

Chapter 17.04

PROCEDURE

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17.04.005 Approval procedures.

- A. An application for a zone change to the PD zone or to create a combined zone with PD shall be processed under a zone change request application pursuant to Chapter 17.10.
 - 1. If a preliminary development plan, as described in Section 17.04.010, is filed concurrently with the application such plan shall be considered as part of the rezone request. The planning commission and board of supervisors shall consider the rezone request and development plan on their own merits and may consider approval of the rezone request without adopting the development plan.
- B. An application for a development plan where the PD or combined zone has been established shall be considered in the following manner:
 - 1. The planning commission shall hold a public hearing and shall serve as the approving authority except as provided in subsection C of this section. At the conclusion of the hearing the planning commission shall:
 - a. Approve, conditionally approve, or deny the development plan as to design, area, road access, flood and drainage control or any other consideration as may be required under the provisions of any ordinance or as the commission deems appropriate.
 - b. Make all appropriate findings supporting the decision and notify the applicant in writing of the decision and findings. In the event of denial the notice shall specifically enumerate the reasons for denial.
 - 2. Any decision by the planning commission may be appealed to the board of supervisors by the applicant or by any person adversely impacted by the decision. Such an appeal must be filed in writing with the planning department within ten (10) working days of the planning commission decision on a standardized form and accompanied by a fee as established by the board of supervisors. The appellant shall clearly identify on the appeal form the specific reasons for the appeal. The board of supervisors shall consider on appeal all issues raised by the appellant. The board of supervisors may consider other relevant issues related to the

development plan. The clerk of the planning commission shall set a hearing before the board within thirty (30) days of receipt of a completed appeal form and fee. The decision of the board of supervisors shall be final.

3. Any supervisor may administratively appeal the decision of the planning commission by notifying the clerk of the planning commission within ten (10) working days of the planning commission's decision and thereupon set the matter for hearing before the board of supervisors. The clerk of the planning commission shall set the hearing before the board within thirty (30) days of receipt of the administrative appeal.
 4. A decision on a development plan is not final until a final determination of an appeal, if any, has been made pursuant to subdivision 2 of this subsection.
- C. Where a development plan is submitted concurrently with an application for zone change, the planning commission's action on the development plan shall be advisory only, and final action on the development plan shall be made by the board of supervisors after a noticed public hearing with notice given as provided in section 16.24.085.
- D. No uses shall be permitted on lands zoned PD until a development plan is adopted by the planning commission or board of supervisors. (Ord. 4152 §2, 1991: Ord. 3806 §2, 1988; Ord. 4475, 1998)

17.04.010 Proposed development plan. All initial applications for a development plan shall contain a preliminary development plan which shall include the following:

- A. Location Map.
1. Building elevations or prospective rendering except for single-family residential development which may be indicated as typical elevations and a site plan drawn to scale, showing the location and arrangement of all uses and improvements proposed;
 2. Details of the relationship of the PD to existing adjoining uses;
 3. Tabulation of proposed land uses, the number of dwelling units, acres and population density for all residential areas, the range of commercial uses, approximate square footage and type of activity, etc.;
 4. Proposed circulation system, indicating both public and private streets and off-street parking;
 5. Public uses, if any, including schools, parks, recreational areas and other open spaces;
 6. An indication of any proposed modification in the regulations applicable to the subject property;
 7. The expected schedule and sequence of development;
 8. Building coverage ratio;
 9. Open space ratio;
 10. The location of all existing vegetation and topographical features to be retained together with a preliminary landscape plan;
 11. Preliminary map if the subdivision of property is to occur; and
 12. Proposed schematic of utility services;
 13. Proposed deed restrictions.
- B. The planning division staff shall review the proposed plan and make appropriate comments and suggested changes in the plan and shall forward the plan with the staff report to the planning commission for their consideration. (Ord. 3806 §3, 1988: Ord. 3514 §3, 1985: Ord. 3213 §2(part), 1981: prior code §9390.3(1))

17.04.015 Notice requirements and procedure.

- A. Action by the planning commission pursuant to Section 17.04.005B1 shall be made after a public hearing for which notice has been given as follows:
 - 1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within five hundred feet (500') of the property which is the subject of the hearing; and
 - 2. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.
- B. Action by the board of supervisors on an appeal pursuant to Section 17.04.005B2 or 17.04.005B3b shall be made after a public hearing for which written notice has been mailed or delivered at least ten (10) days prior to the hearing to the applicant and the appellant(s) and published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.
- C. All hearings conducted pursuant to this chapter shall be public hearings wherein any person may be heard and any evidence taken which is relevant to the proceedings, provided that, in the case of appeal hearings testimony and evidence shall be limited to those things relevant to the specific reasons for the appeal.
- D. In any appeal action brought pursuant to Section 17.04.005B2, the appellant may withdraw his or her appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this section the public hearing shall be deemed commenced upon the taking of any evidence including reports from planning staff. (Ord. 3806 §4, 1988)

