

TITLE 9

DIVISION 2: GENERAL PROVISIONS

[CHAPTER 1: ZONING MAPS](#)

[CHAPTER 2: LAND USE PERMITS \(VARIANCE\)](#)

[CHAPTER 3: LAND USE PERMITS \(CONDITIONAL USE PERMITS\)](#)

[CHAPTER 4: ZONE CHANGE\(S\)](#)

[CHAPTER 5: GENERAL PLAN AMENDMENT\(S\)](#)

CHAPTER 1: ZONING MAPS

- § 90201.00 PURPOSE
- § 90201.01 ZONING BOUNDARIES
- § 90201.02 ZONING MAPS

§ 90201.00 PURPOSE

The purpose of this Chapter is to establish guidelines for the interpretation of this Title and to enumerate miscellaneous requirements generally applicable to all matters included within this Title. Specifically, this Chapter incorporates by reference the zoning maps that are too large and voluminous to be included within this Division. These maps are on file in the Planning & Development Services Department. Reduced (size) copies are contained in Division 25, along with all amendments thereto.

§ 90201.01 ZONING BOUNDARIES

Where uncertainty exists as to the exact boundary of any zoning area as shown on the official zoning map(s) the following rules shall apply:

- A. Where the boundaries are indicated as approximately following streets, highways, railroads, alley lines and/or lot lines, such lines shall be construed as extending to the center line of such street, highway, railroad or alley.
- B. For unsubdivided property or where a zoning area boundary divides a lot, parcel or portion of land, the location of the zoning boundaries (unless specified by exact dimension) shall be determined by the Planning & Development Services Department.
- C. In case any uncertainty exists, the Director of the Planning & Development Services Department shall determine the location of the zoning boundary.
- D. Where any public street or alley is officially vacated or abandoned the regulation applicable to abutting property shall apply to the vacated or abandon street or alley, to which the public street or alley is merged.
- E. Where any private right of way or easement of any railroad, railway, canal, transportation, or public utility company is vacated or abandoned the regulation applicable to abutting property shall apply to the centerline of such vacated or abandoned property.

§ 90201.02 ZONING MAPS

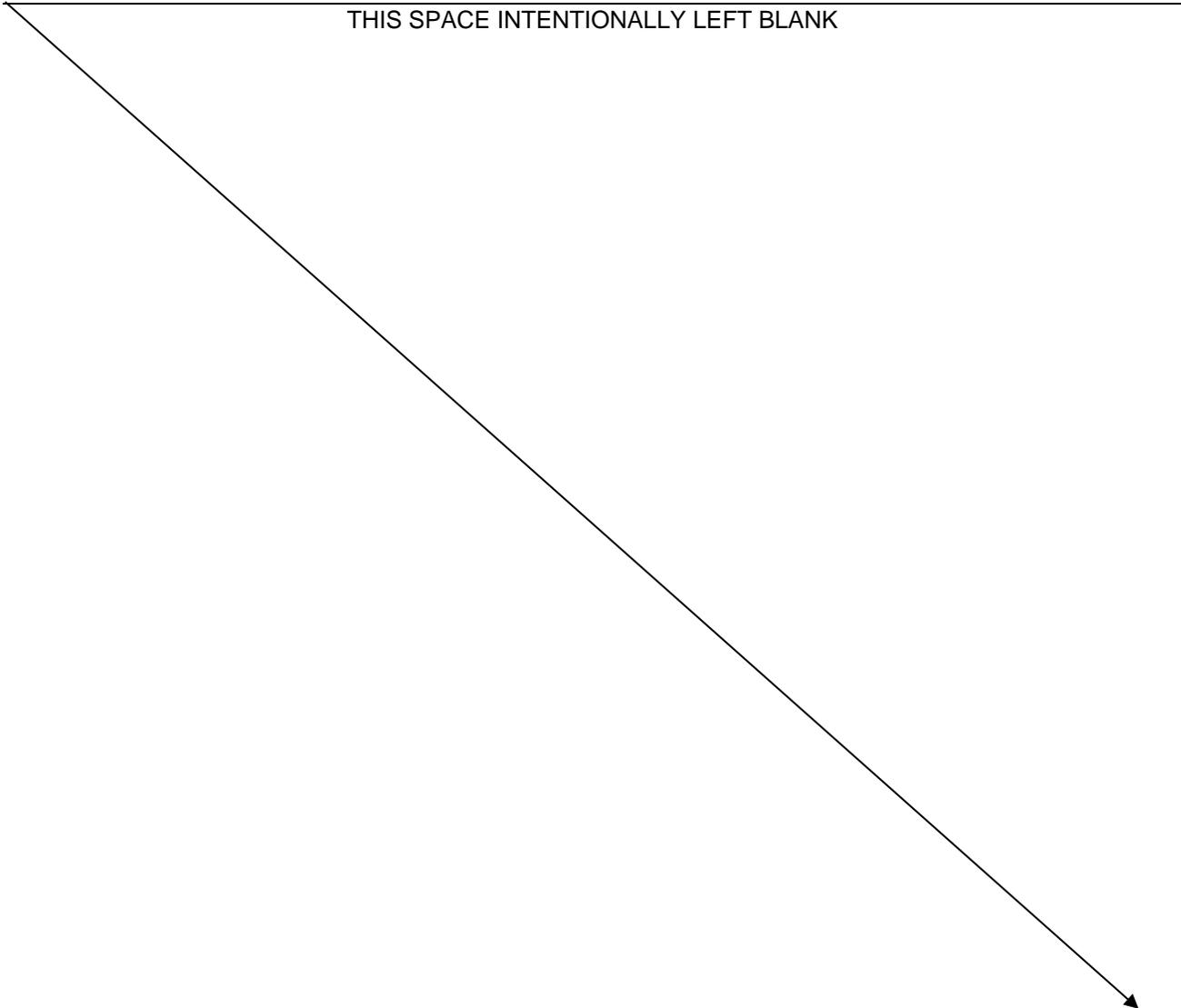
The County of Imperial encompasses some fifty two hundred (5,200) square miles, and it is necessary to designate the various Land Use Zones on several individual maps. Therefore in addition to the text and drawings contained within this Title, the following official maps are adopted herewith as part of this Ordinance; (Reference {92501.00 - 92570.00 et seq.}).

