



Santa Barbara County  
Planning and Development

Santa Barbara County  
Planning Commission

# Procedures Manual



Revised 2006

## Table of Contents

	<u>Page</u>
<b>I. PURPOSE AND INTENT .....</b>	<b>1</b>
<b>II. AUTHORITY UNDER STATE LAW .....</b>	<b>2</b>
<b>III. LOCAL ORDINANCE PROVISIONS.....</b>	<b>4</b>
<b>IV. PLANNING COMMISSION BY-LAWS .....</b>	<b>6</b>
<b>V. PROCEDURAL STANDARDS.....</b>	<b>9</b>
A. Order of Public Hearings .....	9
B. Procedure for Conduct of Public Hearings .....	9
C. General Rules for Those Giving Testimony .....	11
D. Consideration of Environmental Documents.....	12
E. Administrative Policy for Continuances.....	14
F. Conceptual Review Procedures .....	15
<b>VI. AGENDAS.....</b>	<b>17</b>
<b>VII. MINUTES.....</b>	<b>18</b>
<b>VIII. RESOLUTIONS.....</b>	<b>18</b>
<b>IX. CONFLICT OF INTEREST.....</b>	<b>19</b>
<b>APPENDIX A: DISPOSITION OF CASE TYPES</b>	<b>20</b>
<b>APPENDIX B: CALIFORNIA PERMIT STREAMLINING ACT</b>	

Copies of this document may be obtained at Planning and Development

123 East Anapamu Street, Santa Barbara, CA 93101 (805) 568-2000  
625 West Foster Road, Santa Maria, CA 93455 (805) 934-6250

## **I. PURPOSE AND INTENT**

Santa Barbara County's Planning Commission consists of five (5) appointed Commissioners. The Commissioners are appointed with full Board of Supervisors approval (Ord. 3034). Appointees represent the interests of the residents of the County. They typically possess interest in the planning field, have a broad knowledge of their district, and have previous community service experience.

The purpose of this manual is to set forth rules, by-laws and guidelines that govern both the Planning Commission and Commission hearings. The intent of this manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated planning, zoning and subdivision matters heard by the Planning Commission.

## II. AUTHORITY UNDER STATE LAW

The State Governmental Code grants local governments the authority to form Planning Commissions. Listed below are the applicable Government Code sections which enable the formation of the Planning Commission.

SECTION 65100. “The legislative body of each city and county shall by ordinance assign the functions of the planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary.”

SECTION 65101. “The legislative body may create one or more Planning Commissions, each of which shall report directly to the legislative body. The legislative body shall specify the membership of the commission or commissions. In any event, each planning commission shall consist of at least five members, all of whom shall act in the public interest.”

SECTION 65102. “A legislative body may establish for its planning agency any rules, procedures, or standards which do not conflict with state or federal laws.”

SECTION 65103: “Each planning agency shall perform all of the following functions:

- (a) Prepare, periodically review, and revise, as necessary, the general plan.
- (b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- (c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
- (d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- (e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- (f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- (g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.”

SECTION 65104. “The legislative body shall provide the funds, equipment, and accommodations necessary or appropriate for the work of the planning agency. If the legislative body, including that of a charter city, establishes any fees to support the work of the planning agency, the fees shall not exceed the reasonable cost of providing the service for which the fee is charged. The legislative body shall impose the fees pursuant to chapter 13 (commencing with Section 54990) of Part 1 of Division 2 of Title 5.”

SECTION 65105. “In the performance of their function, planning agency personnel may enter upon and land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.”

SECTION 65804. “It shall be the purpose of this section to implement minimum procedural standards for the conduct of city and county zoning hearings. Further, it is the intent of the legislature that this section provide such standards to insure uniformity of, and public access to, zoning and planning hearings while maintaining the maximum control of cities and counties over zoning matter.

The following procedures shall govern city and county zoning hearings:

- (a) All local city and county zoning agencies shall develop and publish procedural rules for conduct of their hearings so that all interested parties shall have advance knowledge of procedures to be followed.
- (b) When a matter is contested and a request is made in writing prior to the date of the hearing, all local city and county planning agencies shall insure that a record of all such hearings shall be made and duly preserved, a copy of which shall be available at cost. The city or county may require a deposit from the person making the request.
- (c) When a planning staff report exists, such report shall be made public prior to or at the beginning of the hearing and shall be a matter of public record.<sup>1</sup>
- (d) When any hearing is held on an application for a change or zone for parcels of at least 10 acres, a staff report with recommendations and the basis for such recommendations shall be included in the record of the hearing.”

---

<sup>1</sup> Santa Barbara County implements this Government Code sub-section by providing staff reports for all Commission agenda items the Wednesday one (1) week prior to the public hearing. Planning and Development shall simultaneously provide copies of the staff report and recommendation to the applicant and any member of the public who has previously filed a written request. Staff reports for special hearings should be prepared on this same schedule, but interested parties are encouraged to check with the P&D staff person to verify the availability of the staff report.

### III. LOCAL ORDINANCE PROVISIONS

*(As adopted by ordinance 1695 and 1698 and subsequently amended by Ordinances 1711, 2461, 2902, 3043 and 3533) (County code Chapter 2)*

1. **NUMBER OF COMMISSIONERS**: “The County Planning Commission shall consists of five appointive members so selected as to provide that there shall be one member from each supervisorial district.” (Ord. No. 3043)
2. **TERMS OF MEMBERS**: “The members of the County Planning Commission shall be appointed for two (2) year terms commencing at 9:00 a.m. on the first Wednesday after the first Monday after the first day of January of each odd-numbered year.” (Section 2-26.1, Art. V, Chapter 2, S.B. County Code). Note: Board of Supervisors Resolution No. 20910 (Adopted 11/7/60) requests that upon receipt of a notice from the appropriate department, that his or her term will expire on a specified date, each commissioner submit a letter of resignation to the Board of Supervisors.”
3. **APPOINTMENT OF MEMBERS**: “One member of the County Planning Commission shall be appointed by each supervisor from residents of the supervisorial district for which an appointment is made, with the approval of the Board.” (Ord. No. 3043). (Section 2-26.2, Art. V, chapter 2, S.B. County Code). Appointments are usually based upon the individual’s prior community service, broad knowledge of their district, interest in the planning field, and who, in the opinion of the Board of Supervisors, are qualified to perform this type of public service. The Planning Commission is solely responsible to the Board of Supervisors and has not staff except certain designated personnel in Planning and Development.
4. **VACANCIES**: “Vacancies shall be filled by appointment for the unexpired portion of the term by the same method as for the original appointment.” (Ord. No. 1695). (Section 2-26.4, Art. V, Chapter 2, S.B. county Code)
5. **REMOVAL OF MEMBERS**: “A member of the County Planning Commission may be removed by a majority vote of the Board of Supervisors.” (Ord. No. 1695) (Section 2-26.5, Art. V, Chapter 2, S.B. County Code)
6. **ORGANIZATION**: “The County Planning Commission shall elect its Chairman and Vice-Chairman from among its members. The commission shall also appoint a secretary who need not be a member of the Commission.” (Ord. No. 1695) (Section 2-26.6, Art. V, Chapter 2, S.B. County Code)
7. **ADOPTION OF RULES**: “The Planning Commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transaction, findings and determinations. All decisions and recommendations of the Planning Commission with regard to amendments to the zoning ordinance shall be submitted to the Board of Supervisors in written form and shall include the reasons for the decision or recommendation.” (Ord. No. 1695) (Section 2-26.7, Art. V, chapter 2, S.B. County Code)