17.04.030 Proposed plan—Hearing.

- A. At the time and place set for the public hearing before the planning commission, the commission shall consider the proposed development plan, recommendations of the planning division, the environmental documentation and any other information available, and shall:
 - 1. Take action on the environmental documentation presented as per the county's guidelines for the implementation of the California Environmental Quality Act; and
 - 2. Approve or conditionally approve the proposed development plan;
 - 3. Refer the proposed development plan back to the project sponsor with recommendations for modification; or
 - 4. Deny the proposed development plan.
- B. The planning commission shall not approve or conditionally approve a development plan nor recommend the establishment of a PD zone unless it makes the following findings:
 - 1. That the PD zone request is consistent with the general plan;
 - 2. That the proposed development is so designed to provide a desirable environment within its own boundaries;
 - 3. That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;
 - 4. That the site is physically suited for the proposed uses;
 - 5. That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;
 - 6. That the proposed uses do not significantly detract from the natural land and scenic values of the site. (Ord. 3806 §6, 1988: Ord. 3213 §2(part), 1981: prior code §9390.3(2)(b))

17.04.060 Relation to other county regulations.

- A. Compliance with the provisions of this article does not relieve the applicant from compliance with any other applicable ordinance or resolution of the county.
- B. Subdivision maps, when applicable, shall be processed concurrently with the proposed development plan required under this chapter.
- C. Environmental documentation shall be prepared in draft form and presented to the planning department for their independent review and analysis. Sufficient lead time shall be given so that comments from others may be considered.
- D. No building permit shall be issued for any building, structure or use which does not conform to the official development plan.
- E. Dedication Prior to Issuance of First Building Permit. To assure that open space will be available for the entire developed PD zone, public sites and development rights to required open spaces shall be dedicated or conveyed in advance of development. In any event, whether a subdivision map is required or not, dedication or conveyance of public sites and development rights to required open spaces for the entire PD zone or any portion thereof shall be made before the first building permit is issued. Other dedications or conveyances may be required before the issuance of the first building permit. (Ord. 3806 §9, 1988: prior code §9390.4)

17.04.070 Changes to plan after adoption.

- A. Minor changes in the adopted development plan may be approved by the planning department provided that the changes:
 - 1. Do not change the boundaries of the subject property;
 - 2. Do not change any use as shown on the official development plan;
 - 3. Do not change the intent of the official development plan.
- B. Major changes in the official development plan after it has been adopted by the planning commission or board of supervisors may be approved by the planning commission and shall be made in accordance with the requirements of this chapter. A major change in a development plan approved by the planning commission shall be filed with the board of supervisors pursuant to Section 17.04.005B3.
- C. Changes in land uses shall be considered by special use permit process and shall be evaluated by Chapter 17.12 prior to approval. (Ord. 3806 §10, 1988: prior code §9390.5)

17.04.080 Combination with other zone districts—Combined zones. The PD zone (established per Chapter 17.50) may be used in combination with other zones. In such cases, the land use will be limited to those listed within the basic zone with which the PD zone is combined. However, all other provisions of the basic zone shall be superseded by the provisions of the development plan. (Ord. 3213 §4, 1981: prior code §9390.6)

17.04.090 Fees. Those fees established for processing zone changes, environmental documentation, preliminary maps, tentative maps and special permits shall apply. (Prior code §9390.7)

17.04.100 Allowed uses.

- A. The following uses are allowed by right:
 - 1. All uses permitted by the development plan which shall be approved pursuant to the provisions of Chapters 17.02 and 17.04. Such uses shall be consistent with land uses established through land use elements of the general plan.

2. The permitted uses, when the PD is used in combination with other zones, will be limited to those listed within the basic zone with which the PD zone is combined.
- B. The following uses are allowed only after obtaining a special use permit therefore from the county planning commission:
Such uses as may be approved pursuant to an amended development plan as provided for in Chapters 17.02 and 17.04.
- C. The following requirements shall apply to all PD districts:
1. Those requirements as contained in the development plan approved by the board of supervisors;
 2. Parking requirements:
 - a. Two spaces per dwelling unit;
 - b. Other parking requirements as provided by Chapter 17.18;
 3. Such other requirements as are contained in Chapters 17.14, 17.16, and 17.18. (Ord 3213 §5, 1981: prior code §9390.8)

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