Map No. 1 through 70: (Listed By Section/Name/Number)

§ 92501.00	El Centro Area	Map No. 1
§ 92502.00	Brawley Area	Map No. 2
§ 92503.00	Calexico Area	Map No. 3
§ 92504.00	Holtville Area	Map No. 4
§ 92505.00	Imperial Area	Map No. 5
§ 92506.00	Calipatria Area	Map No. 6
§ 92507.00	Westmorland Area	Map No. 7
§ 92508.00	Bombay Beach Area	Map No. 8
§ 92509.00	Seeley Area	Map No. 9
§ 92510.00	Eucalyptus Area	Map No. 10
§ 92511.00	Niland Area	Map No. 11
§ 92512.00	Heber Area	Map No. 12
§ 92513.00	Melon Area	Map No. 13
§ 92514.00	Keystone Area	Map No. 14
§ 92515.00	Meloland Area	Map No. 15
§ 92516.00	Rose School Area	Map No. 16
§ 92517.00	Heber Dunes Area	Map No. 17
§ 92518.00	Bonds Corner West Area	Map No. 18
§ 92519.00	Bonds Corner East Area	Map No. 19
§ 92520.00	Verde School Area	Map No. 20
§ 92521.00	Holtville South Area	Map No. 21
§ 92522.00	Date City Area	Map No. 22
§ 92523.00	Rockwood Area	Map No. 23
§ 92524.00	Ramer Lake Area	Map No. 24
§ 92525.00	Bard South Area	Map No. 25
§ 92526.00	Bard Area	Map No. 26
§ 92527.00	Mt. Signal Area	Map No. 27
§ 92528.00	Mt. Signal East Area	Map No. 28
§ 92529.00	Pine Union School Sandia Area	Map No. 29
§ 92530.00	Sandia East Area	Map No. 30
§ 92531.00	Curlew Area	Map No. 31
§ 92532.00	Highline School Area	Map No. 32
§ 92533.00	Keystone Bridge Area	Map No. 33
§ 92534.00	Mesquite School Area	Map No. 34
§ 92535.00	Alamorio Area	Map No. 35
§ 92536.00	Sunset Springs Area	Map No. 36
§ 92537.00	Munyon Area	Map No. 37
§ 92538.00	Munyon East Area	Map No. 38
§ 92539.00	Mc Cabe Area	Map No. 39
§ 92540.00	Westside School Area	Map No. 40
§ 92541.00	Turn Area	Map No. 41
§ 92542.00	Estelle East Area	Map No. 42
§ 92543.00	Brawley West Area	Map No. 43
§ 92544.00	Tamarack Area	Map No. 44
§ 92545.00	Imperial West Area	Map No. 45
§ 92546.00	Lantana School Area	Map No. 46
§ 92547.00	Fonda Station Area	Map No. 47
§ 92548.00	Estelle Station Area	Map No. 48
§ 92549.00	Wister Area	Map No. 49
§ 92550.00	Dixieland Area	Map No. 50
§ 92551.00	Westmorland West Area	Map No. 51
§ 92552.00	Poe Area	Map No. 52
§ 92553.00	Northend School Area	Map No. 53
§ 92554.00	Red Hill Area	Map No. 54
§ 92555.00	Kane Springs Area	Map No. 55
§ 92556.00	Bertram Station Area	Map No. 56

§ 92557.00	Palo Verde Area	Map No. 57
§ 92558.00	Palo Verde South Area	Map No. 58
§ 92559.00	Ocotillo Area	Map No. 59
§ 92560.00	Hot Mineral Spa Area	Map No. 60
§ 92561.00	Niland Marina Area	Map No. 61
§ 92562.00	Desert Shores Area	Map No. 62
§ 92563.00	Salton Sea Beach Area	Map No. 63
§ 92564.00	Southwest Salton City Area	Map No. 64
§ 92565.00	Winterhaven Townsite Area	Map No. 65
§ 92566.00	Southeast Salton City Area	Map No. 66
§ 92567.00	Central Salton City Area	Map No. 67
§ 92568.00	Northeast Salton City Area	Map No. 68
§ 92569.00	Vista Del Mar Area	Map No. 69
§ 92570.00	Open Space	Map No. 70
§ 92571.00	Renewable Energy Overlay Zone	Map No. 71

