

18.91.080 - Board of supervisors review.

A. Hearing.

1. After proper public notice, the board of supervisors shall hold a public hearing on the application, at which all interested parties may appear and shall be heard. An advertised hearing or mailed notice is not required for zoning plan plat waiver requests.
2. The supervisors may continue the public hearing, for a definite time not to exceed nine months, on their own initiative or at the request of the applicant or affected property owners.

B. Protest petition and voting requirement.

1. A three-fourths vote of all members of the board of supervisors shall be required for approval, if written protest submitted to the supervisors prior to the close of the public hearing totals at least twenty percent of the owners of property, by area and number, within three hundred feet of the rezoning.
2. In calculating protest by area, only that portion of a lot or parcel of record situated within three hundred feet of the rezoning shall be included. In calculating protest by number or area, county property and public rights-of-way shall not be included.
3. Written withdrawals of protest to a rezoning may be submitted until the close of the supervisors public hearing.
4. If the existing zoning of the rezoning request area includes RH, GR-1, SR or SR-2, the planning division shall provide to the supervisors an additional calculation of written protests submitted from owners of property within the one thousand foot notification area.

C. Approval by the supervisors.

1. The supervisors may amend commission recommendations or approve additional rezoning conditions.
2. If the supervisors approve the request, the planning and development services department shall schedule for adoption a rezoning ordinance comprising a map and a list of all rezoning conditions approved by the supervisors. The rezoning ordinance shall state that the supervisors may waive or amend conditions, but that if the planning and development services director determines that the amendment or waiver would result in a substantial change in rezoning conditions, the planning and zoning commission shall hold a public hearing on the request prior to public hearing by the supervisors.
3. If a rezoning is approved by the supervisors, the approval shall be subject to a time limit of not more than five years from the date of approval in which to meet all rezoning conditions.
4. Department evaluation:
 - a. The planning and development services department is authorized to evaluate conditions approved by the supervisors when enforceability is uncertain;
 - b. If such evaluation results in, or implies, a change in intent, as determined by the board of supervisors legal advisor, the evaluation shall be resubmitted to the supervisors for their decision and a noticed public hearing;
 - c. All evaluations shall be submitted to the supervisors at a regular supervisors public meeting within thirty days of initial action.

D. Denial by the Supervisors. Future applications for rezoning are restricted by Section 18.91.030B.

(Ord. 1999-79 § 1 (part), 1999; Ord. 1998-35 § 2, 1998; Ord. 1997-68 § 2, 1997; Ord. 1996-91 § 1 (part), 1996; Ord. 1994-114 § 6 (part), 1994; Ord. 1993-12 § 1 (part), 1993; Ord. 1992-18 § 1 (part), 1992; Ord. 1985-141 § 1 (part), 1985)

18.91.090 - Rezoning Time Limits and Certificate of compliance.

A. Time Limits

1. A certificate of compliance shall not be issued unless all rezoning conditions are satisfied on or before the expiration date established for the case under Section 18.91.080 or Section 18.91.100(C).
2. If rezoning conditions have not been satisfied within the required time limit and a written request for a time extension has not been received by the planning division. The case shall be forwarded to the board of supervisors for reversion to its previous zone in accordance with Section 18.91.100(F). For purposes of this chapter, the term "previous zone" means the zoning classification existing on the property immediately prior to the rezoning.

B. Determination of Conformance. During satisfaction of the conditions of a rezoning, if a subdivision plan (Chapter 18.69, subdivision standards), development plan (Chapter 18.71, development plan standards), landscape plan (Chapter 18.73, landscape plan requirements and review procedures) or other submittal does not substantially conform to the sketch plan or preliminary development plan as approved, staff review shall cease and the planning and development services director shall recommend that a waiver request be initiated (refer to Section 18.91.100(A)).

C. Issuance of Certificate of Compliance.

1. The planning official shall sign the certificate of compliance only when all rezoning conditions which are prerequisites to the issuance of building permits have been satisfied.
2. No permits based on the adopted rezoning ordinance shall be issued unless and until a certificate of compliance is signed by the planning official, except as otherwise provided in this code.

(Ord. 1996-91 § 1 (part), 1996; Ord. 1992-18 § 1 (part), 1992; Ord. 1985-141 § 1 (part), 1985)

18.91.100 - Special procedures.

