

# CHANGE OF ZONE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.  
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black & blue) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME	EMAIL ADDRESS	
2. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
3. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS
4. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
5. ASSESSOR'S PARCEL NO.	ZONING (existing)	ZONING (proposed)
6. PROPERTY (site) ADDRESS	SIZE OF PROPERTY (in acres or square foot)	
7. GENERAL LOCATION (i.e. city, town, cross street)		
8. LEGAL DESCRIPTION		
8. DESCRIBE CURRENT USE ON / OF PROPERTY (list and describe in detail)		
9. PLEASE STATE REASON FOR PROPOSED USE (be specific)		
10. DESCRIBE SURROUNDING PROPERTY USES		

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY  
CERTIFY THAT THE INFORMATION SHOWN OR STATED  
HEREIN IS TRUE AND CORRECT.

Print Name

Date

Signature

## REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. FEE
- D. OTHER

APPLICATION RECEIVED BY:

APPLICATION DEEMED COMPLETE BY:

APPLICATION REJECTED BY:

TENTATIVE HEARING BY:

FINAL ACTION: ☐ APPROVED ☐ DENIED

DATE

DATE

DATE

DATE

DATE

REVIEW / APPROVAL BY  
OTHER DEPT'S required.

☐ P. W.

☐ E. H. S.

☐ A. P. C. D.

☐ O. E. S.

☐

☐

ZC #

## **SITE PLAN REQUIREMENTS**

### **PLAN MUST:**

- a. Be drawn to scale upon substantial paper, 11" x 14" (min.) – (2 copies must be submitted.)
- b. Show name of owner, legal description and Assessor's Parcel Number.
- c. Show existing property dimensions, size, adjacent roads, canals, right-of-ways, easements, etc.
- d. Show all existing and proposed structures (both above and below ground) location of sewer and water systems.
- e. Show adjacent property uses and approximate distances to nearest structures.
- f. Indicate name of person preparing site plan.
- g. Show North orientation.
- h. Show sufficient dimensions and information for proper evaluation to be done.

**CAUTION:** Incomplete or inaccurate applications, plans will cause the entire application to be rejected.

# IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES

## GENERAL INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at \_\_\_\_\_ California on \_\_\_\_\_, 201 \_\_\_\_\_

### **APPLICANT**

Name: \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **REAL PARTY IN INTEREST**

(If different from Applicant)

Name \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACCEPTED/RECEIVED BY \_\_\_\_\_ Date \_\_\_\_\_

PROJECT ID NO \_\_\_\_\_ APN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

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**Jim Minnick**  
DIRECTOR

## **Imperial County Planning & Development Services Planning / Building / Parks & Recreation**

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### **NOTICE TO APPLICANT**

**SUBJECT: PAYMENT OF FEES**

**Dear Applicant:**

Pursuant to County Codified Ordinance Division 9, Chapter 1, Section 90901.02, all Land Use Applications must be submitted with their appropriate application fee. Failure to comply will cause application to be rejected.

Please note that once the Department application is received and accepted, a "time track" billing will commence immediately. Therefore, should you decide to cancel or withdraw your project at any time, the amount of time incurred against your project will be billed and deducted from your payment. As a consequence, if you request a refund pursuant to County Ordinance, your refund, if any, will be the actual amount paid minus all costs incurred against the project.

Please note there will be no exceptions to this policy. Thank you for your attention.

Sincerely yours,

Jim Minnick, Director  
Planning & Development Services

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



IMPERIAL COUNTY

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PLANNING & DEVELOPMENT SERVICES

# Planning Land Use Fee Schedule

Effective October 1, 2023

Jim Minnick, Planning Director

Mailing Address: 801 Main St., El Centro, CA 92243

Phone Number: (442) 265-1736  
Email: [planninginfo@co.imperial.ca.us](mailto:planninginfo@co.imperial.ca.us)

Imperial County Planning and Development Services Planning fees are based on a *Cost of Services User Fee Study* conducted by Wohlford Consulting. Fees were approved by the Board of Supervisors on June 14, 2022 and are effective October 1, 2023. Fees include annual CPI adjustment.

**Disclaimer**

This handout is designed to provide the user with an overview of the new Planning & Development Services Department processing fees.

