

Chapter 2

Permits and Approvals

18.02.010 PURPOSE AND INTENT

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Title. These provisions will provide the framework by which applications will be determined to be complete and permitted to be filed.

18.02.020 DEVELOPMENT REVIEW PROCESS

This section establishes and explains the processes and procedures that must be followed, and the application types required to be filed with the Planning Department, before new land uses or modifications of existing land uses can be legally initiated.

1. The County shall maintain appropriate processes and procedures to ensure that proposed development projects are afforded an adequate and impartial review in accordance with County ordinances, resolutions, policies and standards.
2. Before issuing a building permit for certain project types identified per administrative procedures or the Building Code, the Building Official shall require that the proposal be approved as to zoning by the Planning Director. Upon payment of appropriate fees, the Planning Director shall review the application within a timely manner to determine if the application is consistent with this Title.
3. Whenever a discretionary application that is inconsistent with the General Plan and/or this Title is filed, that inconsistency shall be noted as part of the application. In addition, filing of a General Plan Amendment and/or zone change to make the original application consistent shall be filed concurrently.
4. The approving authority for the original discretionary application may deny the application or approve it, conditioned upon obtaining the necessary change in zoning to eliminate the inconsistency prior to recordation of a final map in the instance of a division of land or prior to filing of any applications for construction permits if a division of land is not involved.
5. Nothing in this Title shall establish rules and regulations in conflict with State or federal law.
6. Nothing in this title shall limit or interfere with the temporary use of any property as a public voting place.

18.02.030 GENERAL PLAN AMENDMENT

1. Purpose and Intent

As conditions within the County change it may, from time to time, become necessary to amend the General Plan to enhance its effectiveness. In addition, State law requires that the General Plan be periodically reviewed and updated. The purpose of this section is to provide a method for amending the General Plan.

2. Authority

The Board of Supervisors may amend all or part of the General Plan, or any element thereof. All zone districts, specific plans (for which a development agreement or vesting subdivision or parcel map has not been adopted), and any other plans of the County that are affected by a General Plan amendment, and which by law must be consistent with the General Plan, shall be reviewed and amended concurrently, to ensure consistency between the General Plan and implementing zoning, specific plans, and other plans.

3. Restriction on Number of Amendments

Elements of the General Plan shall be amended no more frequently than permitted by State law

4. Initiation of amendments to the General Plan

An amendment to the General Plan or any element thereof may be initiated by any of the following actions:

- a. A request made and approved by the Planning Commission;
- b. A request made and approved by the Board of Supervisors;
- c. An application from a property owner or his/her authorized agent pertaining to property owned by the applicant;
- d. An application from any affected party, provided that such application involves only revisions to the goals, objectives, policies, and implementation programs of the General Plan; or
- e. A request made by the Planning Director.

5. Authority and Hearings

Authority for approval of General Plan amendments shall be vested in the Board of Supervisors. The Planning Commission shall forward recommendations to the Board of Supervisors regarding General Plan amendments.

a. Planning Commission Review

- 1) Following receipt, in proper form, of a completed amendment application or request from the Planning Director, Planning Commission, and/or Board of Supervisors, and appropriate environmental review, a public hearing before the Planning Commission shall be noticed and held.
- 2) The Planning Commission shall make a written recommendation on the proposed amendment to the Board of Supervisors to approve, approve in modified form, or disapprove.

b. Board of Supervisors Review and Action

A public hearing before the Board of Supervisors shall be noticed and held after a recommendation is made by the Planning Commission to approve a proposed General Plan amendment. Prior to Board of Supervisors action, any substantial modification proposed by the Board of Supervisors that was not previously considered by the Planning Commission shall first be referred to the Planning Commission for consideration and recommendation, if required by law. Failure of the Planning Commission to report within 45 calendar days, or as required by law, or within the time period set by the Board of Supervisors shall be deemed a recommendation for approval.

6. Required Findings

An amendment to the General Plan shall not be approved unless all of the following findings are made:

- a. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan, or the General Plan as revised by the proposed amendment, and will not result in any internal inconsistencies within the General Plan; and
- b. The proposed amendment will not adversely affect the public health, safety, or general welfare; and
- c. The proposed amendment is consistent with the purposes and intent of this Title, unless such amendment proposes to change, supplement, or alter any part of this Title, whereas said amendment must be consistent with all applicable sections including these findings; and

- d. Other findings, as applicable, including findings pursuant to the California Environmental Quality Act.

18.02.040 AMENDMENTS TO ZONE DISTRICTS AND OTHER PROVISIONS

1. Purpose and Intent

This section establishes the procedures for amending zone district regulations and boundaries as well as other provisions of this Title. The amendment process is necessary to provide and ensure consistency between this Title, the General Plan and State law, to increase the effectiveness of this Title, and to improve clarity in implementing General Plan goals, objectives, and policies.

2. Initiation of Amendments to Zone Districts and Other Provisions.

An amendment to zone districts or other provisions of this Title may be initiated by any of the following actions:

- a. A request made and approved by the Planning Commission;
- b. A request made and approved by the Board of Supervisors;
- c. A request made by the Planning Director;
- d. An application from a property owner, or his/her authorized agent pertaining to property owned by the applicant; or
- e. An application from any affected party, provided that such application involves only revisions to the text of this Title and does not require redistricting of properties for which the affected party is not the owner or the authorized representative of the owner.

