.100	Required Findings for Approval
11.64.110	Amendment Procedure
11.64.120	Specific Plan Administration

### 11.64.010 Purpose and Applicability

This chapter establishes procedures for consideration of specific plans as authorized by Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the Government Code. This chapter also describes the relation between an adopted specific plan and the provisions of this Code.

Specific Plans provide a mechanism for the classification and regulation of land use and development with specific project boundaries that are consistent with and implement the goals and objectives of the General Plan.

### 11.64.020 Applicability

The procedures of this chapter apply to all proposals for the adoption or amendment of a Specific Plan.

### 11.64.030 Initiation

A specific plan may be initiated by any qualified applicant identified in Section 11.53.020, Application Forms and Fees or a motion of the Board of Supervisors or recommendation by the Planning Commission or CDSA Director.

### 11.64.040 Application Procedures

- A. **Application.** A qualified applicant shall submit an application for a Specific Plan on a form prescribed by the Planning Department accompanied by the required fee. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Coordination with Other Applications.** The Planning Director may allow any necessary applications for Specific Plans to be processed concurrently with any other permit required by this Code.

#### 11.64.050 Specific Plan Contents

A Specific Plan shall include, but need not be limited to, a text and diagram(s) that specify all of the following in detail:

- A. The distribution, location and extent of individual land uses, including open space, within the area covered by the plan;
- B. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
- C. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable;
- D. A program of implementation measures, including regulations, programs, public works projects, financing measures and a statement of consistency with any existing master/capital improvements plan necessary to carry out subsections (A), (B) and (C) listed above; and
- E. A statement of relationship of the Specific Plan to the General Plan, including a statement of how the Specific Plan implements the goals and policies of the General Plan.

#### 11.64.060 Land Use Regulations and Standards

The Specific Plan shall describe the basic land use regulations and development, design, and performance standards that govern each use identified by the Specific Plan. These regulations and standards may include, but need not be limited to the following:

- A. A listing of allowable uses within each land use designation and applicable definitions, use classifications, supplemental standards, and requirements for discretionary entitlement application and other permits;
- B. Standards governing residential density, site coverage, lot size and dimensions, yard requirements, usable open space, landscaping and related performance standards;
- C. Site development regulations consistent with those of adjacent zoning districts, which apply at the perimeter of the Specific Plan area;
- D. Supplemental illustrations establishing the basic architectural and environmental character to be attained throughout the Specific Plan; and
- E. Standards and guidelines for the architectural, landscaping, streetscape and other urban design features for development within the Specific Plan.

#### 11.64.070 Review Procedures and Public Notice

- A. **Staff Report.** The Planning Director shall prepare a report and recommendation to the Planning Commission on the application for a Specific Plan. The report shall include, but is not limited to, a discussion of how the proposed Specific Plan complies with the purposes of this chapter, a determination as to whether the proposed amendment will require amendment to other plans that the

Board of Supervisors or the Redevelopment Agency have adopted, and an environmental assessment prepared in compliance with the California Environmental Quality Act.

- B. **Scheduling.** The Planning Director shall schedule the application for hearing by the Planning Commission.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to any school district, public utility district, or other local agency expected to provide essential facilities or services to the property that is the subject of the proposed Specific Plan.

#### **11.64.080 Planning Commission Hearing and Recommendation**

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Specific Plan and the environmental determination to the Board of Supervisors. In formulating a recommendation, the Commission shall consider the extent to which the proposed amendment meets the purposes of this chapter, the compatibility of the proposed amendment with the General Plan, and any changes to the Specific Plan that the Commission deems necessary to comply with other adopted Plans and ordinances or to reduce environmental impacts.

#### **11.64.090 Board of Supervisors Hearing and Action**

- A. If the Planning Commission has recommended against the adoption of such Specific Plan, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When a Specific Plan is forwarded to the Board of Supervisors for action, the Board of Supervisors shall conduct a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed Specific Plan. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for its recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Board for adoption.