Please refer to the Imperial County Codified Ordinance Title 9, Division 9, Sections 90901.00 through 90904.05 for complete details.

**Planning Land Use Fee Schedule**  
Effective 10/01/2023

**§ 90901.03 GENERAL PLANNING** (Footnotes refer to definitions & explanations at the end of this section)

	C.E.Q.A.	General Fee		General Plan		Fee
		Flat Rate P/B	Deposit (T/M2)	Flat Rate (3%)**	Deposit (T/M1)	
APPLICATION/PROCESS TYPE:						
Administrative Permitting/Hearing			\$ 1,000.00		\$ 250.00	\$ 1,250.00
Appeal		\$ 970.00		\$ 30.00		\$ 1,000.00
Development Agreement*		\$ 2,000.00				\$ 2,000.00
ZONING						
ABC License		\$ 242.50		\$ 7.50		\$ 250.00
Address Verification		\$ 145.50		\$ 4.50		\$ 150.00
Zoning Information Letter (per parcel)		\$ 242.50		\$ 7.50		\$ 250.00
Zoning Review- Building Permit		\$ 242.50		\$ 7.50		\$ 250.00
TIME EXTENSIONS						
CUP Extension by Dir. (Every three years)		\$ 582.00		\$ 18.00		\$ 600.00
CUP Extension by Dir. (Every Five years)		\$ 970.00		\$ 30.00		\$ 1,000.00
CUP Extension by PC B/S (Fifteen year re-entitlement)-Minor CUP		\$ 1,164.00		\$ 36.00		\$ 1,200.00
CUP Extension by PC B/S (Fifteen year re-entitlement)- Intermediate CUP		\$ 1,940.00		\$ 60.00		\$ 2,000.00
CUP Extension by PC B/S (Fifteen year re-entitlement)- Major CUP		\$ 2,910.00		\$ 90.00		\$ 3,000.00
CUP Extension by PC B/S (Thirty year re-entitlement)- Major CUP		\$ 4,850.00		\$ 150.00		\$ 5,000.00
PM/TR Extension by Dir- (Yearly)- Minor		\$ 582.00		\$ 18.00		\$ 600.00
PM/TR Extension by PC B/S-(Yearly)- Major		\$ 1,164.00		\$ 36.00		\$ 1,200.00
DESIGN REVIEW (Per Parcel)						
Design Review - Residential - base (1 unit)		\$ 582.00		\$ 18.00		\$ 600.00
Design Review- Residential Subdivision 4 or less		\$ 485.00		\$ 15.00		\$ 500.00
Design Review- Residential Subdivision 5 or more		\$ 970.00		\$ 30.00		\$ 1,000.00
Design Review- Residential Multi-Family 2-4 Units		\$ 485.00		\$ 15.00		\$ 500.00
Design Review- Residential Multi Family 5-29 Units		\$ 727.50		\$ 22.50		\$ 750.00
Design Review- Residential Multi Family 30+ Units		\$ 970.00		\$ 30.00		\$ 1,000.00
Design Review – Commercial <20K sq. ft. (Includes all non-residential uses)		\$ 1,455.00		\$ 45.00		\$ 1,500.00
Design Review – Commercial >20K sq. ft. (Includes all non-residential uses)		\$ 1,940.00		\$ 60.00		\$ 2,000.00
SPECIFIC PLANNING						
CEQA Review Only (Major)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
CEQA Review Only (Minor)		\$ 3,395.00		\$ 105.00		\$ 3,500.00
General Plan Amendment	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Notice of Exemption		\$ 727.50		\$ 22.50		\$ 750.00
Specific Plan Review / Amendment	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Variance - Commercial/Industrial		\$ 2,910.00		\$ 90.00		\$ 3,000.00
Variance- Residential		\$ 1,455.00		\$ 45.00		\$ 1,500.00
Zone Change	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
SUBDIVISIONS						
Minor Subdivision Administrative (SB9 Urban Lot Split) Not more than 2 Lots		\$ 2,910.00		\$ 90.00		\$ 3,000.00
Minor Subdivision (Up to 4 lots) Parcel Map	T/M2		\$ 6,500.00		\$ 1,000.00	\$ 7,500.00
Major Subdivision (5 lots or more) Tract Map	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Lot Line Adjustment (Up to 4 lots)		\$ 4,365.00		\$ 135.00		\$ 4,500.00
Lot Merger (4 or less lots)		\$ 4,365.00		\$ 135.00		\$ 4,500.00
Lot Merger (5 or more lots)		\$ 5,335.00		\$ 165.00		\$ 5,500.00
Reversion to Acreage	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Certificate of Compliance		\$ 1,697.50		\$ 52.50		\$ 1,750.00
CONDITIONAL USE PERMITS						
CUP (2nd dwelling 1200 s.f or greater)		\$ 1,940.00		\$ 60.00		\$ 2,000.00
CUP (Minor)		\$ 4,365.00		\$ 135.00		\$ 4,500.00
CUP (Intermediate)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
CUP (Major)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
MINING/RECLAMATION						
Mining (CUP)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Mining (Exploratory)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Reclamation Plan	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
GEOTHERMAL						
Intermediate Exploration (6 Wells or less)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Major Exploration (More than 6 wells)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Intermediate Production(up to 50 Megawatts)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Major Production (Greater than 50 Megawatts)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Test Facility (existing well not to exceed 24 mths)	T/M2		\$ 5,000.00		\$ 500.00	\$ 5,500.00
Intermediate Mineral Extraction-(Not to exceed 25,000 metric tons annually)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Major Mineral Extraction- (More than 25,000 metric tons annually)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00