3. Authority

Authority for approval of amendments to this Title, including amendments to the Official Zoning Map, shall be vested in the Board of Supervisors. The Planning Commission shall forward recommendations to the Board of Supervisors regarding such amendments.

a. Planning Commission Review

- 1) A public hearing before the Planning Commission shall be noticed and held within the time limits specified by State law, after an initiated

application is deemed complete and after appropriate environmental review.

- 2) The Planning Commission shall recommend approval, approval in modified form, or denial of the proposed zone amendment to the Board of Supervisors.

b. Board of Supervisors Review and Action

A public hearing before the Board of Supervisors shall be noticed and held within the time frame specified by State law after a recommendation by the Planning Commission to approve a proposed amendment to this Title or to the official zoning map. The Board of Supervisors may approve, approve with modifications, or disapprove any proposed amendment. Prior to Board of Supervisors action, any modification not previously considered by the Planning Commission may first be referred to the Planning Commission for a recommendation. Failure of the Planning Commission to report within 45 calendar days, or within the time period set by the Board of Supervisors shall be deemed a recommendation for approval.

4. Required Findings

All of the following findings shall be made prior to adoption of any amendment to this Title, including amendments to the official zoning map.

- a. The proposed change of zone or text revision is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and
- b. The proposed change of zone or text revision will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and
- c. The proposed change of zone or text revision is consistent with the purpose and intent of the remainder of this Title not under consideration; and
- d. Other findings, as applicable, including findings pursuant to the California Environmental Quality Act.

18.02.050 CONDITIONAL USE PERMIT

1. Purpose and Intent

A conditional use permit is intended to control the establishment of those uses that have some special impact or uniqueness, such that their effect on the surrounding environment

cannot be determined in advance of the use being proposed for a particular location. The conditional use permit application provides for the review of the location and design of the proposed use, configuration of improvements, potential impact on the surrounding area from the proposed use, and the evaluation of the use. The review also determines whether the proposed use should be permitted by weighing the public need for and benefits to be derived from the use against any adverse impact it may cause.

2. Authority

Authority for approval of conditional use permits shall be vested in the Planning Commission.

3. Application

An application for a conditional use permit shall be filed with the Planning Department in a manner prescribed by the Planning Director.

4. Public Hearing

The decision-making body shall consider each application for a conditional use permit at a noticed public hearing.

5. Findings

Following review and consideration of an application, the decision-making body may approve a conditional use permit application in whole or in part, with or without conditions, provided a written decision is prepared which contains the findings of fact upon which the decision is based. In preparing this written decision, all of the following findings of fact must be made in an affirmative manner;

- a. The proposed use is permitted within the subject zone district pursuant to all applicable provisions of this Title, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the County; and
- b. The proposed use would not impair the integrity and character of the zone district in which it is to be established or located; and
- c. The site is suitable for the type and intensity of use or development proposed; and
- d. There are adequate provisions for water, sanitation, public utilities and services to ensure public health and safety; and

- e. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity; and
- f. Other findings, as applicable, including findings pursuant to the California Environmental Quality Act.

6. Conditions of Approval

In granting a conditional use permit, the decision-making body may require that the use and development of the property to substantially conform with the site plan, architectural drawings, statements submitted in support of the application, and with such modifications thereof as may be deemed necessary to protect the public health, safety, and general welfare and to secure the objectives of the General Plan. The decision-making body may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to, the following matters:

- a. Requirements for setbacks, yard areas, and open spaces.
- b. Fences, walls, buffers, and screening.
- c. Parking, parking areas, and vehicular ingress and egress in addition to the minimum requirements of this Title.
- d. Landscaping and maintenance of landscaping and grounds.
- e. Regulation of signs.
- f. Control of noise, vibration, odors, and other potentially dangerous or objectionable elements.
- g. Limits on hours of operation or duration of approval.
- h. Time period within which the proposed use shall be developed.
- i. Requirements for street improvements and dedications.
- j. Building design and elevations.
- k. Such other conditions as may be determined to assure that development will be in accordance with the intent and purposes of this Title.
- l. Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the administering agency.

- m. Requirements for periodical review by the Planning Commission, and such other conditions as the Planning Commission may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Planning Commission to make the findings required by this Title.

7. Acceptance of Conditions

A conditional use permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department and no appeal, consistent with the provisions of this Title has been filed.

8. Revisions/Modifications

Requests to revise or substantially modify an approved conditional use permit may be requested by the applicant or the Planning Commission.

a. Revisions/Modifications Requested by Applicant.

A revision or substantial modification to an approved conditional use permit including, but not limited to change in conditions, expansions, intensification, location, hours of operation, or change of ownership, may be requested by an applicant. The applicant shall supply necessary information as determined by the Planning Director to indicate reasons for the requested change. The requested revision or modification shall be processed in the same manner as the original conditional use permit.

b. Review by the Planning Commission.

The Planning Commission may periodically review any conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Planning Commission deems that there is sufficient evidence to warrant a full examination, a public hearing date shall be set and noticed. At such public hearing, the Planning Commission may modify or revoke the conditional use permit pursuant to the provisions of this Title.