8. **MEETINGS**: “The Planning Commission shall hold regular meetings on every first, second and fourth Wednesday, except on such Wednesdays as they shall by motion decide that no meeting will be held. Special meetings may be held at any date and time fixed by motion of said commission or upon call of the Chairman, or in the absence of the Chairman, the Vice-Chairman at any regular or special meeting.” (Ord. No. 1711) (Section 2-26.8, Art. V, Chapter 2, S.B. County Code)
  
9. **COMPENSATION**: “The appointive members of such commission shall receive compensation for attendance at commission meetings, whether regular or special, as compensation for review of materials and preparation time. In addition, they shall be entitled to their actual and necessary traveling expenses.” (Ord. 3787 Adopted 1989) (Section 2-26.3, Art. V, Chapter 2, S.B. County Code) See Appendix B, Ord. 4393 Adopted 2000.

## IV. PLANNING COMMISSION BY-LAWS

ADOPTED NOVEMBER 8, 1967  
*AMENDED May 21, 1975, October 12 1983 (Resol. 83-12)*  
*And January 8, 1986 (Resol. 86-1)*

### ARTICLE I

Section 1. The official title of this Commission shall be the Santa Barbara County Planning Commission.

### ARTICLE II. OFFICERS

Section 1. The officers of this Commission shall be:

A Chair, whose duties shall be to preside at all meetings.

A Vice-Chair, who shall, in the absence of the Chair or his inability to act, preside at all meetings.

A Secretary, with the customary duties of such office, who is a member of Planning and Development. The Secretary ensures that the Planning Commission adheres to their adopted procedures, including defining and clarifying the Planning Commission's scope of authority. The Secretary is authorized to set dates for public hearings. In the absence of the Secretary, the Secretary may appoint a senior member of the planning staff to take his/her place.

A Recording Secretary, who shall take notes and keep records of the meetings.

The Chair and Vice Chair shall be elected each year for one year by the Commission from the appointed members at the first regular meeting after the first Monday in January of each year, or at an adjournment of the meeting.

The Secretary and the Recording Secretary shall be appointed by the Planning Commission.

### **ARTICLE III. MEETINGS**

- Section 1. A regular meeting of this Commission shall be held the first, second and fourth Wednesday of each month commencing at 9:00 a.m., or time established by a resolution of the commission, of each calendar month which is not a holiday, as designated by State Law, except on such Wednesdays as they shall, by motion, decide that no meeting will be held. Any meeting may be adjourned to a definite day by a majority of members present or by the Secretary or Recording Secretary in the absence of a quorum. Special meetings may be held on the last Wednesday of the months that contain five Wednesdays. Special meetings may also be held at any date and time and location fixed by motion of said Commission.
- Section 2. All regular meetings shall be held in Room 17, Santa Barbara County Engineering Building, 123 E. Anapamu Street, Santa Barbara, California, and at 511 East Parkway, Santa Maria, California on the second Wednesday of each month or alternate location designated and noticed by the Planning Commission. Such regular meetings may be adjourned to any date and time and location in the county by motion of said Commission.
- Section 3. The following rules shall apply to the commission members visiting a site for which a matter is pending:
1. The decisionmakers may view the site as a whole Commission at a time certain, pursuant to Brown Act agenda requirements, with the public provided the opportunity to attend.
  2. If the visit to the site is prior to the hearing, then at the appropriate time during the hearing, the member(s) making the visit shall publicly report such fact.
  3. Upon a visit to the site by the commission or individual members, they may be accompanied by a staff member for the purpose of pointing out material and physical characteristics. No other evidence shall be received without disclosure at a public hearing about the project.

### **ARTICLE IV. QUORUM**

- Section 1. For the transaction of ordinary routine business, a majority of the members who are qualified to vote shall constitute a quorum and a majority vote of said quorum shall decide. An abstention shall disqualify the Commissioner as a voting member.
- Section 2. Quorum for recommendations or adoption of a General Plan, Specific Plan or any substantial amendment thereof, shall be as provided for by State law. (i.e., 3 affirmative votes per G.C. §65354 and 65453).

## **ARTICLE V. COMMITTEES**

Section 1. This commission may from time to time, create or appoint such special committees as it deems necessary for its work.

## **ARTICLE VI. SIGNATURES ON OFFICIAL PAPERS**

Section 1. Signatures on official papers involving the authority of the Commission shall bear the signatures of the Chair and the Secretary or Recording Secretary, except that the Secretary is empowered to sign zoning maps and subdivision maps in the name of the Santa Barbara County Planning Commission to indicate approval by the commission and is further empowered to sign certificates referring to actions of the commission on agenda items.

## **ARTICLE VII. CHANGES IN THE RULES**

Section 1. These by-laws may be changed or amended by a resolution adopted by the affirmative vote of a majority of all the members who constitute the Commission and who are qualified to vote. No change in or addition to these by-laws shall be made unless notice in writing shall be filed with the Secretary. The notice shall state explicitly what change or addition is to be proposed, and the Secretary shall notify each member at least ten days before the date of the regular meeting at which such change or addition is to be made, of the working of the proposed resolution.