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TITLE 9

DIVISION 2: GENERAL PROVISIONS

CHAPTER 2: LAND USE PERMITS (VARIANCE)

§ 90202.00	PURPOSE
§ 90202.01	VARIANCE DEFINED
§ 90202.02	VARIANCE LIMITATION
§ 90202.03	APPLICATION
§ 90202.04	AUTHORITY OF THE PLANNING DIRECTOR
§ 90202.05	ADMINISTRATIVE PROCESS BY DIRECTOR
§ 90202.06	AUTHORITY OF PLANNING COMMISSION
§ 90202.07	NOTICE OF HEARING
§ 90202.08	ACTION ON A VARIANCE
§ 90202.09	EFFECTIVE DATE OF VARIANCE
§ 90202.10	TIME LIMIT/EXTENSION
§ 90202.11	REVOCAION/MODIFICATION

§ 90202.00 PURPOSE

The purpose of this Chapter is to define and establish guidelines for the processing of applications for variances.

§ 90202.01 VARIANCE DEFINED

A variance is an approval granted upon a legal parcel of land to construct a structure not otherwise directly allowed by the exact interpretation of Title 9, Divisions 1 through 8. A variance runs with the land and allows for minimal deviation from the standards.

§ 90202.02 VARIANCE LIMITATION

As an example the variance procedure shall not be used for any of the following:

- A. To reduce or change the minimum parcel size required for a new land division,
- B. To authorize land uses other than those specified or allowed under the specific land use categories as identified in this Title,
- C. To change the meaning or intent of a word/phase listed within this Title.

§ 90202.03 APPLICATION

A written application (form provided by Planning & Development Services Department) for a variance shall be filed with the Department, accompanied by all information required under Section 90104.00, along with requisite fee and any other information the Department deems necessary.

§ 90202.04 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to investigate, consider, approve and/or deny a variance application. The Director, acting as a hearing officer, shall conduct a noticed public hearing (ref. 90104.03-A) and consider all relevant facts, and hear all proponents, and opponents.

The Planning Director may deny a variance administratively without holding a public hearing. Such a denial constitutes an automatic appeal to the Planning Commission for which the applicant shall not be required to pay the appeal fee.

Following a noticed hearing by the Planning Director, any party may appeal the Director's decision to the Planning Commission, provided any such appeal is filed within 10 calendar days from the date of decision and is in accordance with the procedures specified in Sections 90102.04 and 90104.05.

§ 90202.05 ADMINISTRATIVE PROCESS BY DIRECTOR

In order to streamline the review process and clearly delineate the standards and rules, the following administrative procedure is established and shall be followed by the Department for processing a variance application:

- A. Within ten (10) days of receipt, the application shall either be deemed complete or be returned to the applicant with a written explanation if deemed incomplete.
- B. Within ten (10) days from the date the application is deemed complete, a standardized public notice of pending variance shall be sent to all property owners pursuant to 90104.03.
- C. During the same ten- (10) day period as provided in Section B above, the Department will consult with the Department of Public Works, and Fire/OES and other applicable departments.
- D. An administrative hearing shall be held within 30 days from the date the application was deemed complete. This hearing shall be open to the public.
- E. At the conclusion of the hearing, the Director shall approve, conditionally approve or deny the variance. The Director may continue the hearing, or the decision for up to ten (10) days, if necessary.
- F. The Director may approve a variance only if the findings can be made under Section 90202.08 and with a written concurrence from the Director of Public Works and the Director of Fire/OES Department.
- G. Following the administrative hearing there shall be a 10-calendar day period during which any party may appeal the decision of the Director to the Planning Commission. No construction or other County permits shall be approved until the 10-day appeal period has terminated and no appeal has been filed.

§ 90202.06 AUTHORITY OF PLANNING COMMISSION

The Planning Commission, upon appeal, shall have the authority to grant or deny a variance. No appeal from the Director's decision shall be allowed to the Board of Supervisors unless and until the Commission has reached a decision.

§ 90202.07 NOTICE OF HEARING

After acceptance of a completed Variance application and the completion of a staff report, the Commission shall conduct a public hearing on the variance request. The notice and scheduling of the public hearing shall be pursuant to Section 90104.03(C).

§ 90202.08 ACTION ON A VARIANCE

The Planning Director, the Planning Commission and/or the Board of Supervisors, shall approve, approve subject to conditions or disapprove a variance with the following findings:

- A. FINDINGS: Approval or conditional approval may be granted only if the Director/Commission/Board of Supervisors first determines that the variance satisfies the criteria set forth in Government Code, Section 65906, and the following findings can be made:

1. That there are special circumstances applicable to the property described in the variance application that do not apply generally to the property or class of use in the same zone or vicinity.
 2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.
 3. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of zoning laws is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
 4. That the granting of such variance will not adversely affect the comprehensive general plan.
- B. **CONDITIONS OF APPROVAL:** In approving a variance, the Director/Commission/Board of Supervisors may impose such conditions deemed necessary to enable making the findings listed under Section 90202.08(a).
- C. **DENIAL OF VARIANCE:** Where the Director/Commission/Board of Supervisors cannot make the findings under paragraph (a) above (with or without conditions) the Variance shall be denied.

§ 90202.09 EFFECTIVE DATE OF VARIANCE

The approval of a variance shall become final and effective for purpose of construction permit issuance, on the 11th day after the action of the Director unless an appeal is filed within ten (10) days from the date of his/her decision.