18.02.060 MODIFICATIONS TO STANDARDS

1. Modifications

The Planning Director may administratively approve requests for modification to certain standards of this Title subject to the following:

- a. Minor parking lot improvements.
 - b. Up to thirty percent (30%) of parking and loading space requirements.
 - c. Up to fifty percent (50%) of front yard setback requirements.
 - d. Up to forty percent (40%) of side yard setback requirements, but no closer than three (3) feet from the property line.
 - e. Up to twenty-five percent (25%) of rear yard setback requirements, but no closer than five (5) feet from the property line.
 - f. Up to ten percent (10%) of area requirements, excluding lot area and dimension requirements.
 - g. Up to ten percent (10%) of the maximum building coverage requirements.
 - h. Up to ten percent (10%) of maximum gross floor area requirements.
 - i. Up to twenty percent (20%) above height limitations, except for fences.
 - j. Reasonable accommodation for people with disabilities.
2. Notice

At least 10 (ten) days prior to making a decision regarding a Modification, the Planning Director shall issue a notice describing the application and the anticipated date of the decision. The notice shall be distributed as specified by Section [REDACTED], except that no hearing shall be required.

3. Decision

The Planning Director shall consider an application for a Modification to determine if the application meets the requirements, make findings, and render a decision either approving or disapproving the requested Modification. Upon making a decision regarding a Modification, the Planning Director shall issue a Notice of Decision approving or disapproving the requested Modification. The Planning Director may impose conditions to ensure that the application meets the requirements, specify a time period to complete the application, or otherwise.

4. Findings

If approving a Modification, the Planning Director shall find development of the property absent the Modification would be unduly constrained.

5. Acceptance of Conditions

A Modification shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department and no appeal consistent with the provisions of this Title has been filed.

18.02.070 VARIANCE

1. Purpose and Intent

The purpose of a variance is to provide for equity in use of property, and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations prescribed by this Title.

2. Authority

The authority to grant a variance, as defined herein, shall be vested with the Planning Commission. A variance from the terms of the regulations of this Title shall be granted only when it is demonstrated that the strict application of the zoning regulations deprives such property of privileges enjoyed by other properties in the general vicinity and in the same zone district due to special circumstances applicable to the property in question, including size, shape, topography, location or surroundings. Consequently, a variance to a zoning regulation prescribed by this Title may be granted with respect to development standards including, but not limited to, walls, fences, screening and landscaping, width and depth, coverage, front, side, and rear yards, height of structures, usable open space, and on-street and off-street parking and loading facilities.

3. Required Findings

The decision-making body shall make all the following findings in a decision to grant a variance request:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship, excepting financial hardships, not otherwise shared by others within the surrounding area or vicinity; and
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply

generally to other properties in the vicinity and under the same zoning classification; and

- c. That the strict interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification; and
- d. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification; and
- e. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and
- f. That the granting of the variance is consistent with the objectives and policies of the General Plan and the intent of this Title.
- g. Other findings, as applicable, including findings pursuant to the California Environmental Quality Act.

6. Conditions

In granting a variance, the decision-making body may require that the use and development of the property to substantially conform with the site plan, architectural drawings, statements submitted in support of the application, and with such modifications thereof as may be deemed necessary to protect the public health, safety, and general welfare and to secure the objectives of the General Plan. The decision-making body may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to, the following matters:

- a. Requirements for setbacks, yard areas, and open spaces.
- b. Fences, walls, buffers, and screening.
- c. Parking, parking areas, and vehicular ingress and egress in addition to the minimum requirements of this Title.
- d. Landscaping and maintenance of landscaping and grounds.
- e. Regulation of signs.
- f. Control of noise, vibration, odors, and other potentially dangerous or objectionable elements.

- g. Limits on hours of operation or duration of approval.
- h. Time period within which the proposed use shall be developed.
- i. Requirements for street improvements and dedications.
- j. Building design and elevations.
- k. Such other conditions as may be determined to assure that development will be in accordance with the intent and purposes of this Title.
- l. Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the administering agency.
- m. Requirements for periodical review by the Planning Commission, and such other conditions as the Planning Commission may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Planning Commission to make the findings required by this Title.

7. Acceptance of Conditions

A variance shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department and no appeal consistent with the provisions of this Title has been filed.

8. Revisions/Modifications

Requests to revise or substantially modify an approved variance may be requested by the applicant, including, but not limited to change in conditions. The applicant shall supply necessary information as determined by the Planning Director to indicate reasons for the requested change. The requested revision or modification shall be processed in the same manner as the original variance.

18.02.080 DEVELOPMENT AGREEMENT

Development agreements may be entered into and implemented by the County pursuant to requirements of Title 20 of the County Code.

18.02.090 TEMPORARY OCCUPANCY PERMIT

1. Temporary occupancy permits are required and may be issued for the uses and structures specified. The Planning Director shall review and act upon all requests for temporary occupancy permits, or extensions thereof. The Planning Director shall approve, conditionally approve, or deny any such applications subject to the findings and standard conditions set forth in this Chapter.
2. Those uses subject to a temporary occupancy permit include the following:
 - a. Temporary real estate offices on the site of an approved subdivision where lots, or lots and houses are being offered for sale.
 - b. Model home(s) on any lot within a tentatively approved subdivision consistent with the provisions of the County's Subdivision Ordinance.
 - c. Construction trailers, commercial cargo/storage containers, temporary office buildings, and security personnel offices on construction sites for which a project has been approved and a building permit or grading permit has been issued by the County, subject to the provisions of this Chapter.
 - d. On-site contractor's yard during the construction phase of an approved project for which a building permit or grading permit has been issued.
 - e. Mobilehome or trailer occupied for security purposes during the construction phase of a project.
 - f. Commercial cargo/storage containers ("Containers") may be placed by a temporary occupancy permit in every Zoning District excepting Central Business, subject to the following conditions.
 - 1) Said containers shall be adequately screened from view from any street highway, or adjacent property in a manner consistent with the provisions of this Title.
 - 2) One such Container shall be permitted for each seven thousand five hundred (7,500) square feet of property up to a maximum of four (4) such Containers.
 - 3) Said Container(s) shall not be placed in a manner that will interfere with any required vehicular parking or maneuvering area(s) designated for the property.