**Planning Land Use Fee Schedule**  
**Effective 10/01/2023**

<b>ENVIRONMENTAL IMPACT REPORT (EIR)</b>						
Administrative Processing Fee (10% total contract) (max of \$20,000)						10%
<b>COMMERCIAL CANNABIS ACTIVITY- CCA</b>						
First Application- Each (Plus CUP fee if required)						\$ 4,000.00
Each additional application						\$ 1,000.00
Security Plan Review- Each						\$ 1,000.00
Annual License						\$ 1,500.00
Additional or Extraordinary work (after 30 hours of billed staff time)						T/M2
<b>DOCUMENT CHARGES</b>						
Xerox (Color 8 1/2 " x 11")						\$2.00/page 1 + \$.25/page after first page
Xerox (8 1/2" x 11")						\$2.00/Page 1 + \$.10/page after first page
Xerox (large)						\$1.50/square foot
Printed Documents						Cost + 25%
<b>MISCELLANEOUS</b>						
Notary Fee - Each Signature						\$ 15.00
Expert Witness	T/M2				\$ 1,000.00	\$ 1,000.00
Airport Land Use Commission (Add-on to Projects that involve ALUC)	T/M2				\$ 2,500.00	\$ 2,500.00
Home Occupancy Permit- Actual Time at Staff hourly Rates (2 hours)		\$ 250.00				\$ 250.00
Similarity of Use	T/M2	\$ 1,164.00		\$ 36.00		\$ 1,200.00
Compliance Monitoring (CUP Minor & Intermediate)	T/M2					
Compliance Monitoring (CUP Major)	T/M2				\$ 5,000.00	\$ 5,000.00
Projects Not Specified Hourly		\$ 148.00				\$ 148.00

\* If additional or extraordinary work is required, agreement will become T/M2 and deposit will be required.

**A. Valuation**

1. The Valuation of a project shall be the ultimate (build out) value of the proposed project and shall include cost of land plus cost of improvements, as determined by the Director.
2. Projects that cannot be clearly shown as having a "build out" value, (for example: a new landfill, a new mining operation) will be valued for the purpose of computation of specific fees other than T&M by the Director. The Director's determination may be appealed to the Planning Commission, but not the Board of Supervisors.

**B. Conditional Use Permits**

1. Second Dwelling Only- Process to allow one additional dwelling to be placed on a parcel with an existing dwelling.
2. Minor- This classification shall include and be limited to the following uses:
  - a. Domestic Water Well
  - b. Home Occupation
  - c. Day Care or Nursery
  - d. Schools
  - e. Temporary offices at project site for project duration
  - f. Temporary real estate offices within housing tract.

C. **Intermediate**- Any Conditional Use Permit with a project value of less than \$5,000,000 unless determined by the Director that the project requires a major CUP.