#### **11.64.100 Required Findings for Approval**

The Planning Commission shall not recommend and the Board of Supervisors shall not adopt a Specific Plan unless the following findings are made:

- A. The Specific Plan implements and is consistent with the General Plan;
- B. The Specific Plan will not be detrimental to the public interest, health, safety, convenience, or welfare of the County;

- C. The Specific Plan area is physically suitable for the proposed land use designation(s) and the anticipated development; and
- D. The proposed development will be superior to development otherwise allowed under conventional zoning classifications.

#### **11.64.110 Amendment Procedure**

A Specific Plan may be amended to change the text or land use designation in the same manner as it was adopted, except that the Specific Plan may be amended as often as deemed necessary by the Board of Supervisors. Amendment of a Specific Plan is subject to the same findings as prescribed for the initial approval.

#### **11.64.120 Specific Plan Administration**

- A. **Administration.** Specific Plans and associated regulations shall be administered in accordance with Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the Government Code. Such plans and regulations may reference existing provisions and procedures of this Code or they may develop different administrative procedures to use in the implementation of the specific plan.
- B. **Consistency.** No discretionary entitlement applications or other permits may be approved, adopted or amended within the area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.
- C. **Specific Plan Supersedes.** Except as otherwise expressly provided in a specific plan, property may be used for any purpose and subject to all of the standards and requirements of the base zone. Where the regulations of a specific plan differ from the provisions of the base zone, such regulations shall supersede the provisions of the base zone as specified in the specific plan.

## Chapter 11.65 Master Plans

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### Sections:

11.65.010	Purpose
11.65.020	Applicability
11.65.030	Initiation
11.65.040	Application Procedures
11.65.050	Zoning Established Consistent with Master Plan
11.65.060	Review and Adoption
11.65.070	Required Findings for Approval
11.65.080	Review of Plans within a Community Plan Area
11.65.090	Amendment Procedure

### 11.65.010 Purpose

This chapter establishes a process for review and approval of Master Plans. Master planning helps ensure the orderly development of large areas of the County consistent with the General Plan, especially in growth areas where the appropriate mix of uses and site design can best be achieved through an integrated development plan. Master Planning allows development to be phased over time, consistent with an approved development framework.

### 11.65.020 Applicability

The provisions of this chapter apply to all proposals for the adoption or amendment of a Master Plan

### 11.65.030 Initiation

A Master Plan may be initiated by:

- A. Application by any qualified applicant identified in Section 11.53.020, Application Forms and Fees; or
- B. A motion of the Board of Supervisors or recommendation of the Planning Commission or CDSA Director.

### 11.65.040 Application Procedures

- A. **Application.** A qualified applicant shall submit an application for a Master Plan on a form prescribed by the Planning Department accompanied by the required fee in accordance with the procedures in Chapter 11.53, Common Procedures. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Concurrent Processing.** An application for a Master Plan may be processed concurrently with other applications, at the discretion of the Planning Director. Entitlements approved in conjunction with a Master Plan that cannot be approved without the Master Plan shall not be effective until the Master Plan is effective.
- C. **Master Plan Content.**