- 4) In no instance may said Container(s) be placed on a parcel of land other than as an accessory/subordinate use to an existing and permitted primary land use, except as specified in Section ■.
 - 5) Any container that has been located on a parcel of land for a period of ten (10) years or more, upon the effective date of this ordinance, may so remain and shall not be required to comply with the requirements of this Chapter unless a change of occupancy occurs or permits are issued by the County to expand, renovate, or improve the property or any structures on the property. In this instance, the requirements listed in subsections 1 thru 4 above shall apply.
 - 6) Storage of items not meeting the requirements of Section ■.
3. Temporary occupancy permits shall first be issued for a period of time not to exceed twelve (12) months. Extensions to such permits may be granted for additional periods of time each of which shall not exceed twelve (12) months. Temporary occupancy permits shall comply with the procedures, findings and conditions specified by this Title.
- a. A temporary occupancy permit shall not be extended for a period of time that exceeds five (5) years from the date the temporary occupancy permit was first issued.
 - b. The Planning Commission and/or Board of Supervisors, upon appeal, may approve such permits or extensions for shorter periods of time subject to conditions, if deemed necessary.
 - c. Prior to issuing a temporary occupancy permit for an extension or renewal for the last allowed period of time, the permittee shall submit to and obtain approval by the Planning Director, as applicable, a plan to replace the subject temporary use with a legally established permanent use.
 - d. A temporary use or structure that does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Title and other applicable laws.
 - e. A change of ownership or operator of a use or structure, subject to a temporary occupancy permit, or a change of structure or modification of the structure or use allowed on a parcel subject to a temporary occupancy permit shall not affect the time periods established by this Chapter to allow such temporary uses or structures.
 - f. When the last period of time allowed for a temporary occupancy permit by this Chapter has lapsed, the temporary occupancy permit and any extension thereof

shall be considered void and no new or additional temporary occupancy permits may be issued or reinstated for the temporary use or structure that was previously permitted.

4. Acceptance of Conditions

A temporary occupancy permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department and no appeal consistent with the provisions of this Title has been filed.

5. Cancellation of a Temporary Occupancy Permit

- a. Noncompliance with the conditions set forth in approving the temporary occupancy permit shall be grounds for the Planning Director to cancel and void any such temporary occupancy permit.
- b. The Planning Director shall give notice of such an action to the permittee. The permittee may appeal such a decision to the Planning Commission by filing an appeal consistent with the provisions of this Title.

18.02.100 SPECIAL EVENT PERMIT

1. Purpose and Intent

A special event permit is intended to allow for the short-term placement of activities, including serial activities, with appropriate regulations so that such activities will be compatible with the surrounding areas.

2. Authority

Authority for approval of special event permits shall be vested with the Planning Director. A special event permit shall not be required for events that occur in permitted or conditionally permitted theaters, stadia, meeting halls, fair grounds, or other permanent public assembly facilities. A special event may be subject to additional permits, other County department approvals, licenses, and inspections as required by this Title or any other applicable laws and regulations.

3. Permitted Special Events

Table 2.A below identifies those special events subject to the issuance of a special event permit, as well as the maximum number of days and occurrences per 12-month period such events may be permitted pursuant to a special event permit.

**Table 2A
Special Event Criteria**

Uses	Zones	Maximum Days Per 12-Month Period	Maximum Occurrences Per 12-Month Period
Non-commercial meetings	All Zones	48	48
Small commercial events (such as garage sales and commercial parties) in R and OS Zones	R and OS Zones	18	12
Commercial circus with tent	Public, Commercial, and Industrial	20	4
Commercial or non-commercial carnival, fair, concert, exhibit, festival, Outdoor Festival, or similar event outdoors or in temporary enclosure(s)	Public, Open Space Commercial, and Industrial	20	6
Commercial and non-commercial holiday sales, such as pumpkin or Christmas tree sales, and incidental sales of Christmas lights, tree stands and decoration, but excluding gift items	Public, Open Space, Commercial, and Industrial	30	4

4. Applications for Special Event Permits

Applications for special event shall be on a form prescribed by the Planning Department and shall include the consent of the property owner. Information necessary to process the permit is generally based on the size, duration, and frequency of the special event. Information needed to process the application may include site plans, emergency access and evacuation plans, parking and traffic control plans, lighting plans, sanitation plans, medical plans, potable water plans, proof of consultation with safety agencies (such as the Sheriff, fire protection agencies, Public Works Department, Environmental Health Department, and Treasurer/Tax Collector), proof of insurance, and other information as appropriate.

5. Criteria for Special Event Permit Issuance

The Planning Director shall consider the following criteria in rendering its decision relative to a special event permit application:

- a. The operation of the requested special event at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;

- b. The proposed site is adequate in size and shape to accommodate the special event without being materially detrimental to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
- c. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the special event will or could reasonably be expected to generate; and
- d. Adequate temporary parking to accommodate vehicular traffic to be generated by the special event will be available either on site or at alternate locations acceptable to the Planning Agency.

6. Specific Requirements for Outdoor Festivals

In addition to the findings and conditions specified herein, the following requirements apply to Outdoor Festivals.