## V. PROCEDURAL STANDARDS

(P/C Adopted 1979, Case No. 79-M-6)

REVISED 7/8/83

### A. Order of Public Hearings

#### ADMINISTRATIVE AGENDA:

1. HEARING CALLED TO ORDER
2. PLEDGE OF ALLEGIANCE
3. TV COVERAGE ANNOUNCEMENT
4. ROLL CALL
5. AGENDA STATUS REPORT
6. PROJECTION REPORT
7. PUBLIC COMMENT
8. PLANNING COMMISSIONER'S INFORMATIONAL REPORTS
9. PLANNING & DEVELOPMENT DIVISIONAL REPORTS
10. DIRECTOR'S REPORT AND BOARD OF SUPERVISORS HEARING SUMMARY
11. MINUTES
12. CONSENT AGENDA
13. CONCEPTUAL REVIEW

#### STANDARD AGENDA:

### B. Procedure for Conduct of Public Hearings

1. The Recording Secretary announces the agenda item to be heard and reads the request from the agenda.
2. The Chair asks Commissioners as to site visitation and *ex parte* receipt of any evidence from the applicant or other interested party. A member who has received evidence outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the hearing such evidence and observations and familiarity with the property so that the applicant, opponent, interested persons and other members of the decision-making body may be aware of the facts or evidence upon which the member is relying and have an opportunity to controvert them. All written evidence received outside of the hearing shall be filed with the Recording Secretary, distributed to the other members, and be included in the record if filed in a timely manner.

3. The Chair asks staff to present their report and recommendation; staff recommendations will be based on findings required by state law and local ordinances.
4. The Chair announces that anyone who wishes to speak on any agenda item is requested to complete a speaker slip and hand it to the Recording Secretary of the Planning Commission.
5. The Chair calls upon the applicant, appellant or designated representative(s) to present testimony concerning the request (project). Time limits on testimony may be established at the discretion of the Chair as necessary for the orderly and efficient conduct of the hearing.
6. The Chair invites the general public (from speaker slips) to give testimony about the request; those giving testimony may also correct any misrepresented points of view.
7. The Chair calls upon the applicant or appellant to rebut, answer questions, or clarify any contradictions raised by the public testimony. Matters not directly relevant to the project shall be not admitted by the Commission unless for good cause.
8. During the remainder of the hearing, the Planning Commission may ask questions, or ask for clarification of staff, the applicant/appellant or members of the public. Representatives from other County departments and divisions (County Counsel, Public Works, Environmental Health, Fire, Flood Control, Parks, Transportation Division of Public Works, Agricultural Commissioner's office, etc.) shall be available to present additional information.
9. The Chair declares the public hearing closed, except as provided in paragraph 10 below; whereupon, the addition of oral testimony or new information shall be permitted only after adoption of a motion to reopen public testimony.
10. The Commission members will discuss the project among themselves and ask further questions of staff; and each will informally indicate their position and discuss conditions to be appended or conditions to be added. Through the Chair, questions may be asked of, or comments offered by staff, the applicant/appellant or any interested party.
11. The Commissioner of the district in which the project is located is given the first opportunity to make a motion to approve, conditionally approve, deny or continue the item for additional study. Any motion for final action must include the adoption of all required findings. A majority of the Commissioners present must support a motion for any motion to pass. In the event of a split vote, (2-2), the motion would fail to pass. Unless the Commission makes another motion resulting in a majority decision, the motion's failure to pass would be deemed a denial. For Comprehensive Plan Amendments, a recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Commission.

## **C. General Rules for Those Giving Testimony**

1. When the Chair recognizes a speaker, the party shall present testimony at the speaker's podium and speak into the microphone. Speakers shall state their name and address clearly, as this helps the Secretary to record the information correctly in the minute records of the hearing. All hearings are recorded.
2. When a speaker wishes to read a written statement, a copy of the statement shall be given to the Planning Commission Recording Secretary.
3. Presentation format: All speakers should indicate their position – for or against the request. Statements should provide all pertinent facts within their knowledge; including the reasons for their position based upon relevant subject matter. Testimony should relate to the types of findings upon which staff bases its recommendation. Discussion should be limited to planning matters relevant to project that the Planning Commission is considering. Speakers should state their concurrence to previous testimony, and should not repeat the discussion.
4. Any questions that a speaker may have are directed through the Chair.
5. An interested party who cannot appear at a hearing may write a letter to the commissioners indicating whether they are in favor or in opposition to the proposal and what their concerns are. The letter will be included as a part of the public record.
6. On non-legislative items, written submissions (nine copies of submittals) to the Planning Commission must be filed with the Recording Secretary no later than 12:00 p.m. on the Monday before the Planning Commission hearing. Multi-page submittals shall be accepted as part of the record by a 4/5 vote during the hearing by the Commission.
7. There shall be no incorporation by reference. Any person desiring the Commission to consider a written document must provide a copy of the entire document to the Secretary of the Commission.
8. Slides, photographs, maps and other physical evidence shall be clearly labeled and identified, and shall become the property of the county upon submission to the Recording Secretary of the Commission.

Final decisions of the Planning Commission are appealable to the Board of Supervisors subject to the appeals provisions in the Zoning Ordinance. For some types of actions, the Planning Commission automatically transmits its decisions in the form of a recommendation to the Board of Supervisors for final decision. Please refer to Appendix A for more information on the disposition of permits. Therefore, if an applicant or an aggrieved person does not agree with an appealable decision, he/she may file an appeal and filing fee with the Clerk of the Board of Supervisors, 4<sup>th</sup> floor, County Administration building, 105 East Anapamu Street, Santa Barbara, CA 93101.

**APPEALS FORMS ARE AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD**

## **D. Consideration of Environmental Documents**

### **1. Consideration and Approval of Negative Declarations**

Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed Negative Declaration before making its recommendation.

Prior to approving the project, the decision-making body of the Lead Agency<sup>2</sup> shall consider the proposed Negative Declaration together with any comments received during the public review process. The decision-making body shall approve the Negative Declaration if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

### **2. Rejection of the Negative Declaration**

A Lead Agency must consider the proposed Negative Declaration in conjunction with the comments received as noted above. If, prior to approval of the Negative Declaration and project, comments convince the Lead Agency that the project may actually produce significant environmental impacts, the agency must prepare an EIR.

In this case, the decision-maker, acting as the Lead Agency, may reject the Negative Declaration as inadequate based upon substantial evidence in the record and require preparation of an EIR. Alternatively, should the decision-maker desire additional analysis based on comments received, the Negative Declaration may be returned to Planning and Development for additional analysis; however, a 90-day time extension may be necessary to continue processing within the statutory time limits.

### **3. Consideration and Certification of Environmental Impact Reports**

#### **(a) Certification**

Before approving any nonexempt project that may have a significant environmental effect, the lead agency must prepare a Final EIR (“FEIR”). Before approving the project analyzed in the EIR, the lead agency must “certify” the Final EIR. “Certification” consists of two separate steps. The agency’s decision making body must conclude, first, that the document “has been completed in compliance with CEQA”, and second, that the body has reviewed and considered the information within the EIR prior to approving the project.