1. **Land Uses.** Land uses shall reflect the land use mix in the General Plan Land Use Diagram. Adjustments to the locations of land uses indicated on the General Plan Land Use Diagram may be approved, as long as the total allocation of each use within each plan area is generally consistent with the proportions indicated on the Land Use Diagram.
  - a. **Residential Uses.** The plan shall include proposed lot size ranges and residential dwelling types (single-family detached, small-lot single family, townhomes, multi-family) within the plan area.
  - b. **Public Parks and Open Space.** A Master Plan shall identify parks and open spaces. It shall contain an appropriate range of park facilities, such as local parks, regional parks, trails, and open space, to serve the plan area. Parks and open spaces shall be sized and located consistent with the Recreational Open Space Guidelines in the Natural Resources Element of the General Plan, and shall also be consistent with the Yuba County Parks Master Plan.
  - c. **Public Uses.** A Master Plan shall indicate the location of public uses needed to serve the plan area or surrounding area. Schools shall be located as shown on the General Plan Land Use Diagram or as determined through consultation with the County and the applicable school district.
2. **Density and Intensity Standards.** The Master Plan may identify more precise standards related to density and intensity to locations within the plan area provided the total development density and intensity in a Master Plan shall not exceed the amount permitted by the General Plan total area of the Master Plan.
3. **Development Standards.** Development standards for the physical development of property. The General Plan provides for flexibility to allow reduced front yard setbacks, smaller driveways, and other techniques for compact housing that makes efficient use of land and still fits within the context of Yuba County.
4. **Circulation System.** A Master Plan shall indicate the location of transportation facilities that will serve the plan area and connect it to surrounding areas. It shall show the location of arterials and collector roads and their relation to existing and planned roads in adjacent areas. Streets shall be aligned with existing planned arterial and collector streets in adjacent areas in such a way that a continuous street pattern is created. The Master Plan shall include a system of bicycle and pedestrian routes that provides access to the plan area, according to the character and needs of the area. The circulation system shall be consistent with the Vehicular Circulation Diagram, Bicycle and Pedestrian Circulation Diagram, and Transit Circulation Diagram of the General Plan, though refinements and additional facilities needed to serve the plan area may be proposed.
5. **Utilities.** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site.

#### 11.65.050 Zoning Established Consistent with Master Plan

A Master Plan application may include proposed zoning districts that accommodate the proposed land uses and densities and are consistent with this chapter and the General Plan. If the Board of Supervisors approves a master plan, it shall concurrently adopt a set of zoning districts for a portion or all of the plan area.

**11.65.060 Review and Adoption**

A Master Plan shall be reviewed and acted upon by the Board of Supervisors in accordance with the procedures in Chapter 11.53, Common Procedures. A public hearing before the Planning Commission is required prior to Board of Supervisors review, and the Planning Commission shall make a recommendation to the Board of Supervisors.

**11.65.070 Required Findings for Approval**

The Board of Supervisors shall only approve a Master Plan if it makes all of the following findings.

- A. The proposed Master Plan is consistent with the General Plan and any other applicable plan that the County has adopted.
- B. The proposed land uses will be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.
- C. The potential effects of the proposed Master Plan have been evaluated and determined not to be detrimental to the public health, safety, or welfare; and
- D. The proposed Master Plan has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

**11.65.080 Review of Plans within a Community Plan Area**

Plans for a project within the boundaries of a Master Plan shall be accepted for review only if they are consistent with the approved Master Plan.

**11.65.090 Amendment Procedure**

A Master Plan may be amended in the same manner as it was adopted. Amendment of a Master Plan is subject to the same findings as required for the initial approval.

## Chapter 11.66 Development Agreements

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### Sections:

11.66.010	Purpose and Applicability
11.66.020	Initiation
11.66.030	Application Procedures
11.66.040	Development Agreement Contents
11.66.050	Review Procedure and Public Notice
11.66.060	Planning Commission Hearing and Action
11.66.070	Board of Supervisors Hearing and Action
11.66.080	Required Findings for Approval
11.66.090	Amendment Procedures or Termination
11.66.100	Effect of Development Agreement
11.66.110	Periodic Review

### 11.66.010 Purpose and Applicability

A Development Agreement is a contract between the County and an applicant for a development project, in compliance with Government Code Section 65864 et seq. The purpose of a Development Agreement is to:

- A. Facilitate development projects for which there is significant applicant contribution toward infrastructure, public facilities, open space or other amenities, or other programs of benefit to the County and its residents.
- B. Assure the applicant that upon approval of the subject project, the project may proceed in accordance with existing County policies, rules and regulations in place at the time of Development Agreement approval.
- C. Encourage private participation in comprehensive planning and provision of public facilities, including, but not limited to, streets, sewerage, transportation, potable water, schools and utilities.
- D. Provide a net benefit to the County and its residents not otherwise obtainable through other processes.