- a. Approval in writing on a form prescribed by the Planning Director shall be obtained from the Sheriff, Environmental Health Department, Treasurer/Tax Collector, and Public Works Department for those aspects of the event within each department's jurisdiction prior to issuance of the Special Event Permit.
- b. A copy of the Acceptance of Conditions Form shall be kept at the Outdoor Festival for the duration of the event and made available for inspection upon request.

7. Conditions of Approval

In approving an application for a special event permit, the Planning Agency may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These conditions may involve any factors affecting the operation of the special event, and may include, but are not limited to:

- a. Provision of temporary parking facilities, including vehicular ingress and egress;
- b. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
- c. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
- d. Provision of sanitary and medical facilities;

- e. Provision of solid waste collection and disposal;
 - f. Police and fire concerns;
 - g. Provision of security and safety measures;
 - h. Regulation of signs;
 - i. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested;
 - j. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former conditions;
 - k. Submission of a site plan indicating any information required by this Code;
 - l. Liability insurance of the type and in the amount required by the County; and
 - m. Fees to cover County costs, including law enforcement and emergency medical response, as well as other permits and associated fees and taxes required by the County and/or the State, including as required by Chapters 5.04 and 5.08; and
 - n. A requirement that the approval of the requested special event permit is contingent upon compliance with this Title and with other applicable provisions of other ordinances;
 - o. Other conditions that will ensure the operation of the proposed special event in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.
8. Violations-Remedies for Outdoor Festivals
- a. It is unlawful for any licensee, employee, agent or persons associated with a Special Event Permit to do any of the following:
 - i. Conduct or operate an Outdoor Festival without first securing a Special Event Permit to do so;
 - ii. Sell tickets to an Outdoor Festival without a Special Event Permit first having been obtained;

- iii. Operate, conduct or carry on any Outdoor Festival in such a manner as to create a public or private nuisance;
 - iv. Exhibit, show or conduct within the place of an Outdoor Festival any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated;
 - v. Allow any person on the premises of the permitted Outdoor Festival to cause or create a disturbance in, around or near any place of the Outdoor Festival, by offensive or disorderly conduct;
 - vi. Knowingly allow any person at the permitted Outdoor Festival to use, sell or be in possession of any narcotic or dangerous drug while in and around or near a place of the Outdoor Festival.
- b. Any of the violations set forth in subsection a of this section constitutes a criminal act and is punishable pursuant to ordinances of the county and the laws of the state; provided however, that the county retains any and all civil remedies including the right of civil injunction for the prevention of the violation and for the recovery of money damages therefor.

9. Notice

At least 10 (ten) days prior to making a decision regarding a Special Event Permit, the Planning Director shall issue a notice describing the application and the anticipated date of the decision. The notice shall be distributed as specified by Section [REDACTED] except that no hearing shall be required. The Notice for Outdoor Festivals shall be distributed to the County Administrator, Sheriff, Public Works Department, Environmental Health Department, any fire protection agencies with jurisdiction, and other agencies as may be appropriate based on the location and size of the proposed Outdoor Festival.

10. Acceptance of Conditions

A special event permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department and no appeal consistent with the provisions of this Title has been filed.

11. Cancellation of a Special Event Permit

- a. Noncompliance with the conditions set forth in approving the special event permit shall be grounds for the Planning Director to cancel and void any such special event permit.

- c. The Planning Director shall give notice of such an action to the permittee. The permittee may appeal such a decision to the Planning Commission by filing an appeal consistent with this provisions of this Title.

12. Exceptions

The following uses and activities are exempt from the permit requirements of this subsection.

- a. Non-commercial gatherings or parties in compliance with County noise regulations;
- b. Up to six (6) days per 12-month period per parcel in R and OS zones of garage sales, non-commercial outdoor gatherings or parties with temporary tents or play equipment, and/or other similar temporary outdoor activities, uses, and structures common in residential neighborhoods in compliance with the Building Code, County noise regulations, and other relevant rules and regulations;
- c. Irregularly scheduled small commercial parties inside of residences, with minimal outdoor activities, in R and OS zones in compliance with County noise regulations with no potentially significant impacts on parking, traffic, air quality, or other environmental resources;
- d. Temporary outdoor uses, activities, and structures associated with an established permitted, conditionally permitted, and/or legal non-conforming uses in non-R zones consistent with the Building Code, County noise and environmental health regulations, and other applicable rules and regulations. Examples include, but are not limited to, outdoor retail sales and dining in C zones, commercial gatherings or parties in C and M zones, and laydown of equipment, shipments, and other materials prior to storage in C and M zones; and
- e. Public voting places; and
- f. Events at County facilities with appropriate authorization or events operated or sponsored by the County.

18.02.110 NON-CONFORMING USES AND STRUCTURES

1. Purpose

This section is intended to limit the number and extent of non-conforming uses by regulating their enlargement, reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this section is intended to limit the number and extent of non-conforming structures by prohibiting their

being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Title.

2. Applicability

Except as provided in Section [REDACTED], this section shall apply to any site, structure, or use (including signage) that was legally established, but does not conform to the provisions of this Title as originally adopted or as may be amended from time to time. "Non-conforming" refers to a legally established use that is not permitted by the applicable zone or a legally established structure that, by its size, architecture or location does not meet the standards of the applicable zone, or any combination thereof. Non-conforming uses and structures do not include legally established lots that do not meet dimensional requirements.