---

<sup>2</sup> A Lead Agency is the public entity responsible for preparing and certifying CEQA documents. Generally, the Lead Agency for private projects is the County or City land use permit authority; whereas the Lead Agency for public projects is the public agency that sponsors or carries out the project. The State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Article 4, Sections 15050 to 15053) address the concept of a Lead Agency and criteria for designation of such in detail.

(b) Recision and/or Reconsideration or EIR Certification

After certifying an EIR for adequacy, but prior to approving the project in question, the lead agency can rescind and reconsider that certification, and can even change the document's environmental conclusions, as long as substantial evidence in the administrative record supports such a change. This provision empowers agencies, either prior to certification or after decertification, to alter EIR's conclusions as to whether particular impacts are significant, as long as substantial evidence supports the agency's reasoning; however, if impacts become more severe, public recirculation is required by CEQA.

(c) Findings for Significant Effects Identified in EIRs

(Class II and Class III Categories)

No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,
- (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

The findings required by State CEQA Guidelines Section 15091 must be supported by substantial evidence in the record.

The finding in subsection (2) must not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

(d) Statements of Overriding Considerations for Unavoidable Significant Impacts Identified in EIRs (Class I Impact Category, or Class II Impacts for which identified mitigation measures have not been made conditions of approval).

- (1) CEQA required the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".

- (2) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section (C)(2) or (C)(3) above.
- (3) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

4. Compliance Plans for Projects Subject to Negative Declarations and Environmental Impact Reports.

Assembly Bill 3180 (Public Resources Code, Section 21081.6) became effective January 1, 1989 and requires monitoring or reporting of mitigation measures which serve to avoid potentially significant impacts to the environment in order to ensure compliance with project implementation. The monitoring bill requires any “public agency” making specified CEQA findings to adopt a monitoring program. Both lead and responsible agencies must make findings in approving projects under the act.

## **E. Administrative Policy for Continuances**

1. General Continuances Procedures

Continuance requests shall be submitted in writing to the Planning Commission 14 days prior to the scheduled hearing, when feasible, (e.g. not an unforeseen hardship).

a. Pre-hearing Continuance Requests

The following continuance requests shall be considered by the Planning Commission:

- 1) Hardship issues – based upon unexpected events including but not limited to, illnesses, personal emergencies, unavailability of applicants, agents, or affected parties, when such unavailability could not have been reasonably foreseen.
- 2) Submission of comments/new information – When additional time is required by the applicant to prepare and submit responses or additional information to the staff report prior to the public hearing. Any such continuances granted by the Planning Commission should also include adequate time (a minimum of two weeks), as determined by staff, for staff review and response.

b. Hearing Continuance Requests

- 1) Continuances may be granted when the Planning Commission, applicant, or affected party requests, requires analysis beyond what can be addressed in the public hearing. The continued hearing should be a minimum of two weeks from the hearing date to allow adequate time for staff response.
- 2) Continuances may be granted by the Planning Commission when the Commission's decision differs from staff's recommended action(s). The hearing shall be continued a minimum of two weeks to allow staff adequate time to prepare new findings and conditions for the proposal.

In all instances of continuances, the Planning Commission motion for a continued hearing shall include the basis of the continuance and direction to staff and/or the applicant for additional information that is necessary to render a decision on the proposal. This direction is intended to avoid unnecessary and/or frivolous continuances. The continuance must be to a date certain in order to avoid renoticing.

2. Staff Procedures on Continued Items

P&D staff are to docket the following one week prior to the continuance date:

- a. At a minimum, a memo to the Commission stating why the item was continued; or,
- b. A status report on work that was to be done that caused the need to continue and who requested the continuance; or,
- c. A report of the work that was done as directed by the Planning Commission (e.g. analysis of water, sewer, neighborhood compatibility, reanalysis of conclusions or recommendations in the original staff report, if applicable).

**F. CONCEPTUAL REVIEW PROCEDURES**

1. Intent. The intent of Conceptual Review is to provide Planning Commission input early in the planning process for the benefit of the applicant, public and staff. The Commission encourages future applicants of complex projects to seek Conceptual Review, where appropriate.
2. Applicability. Upon the discretion of the Planning Commission Chair, which may include consultation with the Board of Architectural Review (BAR) Chair and Secretary to the Planning Commission, conceptual projects within the jurisdiction of the Planning Commission may be scheduled for Conceptual Review. A planner consult or pre-application shall occur prior to Concept Review to provide

the Planning Commission and other applicable parties with sufficient information to consider preliminary planning issues.

3. Administration. Conceptual Review projects shall be noticed consistent with noticing requirements for final permit action. A brief staff report identifying key issues, including any agency pre-application letter(s), shall be prepared. Meetings shall be in accordance with the Brown Act. Minutes shall note individual Commissioner's comments.
4. Hearing. The hearing may be less formal in manner and discussion than a decision-making hearing. The hearing shall include a staff presentation of general issues, an applicant presentation of the project, public comments and individual Commissioner comments. No Commission consensus shall be developed nor any vote taken on any aspect of the project.

## VI. AGENDAS

The Planning Commission requires the staff of Planning and Development (P&D) to prepare, publish and distribute agendas for all meetings. The Commission has adopted the following relevant policies:

1. Scheduling of projects on the agenda: P&D shall not schedule matters for the Planning Commission agenda sooner than one (1) week after the staff report is completed and available for distribution.
2. Public Meetings: Pursuant to the Ralph M. Brown Act (Government Code Section 54950 *et. seq.* "Brown Act") all meetings, including study sessions and workshops, must be open and public. A public comment period is available to all members of the public to discuss their issues of concern with the Commission. This means that a quorum of commissioners shall only discuss commission business in a public meeting. Furthermore, meeting agendas shall be posted at least 72 hours in advance and topics shall be limited to those on the agenda.

Agendas are available on the Planning and Development Web Site at [www.sbcountyplanning.org/boards/pc](http://www.sbcountyplanning.org/boards/pc) each Thursday for the next week's meeting.

## **VII. MINUTES**

Minutes are prepared after each commission meeting by the Recording Secretary. These minutes are not actual transcripts of the meetings but describe only the motion-maker and the contents of the motion, who seconded the motion, the vote, and any conditions of approval. At subsequent Commission meetings, a copy of the minutes is submitted to each Commissioner for approval at the Commission's next meeting. There is a county distribution list for the minutes, but copies are available to anyone upon request. To cover processing costs, P&D charges an annual subscription fee for minutes. If an interested person requests that minutes be mailed to them, P&D must be provided with a self-addressed and stamped envelope for each copy of the minutes.