### 11.66.020 Initiation

The County may enter into a Development Agreement with any person who has controlling, legal, or equitable interest in real property for the development of the property.

### 11.66.030 Application Procedures

- A. **Pre-application Review.** Prior to submitting an application for a Development Agreement, the applicant shall schedule a pre-application review conference with the CDSA Director to discuss the general terms of the agreement.
- B. **Application.** A qualified applicant shall submit an application for a Development Agreement on a form prescribed by the CDSA Director accompanied by the required fee in accordance with the procedures in Chapter 11.53, Common Procedures. The CDSA Director may require an applicant to

submit such additional information and supporting data as considered necessary to process the application.

- C. **Concurrent Processing.** An application for a Development Agreement may be processed concurrently with other applications, at the discretion of the Planning Director.

#### 11.66.040 Development Agreement Contents

- A. **Mandatory Contents.** All Development Agreements shall specify all of the following:
1. The specified duration of the Development Agreement.
  2. The permitted uses of the subject property.
  3. The permitted density or intensity of development of the subject project.
  4. The maximum permitted height and size of proposed structures.
  5. Provisions for the dedication or preservation of land for public purposes, if applicable.
  6. A specific sunset date for the Development Agreement.
- B. **Optional Contents.** Development Agreements may, upon mutual agreement of the County and the applicant, specify any of the following:
1. The conditions, terms, restrictions, and requirements for subsequent discretionary actions.
  2. Requirements that construction be commenced within a specified time and that the project or any phase of the project be completed within a specified time.
  3. Terms and conditions related to applicant financing of necessary public facilities and subsequent reimbursement over time.

#### 11.66.050 Review Procedure and Public Notice

- A. **Staff Report.** The CDSA Director shall prepare a report and recommendation to the Planning Commission on any application for Development Agreement. The report shall include, but is not limited to, a discussion of how the proposed Development Agreement meets the criteria in Section 11.66.080, Required Findings for Approval, of this chapter, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Department shall schedule the application for hearing by the Planning Commission.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures.

#### 11.66.060 Planning Commission Hearing and Action

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Development Agreement to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, findings related to the criteria in Section 11.66.080, Required Findings for Approval, and the relationship of the proposed Development Agreement to applicable general and specific plans, and shall be transmitted to the Board of

Supervisors in the form of a Board memo, prepared by Planning Staff, with a copy of the minutes or minute order from the Planning Commission meeting.

#### **11.66.070 Board of Supervisors Hearing and Action**

- A. If the Planning Commission has recommended against the adoption of such Development Agreement, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When a Development Agreement is forwarded to the Board of Supervisors for action, the Board of Supervisors shall hold a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed Development Agreement. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the Development Agreement shall be returned to Board for adoption.
  - 1. The action by the Board of Supervisors shall be by a majority vote of the entire Board and shall be final and conclusive.
  - 2. The Board of Supervisors may attach conditions to the approval of a Development Agreement as needed to ensure compliance with all applicable standards and regulations in the Development Code.

#### **11.66.080 Required Findings for Approval**

The Board of Supervisors may approve an application for a Development Agreement only if all of the following findings can be made:

- A. The Development Agreement will provide clear and substantial benefits to the County and its residents.
- B. The Development Agreement complies with applicable policies and regulations set forth in the Zoning Ordinance, other County ordinances, the General Plan and any other applicable community or specific plan, and the Improvement Standards.
- C. The Development Agreement complies with the requirements of California Government Code Sections 65864 et seq.
- D. The Development Agreement will promote the public health, safety and welfare, and will not be detrimental to or cause adverse effects to the residents, property, or improvements in the vicinity of the subject project.
- E. The Development Agreement will be compatible with the uses allowed in, and the regulations that apply to, the zone in which the subject property is located.
- F. The Development Agreement will not cause adverse effects to the orderly development of property or the preservation of property values in the county.
- G. The Development Agreement will further important countywide goals and policies that have been officially recognized by the Board of Supervisors.

- H. The Development Agreement will provide the county with important, tangible benefits beyond those that may be required by the County through project conditions of approval.