3. Discontinuation of Non-conforming Use

Whenever a non-conforming use has been discontinued for a continuous period of one hundred eighty (180) days or more, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone district in which it is located, provided that this section shall not apply to the use of a non-conforming single family dwelling located in a zone district that permits single family dwellings or to legally established non-conforming lots of record. Discontinuation shall include termination of a use regardless of intent to resume the use.

4. Continuation and Maintenance

- a. Any non-conforming structure or use may be continued and maintained for the periods of time hereinafter set forth provided that there are no structural alterations, except as hereinafter provided:
 - 1) Agricultural crops shall not be subject to the provisions of this Chapter;
 - 2) Agricultural uses that involve permanent structures shall be subject to the provisions of this section; however, such uses shall be permitted to make any changes or improvements that are required by any State law or County ordinances, including structural alterations that are necessary as a part thereof.
- b. Any structure for which a building permit has been legally issued, and on which substantial construction has been performed in reliance thereon on the site before approval of an amendment to the regulation or ordinance making the use or structure non-conforming, may be continued in accordance with the plans and specifications upon which the permit was issued, subject to the limitations of this section.

- c. A property containing a legally established structure that does not conform with applicable development standards for front yards, side yards, rear yards, height, floor area of structures, or open space for the district in which the property is located, shall be deemed to be a non-conforming structure, and may be used and maintained as provided herein.
- d. Routine maintenance and repairs may be performed on a non-conforming use, structure, or sign, provided that the aggregate costs of the work done in any period of twelve (12) months on minor alterations or replacement of interior walls, fixtures, or plumbing shall not exceed twenty-five percent (25%) of the assessed value of the building, use, or sign for the first year in which the work was done. Estimates for this purpose shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the most currently adopted County Building Code.

5. Alterations and Enlargements of Non-conforming Uses and Structures

- a. Except as provided in Subsections (d) and (e) and Section [REDACTED], a non-conforming use shall not be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the non-conformity.
- b. Except as provided in Subsections (d) and (e) and Section [REDACTED], a non-conforming use shall not be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site that it did not occupy at the time it became a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site.
- c. Except as provided in Subsection (d) and (e) and Section [REDACTED], a non-conforming structure shall not be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yard, rear yard, height of structures, distances between structures, or usable open space prescribed in the regulations for the zone district in which the structure is located.
- d. The Planning Commission may approve, conditionally approve, or disapprove the moving, alteration, enlargement, extension, or reconstruction of non-conforming uses, structures, and/or signs pursuant to the conditional use permit process.
- e. A dwelling in any R district which is nonconforming only with respect to a deficiency in yard dimensions or in parking spaces may be structurally altered or enlarged, provided that any addition or enlargement shall not increase the non-

conformity, and the number of dwelling units in the structure shall not be increased.

6. Restoration of a Damaged Use/Structure

- a. Except as provided in Subsection (b), whenever a non-conforming use, structure, or sign is destroyed to the extent of fifty (50) percent or less by fire, calamity, or act of God, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. Except as provided in Subsection (b) and Sections [REDACTED], when the destruction exceeds fifty (50) percent, or the structure is voluntarily razed or is required by law to be razed, or the use is discontinued or required to be discontinued, the structure shall not be restored except in full conformity with the regulations for the zone district in which it is located, and the non-conforming use shall not be resumed. The extent of damage shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the most currently adopted County Building Code.
- b. Notwithstanding Sections [REDACTED], a non-conforming dwelling that is damaged or destroyed by fire, explosion, act of God, or of the public enemy shall be permitted regardless of the extent of destruction, provided that such restoration or reconstruction has equal to or less floor area and a similar building footprint and height as the destroyed non-conforming dwelling, that such restoration is permitted by the building code of the County, and is started within one year and diligently prosecuted to completion.

18.02.120 APPLICATION FILING

1. Purpose and Intent

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Title.

2. Application Forms

Requests for permits, appeals, amendments, approvals, and other actions required or permitted by this Title shall require that a completed application on a form provided by the Planning Department be submitted to the Planning Department in addition to any other materials, reports, dimensions, plans, or other information required to take an action on the application.

3. Determination of Completeness

No application shall be processed pursuant to this Title prior to the determination by the Planning Department staff that the application is complete. A completed application shall consist of:

- a. The application form with all applicable information included on, or attached to the form;
- b. Additional information, reports, dimensions drawings and other material specified on the application form;
- c. A description of how the proposed project or requested action is consistent with the goals, objectives, policies, programs, and other provisions of the adopted General Plan and the requirements of this Title;
- d. Any other information or forms required for implementation of the California Environmental Quality Act pursuant to State Guidelines and Title 15;
- e. Payment in full of the required fees for processing the application and submittal of the Fee Agreement;

The Planning Director shall determine in writing the completeness of the application, and shall transmit this determination to the applicant within the time limits and in such form and content and with respect to such types of project applications as established by applicable State law and County regulation.

The statutory time periods for processing any applications pursuant to this Title shall commence upon the date the application is accepted as complete, as provided in the State law relative to review and approval of development projects.

4. Additional Information

Notwithstanding procedures established in this Chapter for determination of completeness, the Planning Director may request the applicant to submit additional information in the course of processing the application if such information could not have been anticipated as necessary to the original application. Such a request to clarify, amplify, correct, or otherwise supplement submitted information shall not invalidate the original determination that the application was complete at the time the determination was originally made. The Planning Director may request any additional information needed to prepare adequate environmental documentation pursuant to State Guidelines Implementing the California Environmental Quality Act and Title 15.