The approval of a variance by the Commission shall become effective on the 11th day after the Commission action granting the Variance, unless an appeal is filed to the Board of Supervisors within 10 days. The approval of a Variance by the Board of Supervisors becomes final on the day of the Board's action.

§ 90202.10 TIME LIMIT/EXTENSION

An approved variance shall be valid for a period of twelve (12) months from effective date. At the end of such time period the Variance shall become null and void unless:

- A. A construction permit has been issued.
- B. The project is complete and the use continues.
- C. A time limit extension by the Director has been granted in writing.

At any time the variance ceases to be used for a period of twelve (12) months, or the use upon which the original approval was granted has ceased or changed, the Variance shall become null and void, without notice from the Planning & Development Services Department.

If an extension is necessary it must be requested at a minimum of 60 days prior to its expiration date and must state in writing the reasons for the extension. The Planning Director may extend any variance upon written request without notice or hearing. Under no condition shall a variance be extended or renewed after it has expired or if the property covered by the variance is in violation of this Title.

§ 90202.11 REVOCATION/MODIFICATION:

Any variance issued pursuant to this Title may be revoked by the Planning Commission after a duly noticed public hearing in which the Commission has found that subject variance is in violation of this Title or

applicable statutory law, or if it constitutes a health or safety hazard. The Commission may also modify a variance through the public hearing process if it determines a necessity for public health or safety considerations.

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TITLE 9

DIVISION 2: GENERAL PROVISIONS

CHAPTER 3: LAND USE PERMIT (CONDITIONAL USE PERMIT)

§ 90203.00	PURPOSE
§ 90203.01	CONDITIONAL USE PERMIT DEFINED
§ 90203.02	CONDITIONAL USE PERMIT LIMITATIONS
§ 90203.03	APPLICATION
§ 90203.04	AUTHORITY OF THE PLANNING DIRECTOR
§ 90203.05	ADMINISTRATIVE PROCESS BY DIRECTOR
§ 90203.06	AUTHORITY OF THE PLANNING COMMISSION
§ 90203.07	AUTHORITY OF THE BOARD OF SUPERVISORS
§ 90203.08	NOTICE OF HEARING
§ 90203.09	ACTION ON A CONDITIONAL USE PERMIT
§ 90203.10	SIMILARITY IN USE(S)
§ 90203.11	TERMS/CONDITIONS
§ 90203.12	EFFECTIVE DATE
§ 90203.13	TIME LIMIT/EXTENSIONS
§ 90203.14	MONITORING/COMPLIANCE
§ 90203.15	MODIFICATIONS/AMENDMENTS
§ 90203.16	REVOCAION/SUSPENSION

§ 90203.00 PURPOSE

The purpose of this Chapter is to define and establish guidelines for the processing of a Conditional Use Permit application.

§ 90203.01 CONDITIONAL USE PERMIT DEFINED

A Conditional Use Permit (CUP) is a permit issued to a landowner allowing a particular use or activity not allowed as a matter of right within a particular zone. A Conditional Use Permit requires the exercise of judgment and the review of factual issues to determine if the application and resulting limited entitlement will conform to the provisions of this Title and is consistent with the General Plan. Generally, a Conditional Use Permit consists of a limited entitlement that requires a decision making body to approve a use subject to conditions or disapprove a particular use, and is in the best interest of public convenience and necessity. A Conditional Use Permit runs with the land for the period of time specified in the permit.

Conditional Use Permits shall be further classified and defined as follows:

A. Minor Conditional Use Permit: (CUP-1)

Minor Conditional Use Permits typically allow for the following specific uses.

1. A second dwelling unit (one additional unit) (as required under Section 90405.00)
2. A domestic water well (less than 1.5 acre feet/year), upon and for the use by a single parcel, and for domestic use only
3. A pre-school with less than 14 children
4. A day care facility with less than 14 children (under the age of 6 years)
5. A limited care facility for the handicapped or elderly not to exceed 5 users
6. Facilities for abused men/women/children provided it does not exceed 5 users
7. Temporary Real Estate, temporary construction and other temporary offices
8. Limited term special events for limited use

B. Intermediate Conditional Use Permit: (CUP-2)

An Intermediate Conditional Use Permit shall be a permit issued for a project whose total developed value is greater than \$100,001, but less than \$1,000,000, including land cost.

In addition, the following specific projects shall also be considered as Intermediate Conditional Use Permit.

1. Churches or other places dedicated exclusively to religious worship
2. Educational Institutions, including schools (except preschools under "A")
3. Hospitals, sanitariums and rest homes, including limited care facilities for handicapped or elderly with a capacity in excess of 5 people
4. Facilities for abused men/women/children in excess of 5 users
5. Facilities owned or operated by non-profit service organizations for their own use.

C. Major Conditional Use Permit: (CUP-3)

A Major Conditional Use Permit shall be a permit for a project whose total developed value is greater than \$1,000,000.00.

It further includes any project that does not fall within Section 90203.01 A. or B.

- D. Each Conditional Use Permit listed within the specified zone indicates the level, (i.e. CUP-1 (minor); CUP-2 (intermediate) and CUP-3 (major)).

§ 90203.02 CONDITIONAL USE PERMIT LIMITATIONS

A Conditional Use Permit may only be processed for a use specifically identified within each zone or sub-zone, and only if the proposed use conforms to the General Plan.