#### **11.66.090 Amendment Procedures or Termination**

- A. **Result of Review.** If, as a result of review under Section 11.66.110, Periodic Review, the County determines that the applicant (or successor in interest) has not complied in good faith with the terms and conditions of the Development Agreement, the County may modify or terminate the Development Agreement.
- B. **Notice.** If the County determines to proceed with modification or termination of the Development Agreement, the County shall give notice to the applicant (or successor in interest) of its intention to modify or terminate the agreement. The notice shall contain all of the following:
  - 1. The time and place of the hearing, which shall be conducted by the Board of Supervisors as provided in Subsection C (Hearing).
  - 2. A statement of whether the County proposes to modify or terminate the Development Agreement.
  - 3. Any other information the County considers necessary to inform the applicant (or successor in interest) of the nature of the proceedings.
- C. **Hearing.** The Board of Supervisors shall conduct a hearing on the modification or termination of the Development Agreement consistent with the following provisions:
  - 1. The applicant (or successor in interest) shall be given an opportunity to be heard at the hearing.
  - 2. At the hearing, the Board of Supervisors may affirm, modify or reject the determination of County staff to modify or terminate the Development Agreement.
  - 3. The Board of Supervisors may refer the matter back to County staff for further proceedings or for report and recommendation.
  - 4. The Board of Supervisors may impose conditions to the action it takes that it considers reasonable and necessary to protect the interests of the County.
  - 5. The decision of the Board of Supervisors on the modification or termination shall be final.

#### **11.66.100 Effect of Development Agreement**

- A. The effective date of the Development Agreement shall be the effective date of the ordinance approving the Development Agreement.
- B. The Development Agreement shall be recorded in the County Recorder's Office no later than 10 days after it is approved.
- C. Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement, and construction standards and specifications applicable to development of the property subject to a Development Agreement are the rules, regulations, and official policies in force at the time of execution of the agreement.
- D. A Development Agreement does not prevent the County in subsequent actions from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.

**11.66.110 Periodic Review**

- A. The County shall perform a periodic review of the Development Agreement at least every 12 months, or at any other time that the County considers to be appropriate, at which time the applicant (or successor in interest) shall demonstrate good faith compliance with the terms and conditions of the Development Agreement. The review shall be limited in scope to compliance with the terms and conditions of the Development Agreement.
- B. The costs of notice and related costs incurred by the County for review shall be borne by the applicant (or successor in interest).
- C. Failure of the County to conduct a periodic review shall not constitute a waiver by the County of its rights to enforce the provisions of the Development Agreement. The developer shall not assert any defense to the enforcement of the Development Agreement by reason of the failure of the County to conduct a periodic review.

## Chapter 11.67 Enforcement and Abatement Procedures

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### Sections:

11.67.010	Purpose
11.67.020	Enforcement
11.67.030	Duty
11.67.040	Violations Declared as Public Nuisance
11.67.050	Penalties
11.67.060	Remedies
11.67.070	Nuisance Abatement

### 11.67.010 Purpose

This chapter establishes the responsibilities of various departments, officials and public employees of the County to enforce the requirements of this Code and establishes uniform procedures the County will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code.

### 11.67.020 Enforcement

All departments, officials, and public employees of the County vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall not issue any permit or license for uses, buildings or purposes in conflict with the provisions of this Code, and any such permit or license issued in conflict with the provisions of this Code shall be null and void.

#### A. Authority.

1. **Primary Authority.** The Director of the affected department shall be the Enforcement Official and is empowered to use any of the provisions of the Yuba County Code where appropriate to correct violations of, and secure compliance with, the provisions of this Code.
2. **Warning Not Required.** Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations of this chapter are not tiered and are subject to citations without notice of violation.