5. Fees

Fees shall be collected as specified by Chapter 3.60 of this Code. The Board of Supervisors may waive fees for applications or appeals.

6. Who May File An Application

Unless otherwise specified in this Title, applications for permits and approvals pursuant to this may be made only by the affected property owner or the property owner's authorized agent or representative.

7. Consideration of Concurrent Applications

An application which is dependent on approval of a change of zone or other enabling application(s) shall be processed concurrently with such enabling application(s). The approval authority for such dependent application shall be vested with the body authorized to approve the enabling application(s).

8. Environmental Review

No permit or approval shall be granted pursuant to this Title prior to the completion of applicable environmental review as required by State guidelines implementing the California Environmental Quality Act and Title 15.

9. Time Limit for Approving Applications

- a. Unless otherwise specified, when required by State law, action shall be taken on projects requiring the preparation and certification of an Environmental Impact Report, within one year of the date the application was accepted as complete.
- b. Unless otherwise specified, when required by State law, final action shall be taken on projects that are exempt from the provisions of California Environmental Quality Act or that require the adoption of a Negative Declaration within one hundred five (105) days of the date that the application was accepted as complete.
- c. Extension of the time limit for action on an application, as specified in the above paragraphs, may be granted if mutually agreed upon by the applicant and Planning Director.

10. Inactive Applications

If an application has been inactive for a substantial period of time, typically six (6) months, the Planning Director may administratively close the application.

18.02.130 PUBLIC HEARING AND NOTIFICATION PROCEDURES

1. Purpose

This section defines procedures for conducting public hearings for applications pursuant to this Title unless otherwise specified in this Title or State law. The purpose of this section is to ensure public awareness and full open public discussion and debate regarding proposed actions pursuant to this Title.

2. Public Hearing Date

Where required by State law, and unless otherwise specified in this Title, a public hearing on any application shall be scheduled before the Planning Commission and/or Board of Supervisors on the earliest appropriate date.

3. Notice of Hearings

- a. Notice of public hearings shall be given as required by law by all of the following methods:
 - 1) Publication in a newspaper of general circulation within the County at least ten (10) calendar days prior to the public hearing;
 - 2) Mailing at least ten (10) calendar days prior to the public hearing, to all owners of property within a distance of three hundred (300) feet from the exterior boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner as contained in the records of the latest equalized County Assessor rolls shall be used;
 - 3) Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to each local agency expected to provide essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
 - 4) Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, and to the project applicant and the applicant's authorized representative, if any;
 - 5) Mailing at least ten (10) calendar days prior to the public hearing, to any person who has filed a written request with the Planning Director and has

provided the Planning Director with a self-addressed stamped envelope for that purpose.

6) Any other means prescribed by law, or desired by the County.

b. Exceptions

1) If the number of owners to whom notice is to be mailed or delivered is greater than one thousand (1,000), in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one eighth page in at least one newspaper of general circulation in the County at least ten (10) days prior to the hearing.

2) For a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall also be given, as required by law, by mail to each tenant of the subject property and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and to be heard.

c. The Planning Director may require that additional notice of the hearing be given in any other manner deemed necessary or desirable to ensure that all notice requirements provided by law for the proposal are complied with.

d. All notices of public hearings shall include a description of the project and the identity of the hearing body or officer(s), shall describe the property, the date, time and place of the scheduled hearing, a statement that application and associated documents and environmental review are available for public inspection at a specified location, and the manner in which additional information and/or testimony may be received.

e. Any failure to give notice as required by this Title or any irregularity in connection therewith or in any procedure required by this Title shall not invalidate the proceedings if there shall have been compliance with minimum requirements of California State law.

4. Conduct of Public Hearings

a. Public hearings held pursuant to the provisions of this Title shall be held according to such public hearing rules as the Planning Commission and Board of Supervisors may, from time to time, adopt by resolution.

- b. The Chairperson of the Planning Commission or the Board of Supervisors may require that witnesses be sworn, prior to providing testimony at the Planning Commission or Board of Supervisors public hearing, respectively.
- c. At any public hearing held pursuant to this Title, the hearing body may order the hearing to be continued by publicly announcing the time and place of continuance, and no further notice thereof shall be required.

18.02.140 APPROVAL TO EXTEND WITH LAND

Unless otherwise specified, all permits and approvals granted pursuant to this Title shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

18.02.150 NOTICE OF DECISION

Upon a decision being rendered for any land use application, the Planning Director shall issue a Notice of Decision documenting the approval (with or without conditions) or denial of the application, any specific conditions imposed, expiration of the approval (if applicable), instructions for appeal, and other information deemed relevant, as well as the Acceptance of Conditions Form, if required.

18.02.160 EFFECTIVE DATE OF DECISION

A decision that is subject to appeal shall not become effective for fifteen (15) calendar days following the action by the appropriate decision making body in order to allow time for the filing of an appeal of the decision.

18.02.170 LAPSE OF APPROVALS AND EXTENSIONS OF TIME

- 1. Projects not subject to the Subdivision Map Act and/or not involving County Building Permits.