Where a specific use is not listed as an outright use or a use that could be allowed by the Conditional Use Permit, within a zone, that use shall be strictly prohibited except as provided by Section 90203.10. Where a proposed use is in conflict with, or does not conform to the County's General Plan, it shall be denied.

If in the determination of staff a proposed use is not consistent with the General Plan, staff shall inform the applicant prior to an application being deemed complete. If the applicant withdraws the application at this point (prior to the hearing), the applicant shall be entitled to a full refund of all application fees paid to the Department, less the actual cost to notice, advertise and staff costs incurred up to the time a withdrawal request is made.

If the applicant does not withdraw and the project proceeds to the Commission, the applicant shall not be entitled to any refund.

§ 90203.03 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a Conditional Use Permit shall be filed with the Planning & Development Services Department, accompanied by all information identified under Section 90104.00, along with requisite fee(s) and any other information the Department deems necessary.

§ 90203.04 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to investigate, consider, approve and/or deny any Minor Conditional Use Permit application. The Director acting as a hearing officer shall conduct a duly noticed public hearing and consider all relevant facts, and hear all proponents and opponents. Notice for said hearing shall be provided in accordance with Section 90104.03 A.

The Planning Director may administratively, without holding a public hearing, forward a Conditional Use Permit application to the Planning Commission for hearing.

The Planning Director shall not have the authority to approve or deny any intermediate or Major Conditional Use Permit.

§ 90203.05 ADMINISTRATIVE PROCESS BY DIRECTOR

In order to clearly define the administrative process, the following procedures shall be followed by the Department/Director. This process and its time limits are only applicable to projects that are exempt from CEQA. Any project that requires compliance with CEQA will be processed within the applicable time limits provided by statute.

- A. Within ten (10) working days from the receipt of an application, the Department shall determine whether the application is complete or incomplete and if found incomplete or inconsistent with the General Plan shall return the application to applicant.
- B. The Department shall within ten (10) working days after deeming the application complete issue a standardized public notice of the proposed project to all property owners as specific in 90104.03.
- C. Within the ten (10) working days specified under (B) above, the Department shall consult with the applicable departments as necessary.
- D. An administrative hearing shall be held within 30 working days from the date the application was deemed complete. This hearing shall be open to the public.
- E. At the conclusion of the hearing, the Director shall approve, conditionally approve or deny the Conditional Use Permit.
- F. The Director may approve a Conditional Use Permit only if:
 - 1. Findings can be made that the proposed project is consistent with the General Plan.
 - 2. Findings can be made that this project is consistent with this Title.
 - 3. The Director of Public Works, the Director of APCD, the Director of EHS, the Director of Fire/OES, the Agriculture Commissioner, and the Sheriff have reviewed the proposed project and approved the project.
 - 4. Public opposition has been considered and all impacts have been mitigated by the imposition of conditions.
 - 5. Applicant agrees to all conditions and standards required for the project.

§ 90203.06 AUTHORITY OF THE PLANNING COMMISSION

The Planning Commission shall have the authority to investigate, review, and approve or deny any Conditional Use Permit application.

The Planning Commission's decision shall be final unless an appeal, (if so permitted by this Title) is made to the Board of Supervisors and is filed with the Clerk of the Board within 10 calendar days as provided under Section 90101.10.

§ 90203.07 AUTHORITY OF THE BOARD OF SUPERVISORS

The Board of Supervisors shall have the authority to investigate, review, and approve or deny any Conditional Use Permit application upon appeal from the Planning Commission's decision provided that the appeal is filed according to Section 90101.10. The Board of Supervisors shall not act upon any Conditional Use Permit that has not first been reviewed by the Planning Commission and/or that was appealed after the 10-day appeal

period. The Board of Supervisors' decision on any Conditional Use Permit shall be final and no reconsideration or rehearing shall be allowed unless such request meets the provisions of Section 90101.10.

§ 90203.08 NOTICE OF HEARING

After acceptance of a completed Conditional Use Permit application and the completion of a full staff report, the Commission shall conduct a public hearing on the request. The notice and scheduling of the public hearing shall be pursuant to Section 90104.03 C.

§ 90203.09 ACTION ON A CONDITIONAL USE PERMIT

An application for a Conditional Use Permit shall be reviewed, and approved, conditionally approved, or denied by the decision-making authority.

The authority may approve or conditionally approve an application only if it finds all of the following:

- A. The proposed use is consistent with the goals and policies of the adopted County General Plan.
- B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be located.
- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.
- D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.
- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.
- F. The proposed use does not violate any other law or ordinance.
- G. The proposed use is not granting a special privilege.

The decision-making authority shall deny an application if it cannot make all of the above findings.

§ 90203.10 SIMILARITY IN USE(S)

When an applicant proposes a use that is not specifically authorized or listed as a use or conditional use in the specific zone, he/she may apply for a determination of similar use to the Planning Commission through the following procedure. (The Planning Commission shall have final authority and no appeal to the Board on "similarity" shall be allowed).

A. FILING:

A request for a "similar use" determination shall be in writing to the Planning & Development Services Department and shall explain in detail the proposed use and its similarity to an existing approved use **within** that zone.