### 11.67.030 Duty

It shall be the duty of the Enforcement Official to enforce the provisions of this chapter and the Enforcement Official has the following responsibilities and authorities in the enforcement and administration of the provisions of this Code:

1. To review with affected individuals the provisions of this Code through methods to support voluntary compliance with its provisions;
2. To issue citations for violations of this Code, and to issue orders;
3. To initiate necessary proceedings to forfeit securities, bonds or cash deposits;
4. To initiate proceedings to revoke land use permits and other entitlements granted under this Code;

5. To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this Code;
6. To carry out any other special enforcement programs initiated by ordinance, order or resolution of the Board of Supervisors, and any other responsibilities and authorities specified by this Subchapter or this Code; and
7. To recover enforcement costs.

#### **11.67.040 Violations Declared as Public Nuisance**

- A. Any of the following activities in violation of this Code shall be declared a public nuisance and may be abated in the manner prescribed by law:
  1. Activity Inconsistent with the Development Code. Any development, use or other activity of any building, structure, sign or use of any land in contravention of any provision or any regulation of this Code.
  2. Activity Inconsistent with Permit or Approval. Any development, use, or other activity in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Code.
- B. **Illustrative Examples of Violations.** Examples of activities inconsistent with this Code or with permit or approval issued under this Code include, but are not limited to, the following:
  1. Use of any land, structure, or improvement except in accordance with the requirements of this Code;
  2. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Code;
  3. Filing or recording of a subdivision plat in any public office without approval for recording pursuant to this Code;
  4. Failure to remove a temporary use once authorization for the temporary use under this Code and all other applicable regulations has lapsed;
  5. Damage to or removal of required landscaping and vegetation inconsistent with this Code;
  6. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Code and all other applicable regulations;
  7. Failure to remove any sign installed, created, erected, or maintained in violation of this Code, or for which a permit has lapsed;
  8. Failure of a property owner to construct, improve, or maintain any amenity, landscaping, buffers, fencing, drainage improvement, water quality improvement or other improvements required by the terms of any permit or approval as set forth in this Code.
  9. Failure to initiate, establish, and comply with all conditions of approval of any permit or approval prior to initiating or establishing the use, development, or activity such permit or approval allows.
  10. Grading without appropriate permits or clearances.

11. Discharging into a waterway or storm drain system without appropriate permits or clearances.
- C. Any use, event, structure or building, whether non-conforming or otherwise, that meets any of the following criteria shall be deemed a public nuisance subject to abatement as set forth herein: disturbances of the peace, illegal drug activity including sales or possession thereof; public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, public vandalism, excessive littering, excessive noise (particularly between the hours of 10:00 p.m. and 7:00 a.m.), noxious smells or fumes, curfew violations, lewd conduct or police detention, citations or arrests or any other activity declared by the County to be a public nuisance; violation of any provision of this chapter or any other County, State or federal regulation, ordinance or statute.

#### **11.67.050 Penalties**

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating a provision of this Code or failing to comply with a mandatory requirement of this Code shall be guilty of a misdemeanor but may be cited or charged, at the election of the Enforcement Official, as an infraction with penalties assessed consistent with the Yuba County Code.

#### **11.67.060 Remedies**

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this chapter, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists; the CDSA Director, Planning Commission, or Board of Supervisors may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continuous compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with;
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed.
- F. Impose fees to cover staff time involved in investigating the violation.
- G. Imposing fines and penalties such as but not limited to double the standard permit fees or fines as outlined in County Code Chapter 7.36.
- H. Recordation of Notice of Non-Compliance or lien against the property.

#### **11.67.070 Nuisance Abatement**

Notice and Order(s) shall be provided and abated, according to the procedures of Chapter 7.36 (Property Maintenance Ordinance) of the County Code.

- A. **Urgency Summary Abatement.** The Community Development and Services Agency Director may, in addition to other authorized procedures, take immediate action to abate any nuisance that is deemed

to be an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Agency Director, the County is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the County shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent County from seeking other and further relief authorized under this chapter.

## **Chapter 11.68 Reserved**

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## **Chapter 11.69 Reserved**

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## **Chapter 11.70 Reserved**

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## **Chapter 11.71 Reserved**

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