Planning Commission meetings are aired on public television stations and are also recorded on video and audio tapes intended to preserve the deliberations and findings of the Commission to the extent feasible. Members of the public may view or hear video and audio tapes upon request to Planning Commission support staff in P&D. Copies of video tapes may be purchased through County Santa Barbara Television, (805) 568-3420.

Commission minutes are retained in microfiche.

## **VIII. RESOLUTIONS**

The Planning Commission adopts resolutions for any recommended changes to the adopted Comprehensive Plan and Local Coastal Plan. Additionally, the Commission may adopt resolutions involving rezoning applications to inform the Board of Supervisors of the reasons for its action/recommendations.

## IX. CONFLICT OF INTEREST

Pursuant to Sections 87200 *et. seq.*, Government Code, newly appointed commissioners are required to file a “Statement of Economic Interests” within ten days of assuming office; this Statement is filed with the Elections Division of the County Clerk’s office. After the initial statement is filed, each Commissioner is required to file an annual statement usually after January 1 of each year and no later than April 1 of each year.

A Commissioner is required to conform to the Conflict of Interest provisions of the Political Reform Act, Section 87100 *et. seq.*, California Government Code, which regulate financial conflicts of interest. The law imposes the responsibility to avoid financial conflicts of interest upon the Commissioner. Pursuant to state law, each Commissioner must seek training in the obligations of the law to avoid conflicts of interest and to conform to all other applicable laws including those concerning ethics and conflict of interest.

A Commissioner is required to file a “Leaving Office Statement” within 30 days after leaving office.

The Elections Division of the County Clerk/Recorder’s Office is responsible for keeping conflict of interest statements current.

## APPENDIX A

### Disposition of Case Types

The following table shows the pertinent disposition of case types:

	<u>Planning Commission (P/C)</u>	<u>Board of Supervisors (B/S)</u>	<u>Appeal<sup>3</sup></u>
<b>Comp Plan Amend</b> Approval or Denial	P/C action is not final; PC Resolution is submitted with B/S as a recommendation; P/C recommendation for approval must be by not less than a majority of total voting membership. G.C. §65354.	Final action is req'd by B/S after at least one public hearing (G.C. §65355) conducted on one of the days held four times per year (G.C. §65358) except, if the project is "Residential," affordable, with 25% of units for low/moderate families public hearing can be held any time; B/S approval req'd by resolution.	None
<b>Specific Plan</b> Approval	Must be adopted by resolution or ordinance. P/C submits recommendation to B/S.	Same as G.P.	None
Denial	P/C submits recommendation to B/S.	Same as G.P.	None
<b>Rezone</b> Approval	P/C action is not final; written report is filed with B/S as a recommendation. G.C. §65855.	Final action req'd by B/S at a noticed public hearing.	None
Denial	P/C action is final. Written report is filed with B/S "For Informational Purposes Only." Action may be appealed.	B/S need not take any action unless a written appeal is filed per G.C. §65856.	Yes, within 5 days after P/C report is filed with clerk of B/S <sup>†</sup>
<b>Ordinance Amendment</b> Approval	P/C action is not final; written report is filed with B/S as a recommendation. G.C. §65855.	Final action req'd by B/S at a noticed public hearing. OA's to the Local Coastal Program shall be processed as a LCP amendment, and heard by the B/S on one of their three hearing dates for LCP amendments.	None
Denial	P/C action is not final, written report is filed with B/S as a Recommendation.	Final action required by B/S at a noticed public hearing. OA's shall be processed as an LCP amendment and heard by the B/S on one of their three hearing dates for LCP amendments.	None

<sup>3</sup> Appeals in the Coastal Zone may be further appealed to the Coastal Commission.

	<b>Planning Commission (P/C)</b>	<b>Board of Supervisors (B/S)</b>	<b>Appeal<sup>3</sup></b>
<b>Tentative Tract Map (5 or more lots or units)</b> Approval or Denial	P/C action is final; no report required to be filed with B/S. If associated with rezone, B/S is final decision maker. Z/A is final decision maker for parcel maps exempt from CEQA.	No B/S action required unless an appeal is filed. No report automatically filed with B/S action.	Yes, within 10 days of P/C action, with Clerk of B/S. <sup>4</sup>
<b>Tentative Parcel Map (4 or less lots)</b> Approval or Denial	P/C action is final; no report required to be filed with B/S. If associated with rezone, B/S is final decision maker. Z/A is final decision maker for parcel maps exempt from CEQA.	No B/S action required unless an appeal is filed. No report automatically filed with B/S action.	Yes, within 10 days of P/C action, with Clerk of B/S. <sup>5</sup>
<b>Lot Line Adjustment</b> Approval or Denial	Same as for TPM	Same as for TPM	Same as for TPM
<b>Conditional Use Permit</b> Approval or Denial	P/C action is final; written report is filed with B/S "For Informational Purposes Only."	No B/S action required unless an appeal is filed.	Yes, within 10 days of P/C action. <small>10 days with</small>
<b>Reclamation Plan</b> Approval or Denial	Same as for CUP	Same as for CUP	Same as for CUP
<b>Variance</b> Approval or Denial	Same as for CUP	Same as for CUP	Yes, within 10 days by interested property owner.
<b>Development Agreement</b>	P/C action is not final; recommendation is filed with the B/S.	B/S action required.	
<b>Development Plans</b> Approval or Denial	P/C action is final; no report is filed with the B/S.	No B/S action is required unless an appeal is filed.	Yes, within 10 days after P/C action. <sup>4</sup>
<b>Production Plan</b> Approval or Denial	Same as for DP	Same as for DP	Same as for DP
<b>Determinations</b> Approval or Denial	Same as for DP	Same as for DP	Same as for DP

<sup>1</sup>Appeals in the Coastal Zone may be further appealed to the Coastal Commission.

<sup>4</sup>Filing fee is required.

<sup>3</sup>Appeals in the Coastal Zone may be further appealed to the Coastal Commission.

<sup>5</sup>Filing fee is required.

## GOVERNMENT CODE

### SECTION 65920-65924

65920. (a) This chapter shall be known and may be cited as the Permit Streamlining Act.

(b) Notwithstanding any other provision of law, the provisions of this chapter shall apply to all public agencies to the extent specified in this chapter, except that the time limits specified in Division 2 (commencing with Section 66410) of Title 7 shall not be extended by operation of this chapter.

65921. The Legislature finds and declares that there is a statewide need to ensure clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects. Consequently, the provisions of this chapter shall be applicable to all public agencies, including charter cities.

