

Article 10. - Appeals

Sec. 9-2.1001. - Authorized.

All decisions of the Planning Director, Zoning Administrator, or the Planning Commission may be appealed in writing to the Clerk of the Board of Supervisors, in the manner specified by this Article, within ten (10) calendar days after the decision by the Planning Director, Zoning Administrator, or the Planning Commission, except amendments to the General Plan or zoning ordinance which shall be filed within five (5) calendar days by:

- (a) The applicant;
- (b) Any owner of real property within 300 feet of the exterior boundaries of the property involved who was present at the original hearing or who presented written testimony before the Zoning Administrator or the Planning Commission, or who may be adversely affected by the decision of the Planning Director;
- (c) Such other person whom the Board determines to have been adversely affected by the decision; or
- (d) Any County department head whose department has an interest in the decision.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by Ord. 86-643, eff. November 6, 1986, and § 1, Ord. 91-759, eff. August 1, 1991; Ord. 2009-1071, § 1, adopted September 15, 2009)

Sec. 9-2.1002. - Filing: Fees.

Appeals shall be filed with the Clerk of the Board of Supervisors, paying the fee. An appeal shall only be filed on the official form provided by the Clerk of the Board of Supervisors together with such additional information as may be necessary. A statement of appeal shall include, but not limited to:

- (a) Identification of the project and the decision of the Planning Director, Zoning Administrator, or Planning Commission action which is the basis of the appeal.
- (b) A statement of the reasons for the appeal. Such reasons shall be based upon the evidence presented to the Zoning Administrator or Planning Commission at the original hearing, or upon evidence presented to the Planning Director at the time of his/her decision, or shall be based on evidence of adverse effects on the appellant, if not the applicant, of the decision of the Planning Director. The failure of the appellant to present such reasons shall be deemed cause for the denial of the appeal.
- (c) A statement of the specific provisions which are being appealed.
- (d) A statement of the changes or action requested of the Board of Supervisors.

(e) A summation of the arguments to be raised by the appellant.

(f) Identification of the appellant.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by Ord. 86-643, eff. November 6, 1986, and § 1, Ord. 91-759, eff. August 1, 1991; Ord. 2009-1071, § 1, adopted September 15, 2009)

Sec. 9-2.1003. - Hearings: Notices.

Notices of hearings on appeals from decisions of the Planning Director, Zoning Administrator or the Planning Commission shall be given by the Clerk of the Board, as provided in Article 11.5 of this chapter with the appellant considered to have filed a written request for notice as provided for in Section 9-2.1153 of that article.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by Ord. 86-643, eff. November 6, 1986, and § 1, Ord. 91-759, eff. August 1, 1991; Ord. 2009-1071, § 1, adopted September 15, 2009)

Sec. 9-2.1004. - Jurisdiction of the Board of Supervisors.

The Board may assume the jurisdiction of any matter which may be decided by the Planning Director, Zoning Administrator or the Planning Commission by a simple majority vote of the quorum at any time prior to a decision. Upon the assumption of jurisdiction by the Board, a hearing shall be scheduled and notice shall be given by the Clerk of the Board as provided in Article 11.5 of this chapter.

(§ 3, Ord. 84-593, eff. January 3, 1985, as amended by Ord. 86-643, eff. November 6, 1986; Ord. 2009-1071, § 1, adopted September 15, 2009)

Sec. 9-2.1005. - Stay of Planning Director, Zoning Administrator, or Planning Commission's Action.

The filing of such an appeal within the above stated time limits shall stay the effective date of the Planning Director, Zoning Administrator, or Planning Commission's Action until the Board of Supervisors has acted upon the appeal.

(Ord. 2009-1071, § 2, adopted September 15, 2009)

Sec. 9-2.1006. - Application.

The provisions of this article apply to all appeals of land use applications and the action taken thereon by the Planning Director, Zoning Administrator, or Planning Commission. Additionally, the Board of Supervisors may use the provision of this article in conducting public hearings on other land use matters before them.

(Ord. 2009-1071, § 2, adopted September 15, 2009)

Sec. 9-2.1007 - Hearing procedures

At the time and place set for any hearing as provided for herein, the Board of Supervisors shall conduct any such appeal hearing as a full hearing de novo on the project, with the right to limit to the issues that may be raised, or the evidence that may be received. Any such hearing shall be conducted as follows:

- (a) Staff Presentation.
- (b) Presentation by appellant which shall be limited to fifteen (15) minutes.
- (c) Presentation by project proponent (if different party than appellant) which shall be limited to fifteen (15) minutes.
- (d) Public hearing: Members of the public should be allowed five (5) minutes in which to give testimony.
- (e) Summation by project proponent - ten (10) minutes.
- (f) Summation by appellant - ten (10) minutes.
- (g) Rebuttal by members of the public.
- (h) Staff summation.
- (i) Close public hearing.

In the event that anyone desiring to testify before the Board of Supervisors desires to present more information to the Board than can be accomplished within the time limits set forth above, such person shall be permitted to present such information to the Board in writing thirteen (13) copies), at least five (5) working days prior to the date set for the appeal hearing. Any such information shall be submitted to the Clerk of the Board of Supervisors no later than the end of the fifth working day prior to the date of the hearing.

(Ord. 2009-1071, § 2, adopted September 15, 2009)

Sec. 9-2.1008. - Government Code Section 66452.5.

Any appeal hearing set before the Board pursuant to Government Code Section 66452.5 shall be held within thirty (30) days from the date of the filing of the appeal. Thereafter, within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall render its decision on the appeal. The time limits set forth herein shall not be extended.

(Ord. 2009-1071, § 2, adopted September 15, 2009)