B. APPLICATION HEARING:

A request for similar use consideration shall not be heard concurrently with the hearing for allowing the use. At a minimum, the similar use hearing by the Planning Commission shall occur at least one hearing prior to the hearing to allow/deny the use.

C. SIMILAR USE CRITERIA:

In order for the Planning Commission to allow a use to be a "similar use" it shall first make the following findings:

1. The proposed use resembles or is of the same basic nature as an identified use or a conditional use in that zone.
2. The proposed use includes activities, equipment, or materials typically employed in the identified use.
3. The proposed use has equal to or less impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use.
4. All impacts identified could and would be mitigated through conditions.
5. The "similar" use, if allowed in the proposed zone, will not affect the health, safety and welfare of the public or impact the property and residents in the vicinity.

D. NON-COMPARISON OF SIMILAR USE:

An application for similar use shall be a comparison of the proposed use against that of an identified listed use in the Zone or Sub-Zone. The Commission shall not compare a proposed "similar use" against another previously approved "similar" use.

E. CONTINUED USE

Once a use has been found to be "similar" by the Commission, it shall be listed as such by the Department within the applicable zoning division of this Title and may be used by other applicants.

F. CEQA EXEMPTION:

The determination of similar use shall be a ministerial action and shall not require CEQA documentation.

§ 90203.11 TERMS/CONDITIONS

The Conditional Use Permit shall contain such terms and conditions that the decision-making authority determines necessary, and/or have conditions that mitigate specific impacts to make the appropriate findings.

Every permit approval shall contain both general, as well as, site specific conditions. Among the general conditions shall be:

- A. Compliance with all laws;
- B. Cost to offset on-going compliance mandates;
- C. Time limitations;
- D. Effective date(s).

§ 90203.12 EFFECTIVE DATE

The approved Conditional Use Permit shall not become effective until ten (10) calendar days after the decision of the Planning Director or Commission. Further the Conditional Use Permit shall not be effective until applicable conditions have been met, and the Conditional Use Permit is recorded with the County Recorder, with payment of recording fees being paid by applicant. In the case of a decision by the Board of Supervisors there is no 10-day appeal.

§ 90203.13 TIME LIMIT/EXTENSIONS

If the project for which a Conditional Use Permit has been approved has not commenced, or permits for said project have not been issued, within one (1) year from approval date the Conditional Use Permit shall be null and void. If a Conditional Use Permit has been unused, abandoned, discontinued, or ceased for one (1) year, the Conditional Use Permit shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by Department.

If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty (60) days prior to the end of the one (1) year period. The Director shall have the authority to extend the initial start up period of a Conditional Use Permit two times for a maximum of one (1) year each. No extension under this section shall be extended for more than two (2) years.

§ 90203.14 MONITORING/COMPLIANCE

Every Conditional Use Permit shall be monitored by the Planning & Development Services Department with assistance from other departments as necessary. The permittee shall be required to pay for such monitoring costs according to the "Time and Materials" fee schedule adopted by the Board of Supervisors or as otherwise provided by the terms of the Conditional Use Permit.

Permittee shall at all times be in compliance with all of the terms and conditions of the Conditional Use Permit. In the event non-compliance is found, the permittee shall be given notice to correct by the Planning & Development Services Department. Failure to comply shall constitute grounds for revocation.

§ 90203.15 MODIFICATIONS/AMENDMENTS

All terms/conditions of approval shall be final. A request to delete, modify or change one or more condition(s) shall constitute a new application unless specifically allowed within the CUP. Such a modification shall only be considered at a regularly-scheduled hearing of the decision-making authority.

§ 90203.16 REVOCATION/SUSPENSION

A Conditional Use Permit may be suspended or revoked by the Planning Director, Planning Commission or Board of Supervisors for any of the following causes:

- A. Any term or condition has not been complied with and the permittee has received at least one written correction order, via certified or return receipt mail or personal delivery.
- B. The property or portion thereof subject to the Conditional Use Permit is used or maintained in violation of the Conditional Use Permit and/or any State law or ordinance of the Imperial County and/or State of California.
- C. The use for which the Conditional Use Permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.
- D. Changes in technology in the type or amount of development in the area, or other condition warrants a modification of the conditions of operation, or warrants the imposition of additional conditions to assure that the use remains compatible with existing and potential uses within the vicinity.

TITLE 9

DIVISION 2: GENERAL PROVISIONS

CHAPTER 4: ZONE CHANGES

§ 90204.00	PURPOSE
§ 90204.01	ZONE CHANGE DEFINED
§ 90204.02	COMPLIANCE WITH GENERAL PLAN
§ 90204.03	APPLICATION
§ 90204.04	AUTHORITY OF THE PLANNING DIRECTOR
§ 90204.05	AUTHORITY OF THE PLANNING COMMISSION
§ 90204.06	AUTHORITY OF THE BOARD OF SUPERVISORS
§ 90204.07	NOTICE OF HEARING(S)
§ 90204.08	ACTION ON CHANGE OF ZONE REQUEST
§ 90204.09	EFFECTIVE DATE
§ 90204.10	CONDITIONAL CHANGE OF ZONE
§ 90204.11	MAP CHANGE

§ 90204.00 PURPOSE

The purpose of this chapter is to define and establish guidelines and procedures for the processing of a change of zone. The procedures shall be the same whether initiated by a property owner or by the County Board of Supervisors.