D. **Major**- Any Conditional Use Permit with a project value greater than \$5,000,000 and/or not considered an intermediate.

The category of the CUP type (minor, intermediate, major) shall be as determined by the Department. There shall be no appeal from this decision.

**2. T/M- TIME & MATERIAL**

All projects shown to have a T/M2 billing rate shall deposit the amount specified within this Division at the time of the application and shall be billed by the department on a quarterly basis.

**Deposit is to be maintained throughout the course of the project.** If the Department has not received payment within 30 days of billing, the Department shall cease processing the application until the funds are provided to maintain the initial deposit limit.

The T/M deposit schedule is as follows:

**T/M1\*\***- General Plan Charge will be 3% of the total cost of the project - not to be refunded.

**T/M2**- Initial Deposit as shown in each category. Please note this fee is not used as part of any T&M billing.

**3. T&M- Time & Materials**

Under this billing system, the County Planning/Building Department, as well as any County Department that has a function in the permit review process and an adopted Ordinance Schedule of fees is authorized to charge for all salary and benefit costs and actual expenses, including but not limited to office and field cost; mileage; County overhead; and special consultants. All billing, however, shall be by and through the Planning/Building department only. Any Department that does not provide a billing statement to the Planning/Building Department by the 10th of the month shall not be entitled to collect.

The Department shall add 15 % to the total cost of all materials, including advertising, to offset the cost of the following: permit tracking system, monitoring program, file storage costs; and office space/maintenance costs.

**4. Hourly Rate**

The maximum hourly rate for Planning/Building Department cost shall be set at actual salary rate as calculated by Cost of Services User Fee Study as the "fully burdened" rate, which includes overhead, benefits and shall not exceed \$300/hour. This rate includes labor and County overhead, but does not include material or other direct expenses.

**5. Auditing/Account**

The Applicant has the opportunity to review the accounting of any Department related to the project. If the Applicant feels the accounting is in error, the applicant may file a written request for a review with the Director. In the event the Applicant and Director cannot reach an agreement, this matter shall be brought to the Planning Commission for arbitration, and to the Board of Supervisors for all other Departments.

**Staff Rates Per Hour**

Account Clerks	\$ 111.56
Accountant/ Accountant Auditor	\$ 125.81
Administrative Secretary	\$ 113.24
Asst Dir of Planning & Building	\$ 205.37
Auto CAED/GIS Tech	\$ 132.34
Dir of Planning & Building	\$ 266.10
Office Assistant III/ Office Tech	\$ 105.24
Office Supervisor II	\$ 132.31
Permit Specialist	\$ 141.08
Planner I	\$ 118.49
Planner II/III	\$ 138.52
Planner IV	\$ 170.54
Planning Division Manager	\$ 172.06