Approvals for projects not subject to the Subdivision Map Act and/or not involving County building permits shall lapse and become void twelve (12) months from the approval date, unless one or more of the following circumstances exist:

- a. Otherwise specified in this Title,
- b. A different expiration date is specifically established as a condition of approval to the extent permitted by law,

- c. A valid building permit is in effect in reliance upon the approved entitlement and substantial construction has commenced and is diligently pursued toward completion, and/or
 - d. The property has been occupied and the approved use fully commenced.
2. Extension of Time

a. Authority

An extension of time may be granted for projects approved under this Title, where substantial construction has not yet commenced or has not yet been completed or where the property has not yet been occupied and the approved use not fully commenced. Approvals for extension of time may be considered without a public hearing and except as specified in the next sentence may only be granted by the original approving authority. If the Board of Supervisors was the original approving authority, the Planning Commission shall be the approving authority for the extension.

b. Submittal of Extension Requests

- 1) Extension requests for projects not subject to the Subdivision Map Act and/or not involving County building permits shall only be considered if filed with the Planning Department prior to expiration.
- 2) A subdivider may request an extension for projects subject to the Subdivision Map Act by written application to the Planning Director in accordance with the provisions of the Subdivision Map Act, the County's Subdivision Ordinance, and this Title.

c. Circumstances Under Which Extensions May Be Granted

An extension of the approval of a project may be granted only if it is found that granting of an extension will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

18.02.175 EFFECT OF DENIAL

No application for a variance, conditional use permit, General Plan Land Use Diagram Amendment, Zoning Map Amendment, modification, temporary occupancy permit, or special event permit shall be submitted within one year from the date of the final order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by the decision-making body.

18.02.180 APPEALS

1. Appeal of Action

- a. Any person may appeal a decision of the Planning Director to the Planning Commission where the Planning Director's decision would otherwise be final, except that appeals of decisions and processing of enforcement shall be as specified in Section [REDACTED].
- b. Any person may appeal a decision of the Planning Commission to the Board of Supervisors where the Planning Commission's decision would otherwise be final.
- c. Any member of the County Board of Supervisors may appeal a decision of the Planning Director or the Planning Commission where the decision would otherwise be final. In this case, no fee shall be required.

2. Filing of Appeals

Appeal application forms shall be made available at the office of the Planning Department to all persons wishing to appeal an action included in this Title. Appeal applications shall be filed with the Planning Department within fifteen (15) calendar days following the date of action for which an appeal is made unless otherwise provided in this Title. If the last day to file falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to act. Appeals requiring the Board of Supervisors consideration will be forwarded to the Clerk of the Board of Supervisors by the Planning Director.

3. Appeal Hearings

Public notice of an appeal hearing shall be given in the manner in which the original notice was given.

4. Appeals – Action of the Planning Commission or Board of Supervisors

The Planning Commission or Board of Supervisors at the conclusion of the hearing on any appeal filed pursuant to this Title may sustain, modify, or overrule the action of the Planning Director or Planning Commission in the matter, or may refer any such matter back to the Planning Director or Planning Commission. The final order of the Board of Supervisors on any such appeal shall be effective forthwith.

5. Effective Date of Appealed Actions

Except as otherwise provided for in this Title, an action that has been appealed shall not become effective until a final determination is made by the appellate body and all opportunities for appeal have been exhausted.

18.02.190 REVOCATION OF PERMITS

1. Purpose and Intent

In order to protect the public health, safety and welfare, and in order to enforce the provisions of this Title, it may, from time to time, become necessary to revoke a previously authorized approval or approved permit. The purpose of this section is to provide a process for revoking approvals or permits to protect the public health, safety and welfare, as well as the rights to due process of permit holders within the County.

2. Authority

Authority to revoke permits or approvals issued pursuant to this title shall be vested with the Planning Commission. A public hearing shall be required prior to any revocation of permits or approvals. Notwithstanding the above, the Building Official shall have the authority to revoke building permits pursuant to the provisions of the Uniform Building Code.

3. Required Findings

A permit or approval subject to revocation pursuant to the provisions of this Section may be revoked by the decision-making body if any one of the following findings is made:

- a. That the permit or approval was obtained by misrepresentation or fraud; or
- b. That the use for which the permit or approval was granted has ceased, and was suspended for six or more consecutive calendar months; or
- c. That the conditions of the permit or approval have not been met or the permit or approval granted is being or has been exercised contrary to the terms of the permit or approval or in violation of any statute, ordinance, law, or regulation; or
- d. That the public health, safety and welfare can be served only by revocation.

4. Notification and Time Limits for Correction

- a. The Planning Director shall notify the holder of the permit of approval in writing of a decision to initiate a pending revocation, shall state specifically the reasons for the proposed revocation, and shall provide a period of thirty (30) calendar days for the holder to correct or show substantial progress toward correcting the

defect(s) that serve as the basis for the proposed revocation. In the event said defects are not corrected within thirty (30) calendar days from the date the notice is mailed, or substantial progress is not made during said thirty (30) day period and diligently continued until fully corrected, a public hearing date before the Planning Commission shall be set.

- b. In taking action to revoke a permit, the Planning Commission shall have the discretion to set the effective date of the revocation in order to allow the permit holder adequate and appropriate time in which to make necessary corrections.

18.02.200 APPLICATION FOR MULTIPLE APPROVALS

Whenever applications are made to the County for multiple approvals for a single development, such as but not limited to zone changes, general plan amendments, subdivision of land, conditional use permits, and variances, and the ultimate decision-making body for one or more of the applications is the Board of Supervisors, all the individual applications shall be reviewed by the Planning Commission with recommendations to the Board of Supervisors for the consideration and action, even if the Planning Commission would have otherwise been the decision-maker for one or more of the applications.