§ 90204.01 ZONE CHANGE DEFINED

Zoning is a separation of the unincorporated areas of the County into land use categories and the regulation of buildings and structures, according to their construction, and the nature and extent of their use, and the nature and extent of the use of land. The requirements for each zone are specified in Division 5, and are graphically depicted on the zoning maps in Division 25, Section 92501.00-92570.00.

A change of zone is

1. The classification, and/or the re-classification of the zoning of property, and/or
2. Changes in the permitted uses or regulations on property (either community-wide or by parcels or portions of a parcel) within particular land use categories.

§ 90204.02 COMPLIANCE WITH GENERAL PLAN

Any change of zone shall only be considered if it can be found consistent with the County's General Plan.

The Planning & Development Services Department shall review every request for a change of zone before an application is deemed complete, and determine whether or not it is consistent with the General Plan. If the requested change is not consistent with the General Plan, the Department shall in writing reject the application stating the reason(s) and possible alternatives, if any. Alternatives may include the filing of an application for a General Plan Amendment, or a specific plan.

The Planning & Development Services Department determination shall be final unless an appeal is filed to the Planning Commission within ten (10) days of receipt (certified mail) of Departments determination. The Planning Commission shall have final decision on matters of consistency and no further appeal shall be allowed.

An application for a change of zone that is consistent with the General Plan, or an application for a change of zone being processed concurrently with a General Plan Amendment or specific plan, shall be processed according to the procedures established herein.

§ 90204.03 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a change of zone shall be filed with the Planning & Development Services Department, accompanied by all pertinent supporting documentation and information which is clearly specified on the application and which, at a minimum, shall include the information required under Section 90104.00. The application shall be accompanied by the required fee(s).

All such applications shall be signed by the property owner(s) of record. The Department shall not accept any change of zone application without a Preliminary Title Report.

§ 90204.04 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director and/or his/her staff shall review every application and determine whether the proposed change of zone is consistent with the adopted General Plan.

If the change of zone application is not consistent with the General Plan, the application shall be rejected with reasons and any alternatives stated. In processing any application, staff shall prepare a full staff report including a recommendation based on planning principles, regulations in effect, and all legal requirements, before the Planning Commission may consider the project.

§ 90204.05 AUTHORITY OF THE PLANNING COMMISSION

The Planning Commission shall review and consider every application submitted by staff. The Commission, following a public hearing on the matter, shall:

- A. Recommend denial to the Board of Supervisors if it determines that the proposed zone change is not consistent with the General Plan.
- B. Recommend denial to the Board of Supervisors if it determines that the proposed zone change is not compatible with surrounding zoning, or is detrimental to the surrounding property (or the County in general) or represents incompatible land uses, or may cause substantial adverse environmental consequences.
- C. Recommend approval of the proposed zone change to the Board of Supervisors.
- D. Recommend a "conditional" zone change approval to the Board of Supervisors.
- E. Continue the hearing to obtain additional information or documentation, or allow staff to complete specific documentation.

§ 90204.06 AUTHORITY OF THE BOARD OF SUPERVISORS

Since a change of zone is a legislative act and a discretionary function, only the Board of Supervisors shall have the authority to approve a change of zone by the enactment of an Ordinance.

The Board of Supervisors shall not consider, review and approve or deny a change of zone unless it first receives a recommendation from the Planning Commission, including therewith a staff report.

§ 90204.07 NOTICE OF HEARING(S)

After acceptance of a completed application, and the completion of a staff report the Planning Commission shall conduct a public hearing on the requested zone change. The notice and scheduling for the hearing shall be pursuant to Section 90104.03 (C). Upon forwarding an appeal to the Board of Supervisors, the Planning & Development Services Department shall schedule the hearing and provide notice as required by Section 90104.03(D).

The Board of Supervisors shall not consider, approve or deny a change of zone unless proper notice has been provided and a public hearing is conducted.

§ 90204.08 ACTION ON CHANGE OF ZONE REQUEST

The Board of Supervisors shall have the following options:

- A. Deny the zone change application, if it determines that the change of zone is not consistent with the General Plan.
- B. Deny the zone change application if it determines that the proposed change is not compatible with surrounding zoning, or is detrimental to the surrounding property (or the County in general), or represents incompatible land uses, or may cause substantial adverse environmental consequences.
- C. Approve the change of zone as requested without conditions or modifications.
- D. Approve the change of zone as a "Conditional Change of Zone" by adopting specified conditions to be enforced through an agreement with the applicant. All such conditional change of zone shall not be effective until an agreement has been executed.
- E. Continue the public hearing on the matter to a date/time certain for the purpose of having additional information made available to the Board of Supervisors.
- F. Remand project back to Planning Commission for further study and recommendation.

§ 90204.09 EFFECTIVE DATE

Upon approval by the Board of Supervisors the change of zone shall be codified by the Clerk of the Board of Supervisors and shall take effect on the 31st day following the final approval by the Board of Supervisors.

§ 90204.10 CONDITIONAL CHANGE OF ZONE

In approving a change of zone, the Board of Supervisors may establish such conditions it determines necessary and/or appropriate.

The Board of Supervisors may include, but is not limited to, the following conditions:

- 1. Time limitation (both commencement and sundown)
- 2. Agreement to implement conditions or restrictions
- 3. Limitation of use(s) beyond those established, or permitted in the zone
- 4. Limitation to specific project
- 5. Mitigation conditions.