# SITE PLAN

**I.C. PLANNING & DEVELOPMENT SERVICES DEPT**  
**801 Main Street, El Centro, CA 92243 (442) 265-1736**

**READ INSTRUCTIONS ON THE BACK ! USE PEN TO DRAW – DO NOT USE PENCIL!**

**DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!**

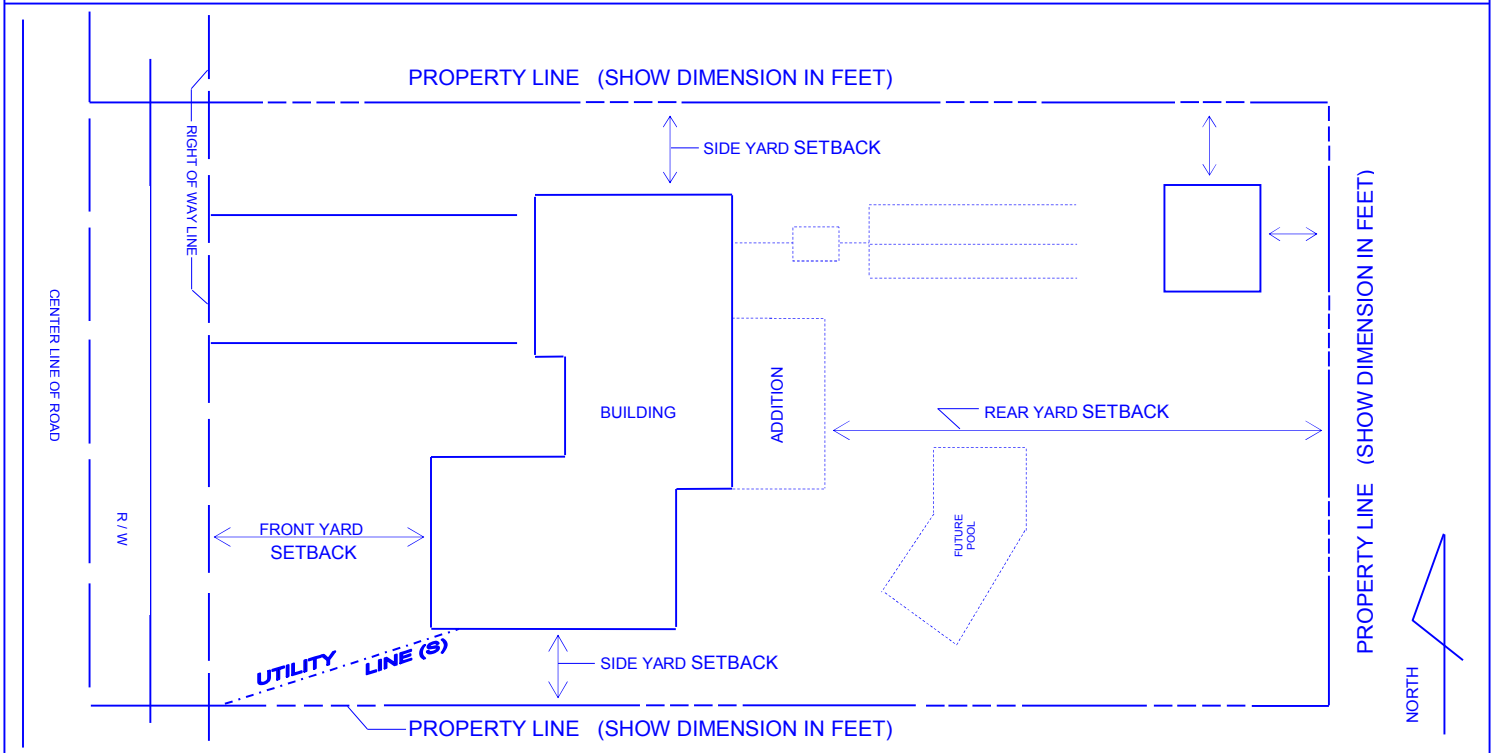
**1**

**DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!**

2	NAME OF APPLICANT	3	APPLICANT PHONE NO.	4	SIZE OF PARCEL
5	PROJECT SITE ADDRESS		6	ASSESSORS PARCEL NO.	

WHITE - OFFICE MASTER / YELLOW - ASSESSORS / PINK - APPLICANT

## EXAMPLE SITE PLAN



### READ INSTRUCTIONS ON REQUIRED INFORMATION!

**The following information and detail must be shown on the site Plan. Please read the information, view the example and prepare a site plan for your project to accurately and correctly depict the necessary information.**

- a. Show the property lines including their dimensions.
- b. Show the location of all existing and/or proposed structures, both above and below ground.
- c. Show the location of the utility lines (electrical, water, sewer, gas, phone, etc.). Show whether they are above or below ground.
- d. Show the north orientation.
- e. Show the scale of the drawing, (i.e.  $\frac{1}{4}" = 1'0"$  or  $\frac{1}{8}" = 1'0"$ , etc.).
- f. Show all dimensions of the structure(s).
- g. Show all distances from the property line(s) to the structures.
- h. Show distances between structures.
- i. Show the adjacent streets, and all entrances to the property from the street.
- j. Provide 3 copies of the SITE PLAN along with the application. (if you are not using the County's Site Plan form)
- k. Provide the information in all of the numbered spaces at the bottom of the form.
- l. Landscaping is required for certain projects. Please check with the Staff to verify what and if it will be required for your proposed project.

**NOTE: You may submit a site plan in a larger format, or on a blue line or on another format, however it must include all the information shown above, and must be drawn on substantial paper with a non-erasable medium, i.e. not in pencil.**

## TITLE 9

### DIVISION 2: GENERAL PROVISIONS

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#### 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 Department's 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.