

ARTICLE IX: LAND USE DEVELOPMENT PERMIT REQUIREMENTS/PROCEDURES**Chapter 19.640****GENERAL PERMIT PROVISIONS**

- 19.640.010 Purpose.**
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19.640.010 Purpose.

This Chapter establishes the overall structure for the application, review, and action on discretionary permits and legislative actions. Further, it identifies and describes the permits regulated by the Zoning Code. It also identifies those minor activities, uses and structures that are exempt from permit requirements. It further requires compliance with all applicable laws and regulations. (Ord. 7331 §100, 2016; Ord. 6966 §1, 2007)

19.640.020 Ministerial Actions.**A. Definition**

Ministerial actions describe City decisions that involve little or no personal judgment by a public official as to the wisdom or manner of carrying out a project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements. (Ord. 7331 §100, 2016; Ord. 6966 §1, 2007)

19.640.040 Discretionary Permits and Actions.**A. Definition**

Discretionary permits or actions apply to projects that require the exercise of judgment or deliberation when the Approving or Appeal Authority decides to approve or disapprove a particular activity, as distinguished from situations where the City public official, Board, Commission or Council merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

B. Administrative Discretionary Permits and Actions Not Requiring a Public Hearing

The Community & Economic Development Director or the Development Review Committee have primary administrative authority over certain activities that require the determination of compliance with applicable zoning provisions and the application of judgment to a given set of facts. The following lists the various administrative permits and references Chapters of the Zoning Code for the respective actions:

1. Community & Economic Development Director:
 - a. Interpretation of Code - Refer to Chapter 19.060.
 - b. Temporary Use Permit - Refer to Chapter 19.740.
 - c. Nonconforming Provisions - Refer to Chapter 19.080.
 - d. Effective Dates, Time Limits and Extensions - Refer to Chapter 19.690.

- e. Day Care Permit - Large Family - Refer to Chapter 19.860.
 - f. Recycling Center Permit - Refer to Chapter 19.870.
 - g. Determination of substantial conformance and modification of previously approved conditions with equivalent language.
2. Development Review Committee:
- a. Design Review - Refer to Chapter 19.710.
 - b. Minor Conditional Use Permit - Refer to Chapter 19.730.
 - c. Variance - Refer to Chapter 19.720.
- C. Discretionary Permits and Actions Requiring a Public Hearing:
1. Except when combined with legislative actions, the City Planning Commission is the designated approving authority for discretionary permits and actions. A public hearing is required for the following discretionary permits:
- a. Conditional Use Permit - Refer to Chapter 19.760.
 - b. Planned Residential Development Permit - Refer to Chapter 19.780.
 - c. Condominium Conversion Permits- Refer to Chapter 19.790.
 - d. Site Plan Review Permit - Refer to Chapter 19.770.
 - e. Modification and Revocation of Permits/Variations and Other Approvals - Refer to Chapter 19.700.
 - f. Street, Alley and Walkway Vacations - Refer to Chapter 19.890 and the City Administrative Manual.
 - g. Traffic Pattern Modification Measures - Refer to Chapter 19.785.
2. The City Council is the designated approving authority for the following actions subject to a public hearing:
- a. Airport Land Use Commission Appeals (City Council only) – Refer to Sections 19.680 A & E (Filing an Appeal).
- D. Legislative Actions - Public Hearing Required
- In general, legislative actions establish rules, policies or standards of general applicability. They involve the exercise of discretion and they are governed by considerations of the public welfare. The designated approving authority for all legislative actions by the City is the City Council. A public hearing is required for all following legislative actions:
1. General Plan Text/Map Amendment - Refer to Chapter 19.800.

2. Zoning Code Text/Map Amendment (Rezoning) - Refer to Chapter 19.810.
3. Specific Plan/Specific Plan Amendments - Refer to Chapter 19.820.
4. Development Agreement and Development Agreement Amendment - Refer to City Resolution No. 15475 or its successor.
5. Annexations and Detachments - Governed by State Law. (Ord. 7331 §100, 2016; Ord. 6966 §1, 2007)

19.640.050 Additional Permits May Be Required.

- A. A land use on property that complies with the permit requirement or exemption provisions of the Zoning Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other public agencies before construction or use of the property is commenced. Nothing in the Zoning Code shall eliminate the need to obtain any permits required by:
 1. Any applicable county, regional, State, or Federal regulations.
- B. All necessary permits shall be obtained before starting work or establishing a new use. (Ord. 7331 §100, 2016; Ord. 6966 §1, 2007)

19.640.060 Burden of Proof and Precedence.

- A. Burden of Proof

The burden of proof to establish the evidence in support of the required finding(s) for any permit in accordance with this Chapter is the responsibility of the applicant.

- B. Precedence

Each permit shall be evaluated on a case-specific basis. Therefore, granting of a prior permit does not create a precedent and is not justification for the granting of a new permit. (Ord. 7331 §100, 2016; Ord. 6966 §1, 2007)