§ 90204.11 MAP CHANGE

In order to maintain an accurate record of all changes authorized by the Board of Supervisors to the approved zone maps contained in Division 25, the following procedure shall be followed.

Amendments or changes to a zone map are each filed as an ordinance section with an accompanying map of the area affected. Each area so changed shall also be identified by a legal description and map.

TITLE 9

DIVISION 2: GENERAL PROVISIONS

CHAPTER 5: GENERAL PLAN AMENDMENTS

§ 90205.00	PURPOSE
§ 90205.01	GENERAL PLAN DEFINED
§ 90205.02	GENERAL PLAN UPDATE DEFINED
§ 90205.03	GENERAL PLAN AMENDMENT
§ 90205.04	SPECIFIC PLAN DEFINED
§ 90205.05	APPLICATION
§ 90205.06	AUTHORITY OF THE PLANNING DIRECTOR
§ 90205.07	AUTHORITY OF THE PLANNING COMMISSION
§ 90205.08	AUTHORITY OF THE BOARD OF SUPERVISORS
§ 90205.09	NOTICE OF HEARING
§ 90205.10	ACTION ON GENERAL PLAN AMENDMENT
§ 90205.11	EFFECTIVE DATE

§ 90205.00 PURPOSE

The purpose of this Chapter is to establish and define guidelines for the processing of general plan updates and general plan amendments.

§ 90205.01 GENERAL PLAN DEFINED

By state law each city and county is required to adopt a general plan for the physical development of a city or county, and of any land outside its boundaries. All regulatory controls and development approvals (zoning, subdivision ordinances and actions) shall be consistent with such general plan.

§ 90205.02 GENERAL PLAN UPDATE DEFINED

An update of the general plan is a process initiated by the County for the purpose of maintaining a valid planning objective relative to current conditions. An update can range from minor revisions to a major re-write of the document. An update is distinguished from an amendment to the extent that an update generally affects the overall plan and is not restricted or initiated to affect one parcel.

§ 90205.03 GENERAL PLAN AMENDMENT

An amendment is generally a change to the general plan that is restricted to a specific geographic area or to a specific purpose within one or more element. Amendments are generally initiated through an application by the public. Amendments to the plan are restricted to four (4) times per year.

§ 90205.04 SPECIFIC PLAN DEFINED

Specific plans are a planning tool used for the systematic implementation of the general plan for all or part of the area covered by the general plan. Specific plans are not required to be adopted by the County, however, if so adopted, a specific plan shall be prepared, adopted, and amended in the same manner as general plans, except that a specific plan may be adopted by resolution or ordinance and may be amended as often as deemed necessary.

§ 90205.05 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a change or amendment to the General Plan shall be filed with the Planning & Development Services Department, accompanied by all pertinent supporting documentation and information specified on the application and which at a minimum, shall include the information required under Section 90104.00, and shall further include the required fee(s).

All such applications shall be signed by the property owner(s) of record.

§ 90205.06 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director and/or his Department shall thoroughly review every application and determine whether or not the application conforms to the ordinance and State planning law.

If the application, in the opinion of the staff, is in conflict with the General Plan, County Ordinance or State Law, staff shall so inform the applicant in writing. If a resubmittal of an application previously rejected is made and the application is still inconsistent with the General Plan, County Ordinance or State Law, staff shall process the application but shall advise the applicant in writing that it will only be processed with a recommendation for denial.

§ 90205.07 AUTHORITY OF THE PLANNING COMMISSION

The Planning Commission shall review and consider every General Plan Amendment submitted by staff. The Commission following a full public hearing on the matter shall:

- A. Deny the application if it determines that the proposed change is not consistent with the General Plan or State laws.
- B. Deny of the application if it determines that the proposed change is not compatible with surrounding land use, or is detrimental to the surrounding property or the County in general, or represents inconsistent land use, or may cause substantial adverse environmental consequences.
- C. Recommend approval of the proposed change.
- D. Continue the hearing to obtain additional information, documentation, or allow staff to complete specific documentation.

The General Plan may only be amended a maximum of four (4) times in any one (1) year. It is, therefore, the intent of the Board to conduct no more than one (1) plan amendment each quarter of the year, except that if there is no change in any one quarter, additional hearings may be allowed in subsequent quarter.

§ 90205.08 AUTHORITY OF THE BOARD OF SUPERVISORS

Since a General Plan Amendment is a legislative act and a discretionary function, only the Board of Supervisors shall have the authority to approve a General Plan Amendment.

The Board of Supervisors shall, however not consider, review and approve or deny a General Plan Amendment unless it first receives a recommendation from the Planning Commission including therewith a staff report.

§ 90205.09 NOTICE OF HEARING

Notice of the public hearing by the Board of Supervisors shall be given by the Planning & Development Services Department in the manner described in Section 90104.03 (D).

§ 90205.10 ACTION ON GENERAL PLAN AMENDMENT

Upon the close of the public hearing, the Board shall have the following options:

- A. Deny the requested plan amendment.
- B. Approve the requested plan amendment.
- C. Approve a modified version of the requested Plan Amendment.
- D. Continue the public hearing for additional information.

§ 90205.11 EFFECTIVE DATE

Upon approval by the Board of Supervisors, a General Plan Amendment shall take effect immediately.

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