65922. The provisions of this chapter shall not apply to the following:

(a) Activities of the State Energy Resources Development and Conservation Commission established pursuant to Division 15 (commencing with Section 25000) of the Public Resources Code.

(b) Administrative appeals within a state or local agency or to a state or local agency.

65922.1. During a year declared by the State Water Resources Control Board or the Department of Water Resources to be a critically dry year, or during a drought emergency declared by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2, the time limits established by this chapter shall not apply to applications to appropriate water pursuant to Part 2 (commencing with Section 1200) of Division 2 of, to petitions for change pursuant to Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 of, or to petitions for certification pursuant to Section 13160 of, the Water Code for projects involving the diversion or use of water.

65923.8. Any state agency which is the lead agency for a development project shall inform the applicant for a permit that the Office of Permit Assistance has been created in the Office of Planning and Research to assist, and provide information to, developers relating to the permit approval process.

65924. With respect to any development project an application for which has been accepted as complete prior to January 1, 1978, the deadlines specified in Sections 65950 and 65952 shall be measured from January 1, 1978. With respect to such application received

prior to January 1, 1978, but not determined to be complete as of that date, a determination that the application is complete or incomplete shall be made not later than 60 days after the effective date of the act amending this section in 1978.

---

## GOVERNMENT CODE

### SECTION 65925-65934

65925. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

65926. "Air pollution control district" means any district created or continued in existence pursuant to the provisions of Part 3 (commencing with Section 40000) of Division 26 of the Health and Safety Code.

65927. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Nothing in this section shall be construed to subject the approval or disapproval of final subdivision maps to the provisions of this chapter.

"Development" does not mean a "change of organization", as defined in Section 56021 or a "reorganization", as defined in Section 56073.

65928. "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

65928.5. "Geothermal field development project" means a development project as defined in Section 65928 which is composed of geothermal

wells, resource transportation lines, production equipment, roads, and other facilities which are necessary to supply geothermal energy to any particular heat utilization equipment for its productive life, all within an area delineated by the applicant.

65929. "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project.

65930. "Local agency" means any public agency other than a state agency. For purposes of this chapter, a redevelopment agency is a local agency and is not a state agency.

65931. "Project" means any activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

65932. "Public agency" means any state agency, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

65933. "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.

65934. "State agency" means any agency, board, or commission of state government. For all purposes of this chapter, the term "state agency" shall include an air pollution control district.

---

## GOVERNMENT CODE

### SECTION 65940-65945.7

65940. (a) Each state agency and each local agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each local agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(b) (1) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(2) The information described in paragraph (1) shall be based on information provided by the Office of Planning and Research pursuant to paragraph (2) of subdivision (d) as of the date of the application. Cities, counties, and cities and counties shall comply with paragraph (1) within 30 days of receiving this notice from the office.

(c) (1) A city, county, or city and county that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A city, county, or city and county that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) (1) Subdivision (b) as it relates to the identification of special use airspace, low-level flight paths, military installations, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet.

65940.5. (a) No list compiled pursuant to Section 65940 shall include an extension or waiver of the time periods prescribed by this chapter within which a state or local agency shall act upon an application for a development project.

(b) No application shall be deemed incomplete for lack of an extension or waiver of time periods prescribed by this chapter within

which a state or local government agency shall act upon the application.

(c) Except for the extension of the time limits pursuant to Section 65950.1, no public agency shall require an extension or waiver of the time limits contained in this chapter as a condition of accepting or processing the application for a development project.

65941. (a) The information compiled pursuant to Section 65940 shall also indicate the criteria which the agency will apply in order to determine the completeness of any application submitted to it for a development project.

(b) If a public agency is a lead or responsible agency for purposes of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, that criteria shall not require the applicant to submit the informational equivalent of an environmental impact report as part of a complete application, or to otherwise require proof of compliance with that act as a prerequisite to a permit application being deemed complete. However, that criteria may require sufficient information to permit the agency to make the determination required by Section 21080.1 of the Public Resources Code.

(c) Consistent with this chapter, a responsible agency shall, at the request of the applicant, commence processing a permit application for a development project prior to final action on the project by a lead agency to the extent that the information necessary to commence the processing is available. For purposes of this subdivision, "lead agency" and "responsible agency" shall have the same meaning as those terms are defined in Section 21067 of the Public Resources Code and Section 21069 of the Public Resources Code, respectively.

65941.5. Each public agency shall notify applicants for development permits of the time limits established for the review and approval of development permits pursuant to Article 3 (commencing with Section 65940) and Article 5 (commencing with Section 65950), of the requirements of subdivision (e) of Section 65962.5, and of the public notice distribution requirements under applicable provisions of law.

The public agency shall also notify applicants regarding the provisions of Section 65961. The public agency may charge applicants a reasonable fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65942. The information and the criteria specified in Sections 65940, 65941, 65941.5 shall be revised as needed so that they shall be current and accurate at all times. Any revisions shall apply prospectively only and shall not be a basis for determining that an application is not complete pursuant to Section 65943 if the application was received before the revision is effective except for revisions for the following reasons resulting from the conditions which were not known and could not have been known by the public agency at the time the application was received:

(a) To provide sufficient information to permit the public agency

to make the determination required by Section 21080.1 of the Public Resources Code, as provided by Section 65941.

(b) To comply with the enactment of new or revised federal, state, or local requirements, except for new or revised requirements of a local agency which is also the lead agency.

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65943.5. (a) Notwithstanding any other provision of this chapter,

any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:

(1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.

(2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.

(c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 71012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65944. (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. This subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.

(2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an "urbanized area." An urbanized area is any urban location that meets the definition used by the United State Department of Commerce's Bureau

of Census for "urban" and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.

(e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

(f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.

65945. (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:

- (1) A general plan.
- (2) A specific plan.
- (3) A zoning ordinance.
- (4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

(b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines

are reasonably related to requests for development permits, need be listed in the notice. No proposal shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

65945.3. At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65945.5. At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

65945.7. No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a

different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

---

## GOVERNMENT CODE

### SECTION 65950-65957.5

65950. (a) Any public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) Ninety days from the date of certification by the lead agency of the environmental impact report if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project and all of the following conditions are met:

(A) The development project is affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(3) Sixty days from the date of adoption by the lead agency of the negative declaration if a negative declaration is completed and adopted for the development project.

(4) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) if the project is exempt from the California Environmental Quality Act.

(b) Nothing in this section precludes a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of this section, "lead agency" and "negative declaration" shall have the same meaning as those terms are defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

65950.1. Notwithstanding Section 65950, if there has been an extension of time pursuant to Section 21100.2 or 21151.5 of the Public Resources Code to complete and certify the environmental impact report, the lead agency shall approve or disapprove the project within 90 days after certification of the environmental

impact report.

65950.5. (a) If an applicant for a development project for natural gas exploration or production and a public agency agree in writing to expedite the public agency's actions pursuant to Article 3 (commencing with Section 65940) or this article, the public agency may provide the services, contract with a private entity, or employ persons on a temporary basis to perform the services necessary to meet those time limits.

(b) The private entities or persons temporarily employed by the public agency may, pursuant to a contract or agreement with the public agency, perform any of the functions necessary to comply with the requirements of Article 3 (commencing with Section 65940), this article, or local ordinances adopted pursuant to those articles, except those functions reserved by those articles or local ordinances to the legislative body of a local agency.

(c) A public agency may charge the applicant a fee that does not exceed the estimated reasonable cost of providing the service pursuant to this section. A local agency shall comply with Section 66014, Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020).

65951. In the event that a combined environmental impact report-environmental impact statement is being prepared on a development project pursuant to Section 21083.6 of the Public Resources Code, a lead agency shall approve or disapprove the project within 90 days after the combined environmental impact report-environmental impact statement has been completed and adopted.

65952. (a) Any public agency which is a responsible agency for a development project that has been approved by the lead agency shall approve or disapprove the development project within whichever of the following periods of time is longer:

(1) Within 180 days from the date on which the lead agency has approved the project.

(2) Within 180 days of the date on which the completed application for the development project has been received and accepted as complete by that responsible agency.

(b) At the time a decision by a lead agency to disapprove a development project becomes final, applications for that project which are filed with responsible agencies shall be deemed withdrawn.

65952.1. (a) Except as otherwise provided in subdivision (b), where a development project consists of a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), the time limits established by Sections 65950 and 65952 shall apply to the approval or disapproval of the tentative map, or the parcel map for which a tentative map is not required.

(b) The time limits specified in Sections 66452.1, 66452.2, and 66463 for tentative maps and parcel maps for which a tentative map is not required, shall continue to apply and are not extended by the time limits specified in subdivision (a).

65952.2. No public agency shall disapprove an application for a development project in order to comply with the time limits specified in this chapter. Any disapproval of an application for a development project shall specify reasons for disapproval other than the failure to timely act in accordance with the time limits specified in this chapter.

65953. All time limits specified in this article are maximum time limits for approving or disapproving development projects. All public agencies shall, if possible, approve or disapprove development projects in shorter periods of time.

65954. The time limits established by this article shall not apply in the event that federal statutes or regulations require time schedules which exceed such time limits.

65955. The time limits established by this article shall not apply to applications to appropriate water where such applications have been protested pursuant to Chapter 4 (commencing with Section 1330) of Part 2 of Division 2 of the Water Code, or to petitions for changes pursuant to Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 of the Water Code.

65956. (a) If any provision of law requires the lead agency or responsible agency to provide public notice of the development project or to hold a public hearing, or both, on the development project and the agency has not provided the public notice or held the hearing, or both, at least 60 days prior to the expiration of the time limits established by Sections 65950 and 65952, the applicant or his or her representative may file an action pursuant to Section 1085 of the Code of Civil Procedure to compel the agency to provide the public notice or hold the hearing, or both, and the court shall give the proceedings preference over all other civil actions or proceedings, except older matters of the same character.

(b) In the event that a lead agency or a responsible agency fails to act to approve or to disapprove a development project within the time limits required by this article, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. If the applicant has provided seven days advance notice to the permitting agency of the intent to provide public notice, then no earlier than 60 days from the expiration of the time limits established by Sections 65950 and 65952, an applicant may provide the required public notice using the distribution information provided pursuant to Section 65941.5. If the applicant chooses to provide public notice, that notice shall include a description of the proposed development substantially similar to the descriptions which are commonly used in public notices by the permitting agency, the location of the proposed development, the permit application number, the name and address of the permitting agency, and a statement that the project shall be deemed approved if

the permitting agency has not acted within 60 days. If the applicant has provided the public notice required by this section, the time limit for action by the permitting agency shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the permitting agency shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65944, inclusive, may constitute grounds for disapproving a development project.

(d) Nothing in this section shall diminish the permitting agency's legal responsibility to provide, where applicable, public notice and hearing before acting on a permit application.

65956.5. (a) Prior to an applicant providing advance notice to an environmental agency of the intent to provide public notice pursuant to subdivision (b) of Section 65956 for action on an environmental permit, the applicant may submit an appeal in writing to the governing body of the environmental agency, or if there is no governing body, to the director of the environmental agency, as provided by the environmental agency, for a determination regarding the failure by the environmental agency to take timely action on the issuance or denial of the environmental permit in accordance with the time limits specified in this chapter.

(b) There shall be a final written determination by the environmental agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The final written determination by the environmental agency shall specify both of the following:

(1) The reason or reasons for failing to act pursuant to the time limits in this chapter.

(2) A date by which the environmental agency shall act on the permit application.

(c) Notwithstanding any other provision of this chapter, any appeal submitted pursuant to subdivision (a) involving an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection if the environmental agency declines to accept the appeal for a decision pursuant to subdivision (a) or the environmental agency does not make a final written determination pursuant to subdivision (b).

(d) Any appeal submitted pursuant to subdivision (a) involving an environmental permit to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(e) For purposes of this section, "environmental permit" has the same meaning as defined in Section 71012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65957. The time limits established by Sections 65950, 65950.1, 65951, and 65952 may be extended once upon mutual written agreement of the project applicant and the public agency for a period not to exceed 90 days from the date of the extension. No other extension,

continuance, or waiver of these time limits either by the project applicant or the lead agency shall be permitted, except as provided in this section and Section 65950.1. Failure of the lead agency to act within these time limits may result in the project being deemed approved pursuant to the provisions of subdivision (b) of Section 65956.

65957.1. In the event that a development project requires more than one approval by a public agency, such agency may establish time limits (1) for submitting the information required in connection with each separate request for approval and (2) for acting upon each such request; provided, however, that the time period for acting on all such requests shall not, in aggregate, exceed those limits specified in Sections 65950 and 65952.

65957.5. (a) Whenever the director of a Department of Transportation highway district recommends to a public agency considering an application to subdivide real property or to issue a construction permit that the agency impose certain conditions on its approval of the application, the applicant may appeal the district director's recommendation.

(b) The Department of Transportation shall adopt regulations prescribing procedures for effecting an appeal pursuant to subdivision (a). The appeal shall be made in writing to the Director of Transportation. The director's decision on the appeal shall be rendered within 60 calendar days after receipt of the appeal, and the director's written determination shall be transmitted to the appellant and to the agency to whom the appealed recommendation was made. The adopted regulations shall require the appellant to pay to the department a fee of not more than 50 percent of the estimated administrative cost to the department of conducting the appeal.

(c) The appeal process, including the director's written determination, shall be completed at least 60 days prior to completion of the period of public review for a draft environmental impact report or a negative declaration prescribed by Section 21091 of the Public Resources Code.

---

## GOVERNMENT CODE

### SECTION 65959-65959.3

65959. The Legislature hereby finds and declares that the California Environmental Protection Agency was established to enhance the state's protection of the environment by, among other things, more effectively coordinating the permit actions of the departments or boards within the agency which issue environmental permits and by ensuring timely responses to applicants for permits in order to reduce costs associated with compliance with the state's environmental protection statutes and programs. It is the intent of this article to provide a mechanism by which the California Environmental Protection Agency may further this objective of environmental protection by bringing relevant agencies together to foster the integration of requests for information, promote speedy and cost-effective compliance, and synchronize, to the maximum extent feasible, the environmental permit requirements imposed on applicants by the departments or boards within the agency.

65959.1. For purposes of this article, "environmental permit" means any permit issued by the Department of Toxic Substances Control for the storage, treatment, handling, or disposal of hazardous waste, as defined in Section 25117 of the Health and Safety Code, or any waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

65959.2. (a) At the request of an applicant for more than one environmental permit, the Secretary for Environmental Protection may, using existing staff and budgetary resources, convene a permitting team for the project composed of permit writers and other appropriate personnel from the board or department responsible for review of the project and the issuance of an environmental permit. The permitting team shall identify all statutory and regulatory requirements for the issuance of the environmental permits and provide that information to the applicant in order to facilitate, to the maximum extent feasible, the uniform, consistent, and expeditious processing of environmental permit applications.

(b) At the request of the applicant, the Secretary for Environmental Protection may solicit the participation of relevant federal, state, and local agencies on the permitting team to facilitate cooperation, reduce duplication, and assist in conflict resolution.

65959.3. This article does not confer any new or additional authority over the issuance of environmental permits on the California Environmental Protection Agency or diminish in any way the existing authority of any other state or local agency.

## GOVERNMENT CODE

### SECTION 65960-65963.1

65960. Notwithstanding any other provision of law, if any person applies for approval of a geothermal field development project, then only one permit from the lead agency and one permit from each responsible agency shall be required for all drilling, construction, operation, and maintenance activities required during the course of the productive life of the project, including, but not limited to, the drilling of makeup wells, redrills, well cleanouts, pipeline hookups, or any other activity necessary to the continued supply of geothermal steam to a powerplant. The lead agency and each responsible agency may approve such permits for less than full field development if the applicant submits such an application. Such permits shall include (1) any conditions or stipulations deemed necessary by the lead or responsible agency, including appropriate mitigation measures within the statutory jurisdiction of such agency, and (2) a monitoring program capable of assuring the permittee's conformance with all such conditions or stipulations. This section shall not apply to any permit whose issuance is a ministerial act by the permitting agency.

65961. Notwithstanding any other provision of law, upon approval or conditional approval of a tentative map for a subdivision of single- or multiple-family residential units, or upon recordation of a parcel map for such a subdivision for which no tentative map was required, during the five year period following recordation of the final map or parcel map for the subdivision, a city, county, or city and county shall not require as a condition to the issuance of any building permit or equivalent permit for such single- or multiple-family residential units, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map. Nor shall a city, county, or city and county withhold or refuse to issue a building permit or equivalent permit for failure to conform with or perform any conditions that the city, county, or city and county could have lawfully imposed as a condition to the previously approved tentative or parcel map. However, the provisions of this section shall not prohibit a city, county, or city and county from doing any of the following:

(a) Imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary to impose the condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, "a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map," as used in this section, refers to conditions the county could have imposed had there been no incorporation.

65962.5. (a) The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

(1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

(2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

(3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.

(4) All sites listed pursuant to Section 25356 of the Health and Safety Code.

(5) All sites included in the Abandoned Site Assessment Program.

(b) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code.

(c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

(1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.

(2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.

(3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

(d) The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, shall compile as appropriate, but at least annually, and shall submit to the California Integrated Waste Management Board, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The California Integrated Waste Management Board shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information.

(e) The Secretary for Environmental Protection shall consolidate

the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located. The secretary shall distribute the information to any other person upon request. The secretary may charge a reasonable fee to persons requesting the information, other than cities, counties, or cities and counties, to cover the cost of developing, maintaining, and reproducing and distributing the information.

(f) Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943. The statement shall read as follows:

#### HAZARDOUS WASTE AND SUBSTANCES STATEMENT

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of applicant: Address: Phone number: Address of site (street name and number if available, and ZIP Code): Local agency (city/county): Assessor's book, page, and parcel number: Specify any list pursuant to Section 65962.5 of the Government Code: Regulatory identification number: Date of list:

---

Applicant, Date

(g) The changes made to this section by the act amending this section, that takes effect January 1, 1992, apply only to projects for which applications have not been deemed complete on or before January 1, 1992, pursuant to Section 65943.

65963.1. Except as otherwise provided in Article 8.7 (commencing with Section 25199) of Chapter 6.5 of Division 20 of the Health and Safety Code, this chapter applies to the making of a land use decision or the issuance of a permit for a hazardous waste facility project by a public agency, as defined in Section 25199.1 of the Health and Safety Code, including, but not limited to, all of the following actions:

(a) The approval of land use permits and conditional use permits, the granting of variances, the subdivision of property, and the modification of existing property lines pursuant to this division or Division 2 (commencing with Section 66410) of Title 7, and, for purposes of this chapter, "project" includes an activity requiring any of those actions.

(b) The issuance of hazardous waste facility permits by the State Department of Health Services pursuant to Chapter 6.5 (commencing

with Section 25100) of Division 20 of the Health and Safety Code.

(c) The issuance of waste discharge requirements by California regional water quality control boards pursuant to Article 4 (commencing with Section 13260) of Chapter 4 of Division 7 of the Water Code.

(d) The issuance of authority to construct permits by the district board of an air pollution control district or an air quality management district pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code.

(e) The issuance of solid waste facilities permits by the enforcement agency pursuant to Article 2 (commencing with Section 66796.30) of Chapter 3 of Title 7.3.

---