A. Amendment or Waiver of Rezoning Conditions.

1. The owner of a property may submit to the planning and development services department a written request to amend or waive one or more of the conditions of the rezoning;
2. The request shall be accompanied by a biological impact report and documentation of unforeseen changes in the marketplace, governmental regulations or natural conditions, that have occurred since the approval and that create special hardship due to unique circumstances of the subject property;
3. All requests for the amendment or waiver of approved or adopted rezoning conditions shall require a noticed public hearing and action by the board of supervisors;
4. If the planning official determines that the amendment or waiver would result in a substantial change, as defined in Section 18.91.020(A)(7) in any rezoning condition, the planning official shall refer the request to the planning and zoning commission for noticed public hearing and recommendation prior to public hearing by the supervisors. A request for an amendment or waiver that would result in a substantial change to an approved condition of rezoning is subject to the protest petition procedures of Section 18.91.080(B);
5. For all hearings, the department shall prepare a staff report in accordance with Section 18.91.050(A);
6. In addition, the supervisors may refer any amendment or waiver request to the commission for its recommendation prior to taking action. If they determine that an amendment or waiver would result in a substantial change in rezoning conditions, they shall refer it to the commission;

7. If the supervisors amend or waive a rezoning condition, the planning and development services department shall prepare a resolution stating the approved amendment or waiver of condition, and schedule it for adoption by the supervisors.

B. Sketch Plan or Preliminary Development Plan Changes.

1. Public hearing process: If modifications of a sketch plan or preliminary development plan occur by action of the planning and zoning commission or board of supervisors during the public hearing process, an overlay map or a revised plan showing the recommended revisions shall be submitted to the planning and development services department:
 - a. If changes are recommended by the commission, no further public hearing shall be advertised until receipt of an acceptable overlay map or a revised plan, which verifies the recommended changes;
 - b. If changes are made by the supervisors and, in the opinion of the supervisors, the changes warrant the commission's reconsideration of the plan, the supervisors may re-refer the plan to the commission for further recommendation. No hearing before the commission shall be held until receipt of an acceptable overlay map or a revised plan which verifies the changes made by the supervisors;
 - c. If changes are made by the supervisors and, in the opinion of the supervisors do not warrant the commission's reconsideration of the plan, the changes shall be incorporated into the revised sketch plan or preliminary development plan, which shall be submitted to the department within thirty working days after the hearing. No subdivision plans, development plans or other submittals shall be accepted until the revised plan is received and verified;
2. Subsequent to approval:
 - a. Once a sketch plan or preliminary development plan has been approved by the supervisors, only nonsubstantial changes which do not change the intent of the plan can be made with the approval of the planning and development services director. The director may, however, recommend that any nonsubstantial change be referred to the commission or the supervisors as a waiver request;
 - b. Any substantial change to an approved sketch plan or preliminary development plan shall be considered as a waiver request (refer to Section 18.91.100A).

C. Time Extensions.

1. A property owner or the owner's authorized agent may request an extension of the time limit established for a case under Section 18.91.080. A written time extension request shall be accompanied by a biological impact report and shall be submitted to the planning division on or before the expiration date of the time limit. Rezoning time extension fees shall be paid in accordance with the adopted fees schedule.
2. The planning division shall prepare a report on the time extension request in accordance with Section 18.91.050.A and may, as warranted by changed circumstances, also recommend the addition, modification or deletion of rezoning conditions. The staff report shall indicate whether or not the recommended modification or deletion would result in a substantial change of a zoning condition that would require a hearing before the planning and zoning commission under Section 18.91.100.A.6.
3. A noticed public hearing by the board of supervisors is required for time extensions. Notice shall be provided in accordance with Section 18.91.060.B. At the time of consideration of a time extension request, the supervisors may add, modify or delete rezoning conditions in conformance with Section 18.91.100.A.6.
4. The board of supervisors shall not grant a time extension beyond ten years from the date of original rezoning approval.

5. The supervisors may choose to approve only a portion of the rezoning for a time extension. The approved new time limit begins as of the previous expiration date.
6. If a rezoning ordinance has not been adopted for the rezoning prior to the expiration date and the supervisors approve a new time limit, a rezoning ordinance shall be forwarded to the supervisors for adoption.
7. If a rezoning ordinance has been adopted, a resolution for the new time limit shall be forwarded to the supervisors for adoption.
8. If the supervisors deny the time extension request, the rezoning case shall be closed and the property shall revert to its previous zone.

D. Rezoning Applications Approved Prior to April 3, 1992.

1. Rezoning requests which had conditional approval and no time limit prior to April 3, 1992 may be closed or receive time limits in accordance with Section 18.91.100.C or F, or be scheduled for rezoning ordinance adoption in accordance with Section 18.91.080.C.2, after a decision of the board of supervisors.
2. Rezoning requests which received conditional approval prior to April 3, 1992, and are subject to a time limit may be scheduled for rezoning ordinance adoption in accordance with Section 18.91.080.C.2. Prior to the expiration date, the planning division shall notify the owner and process the rezoning in accordance with Section 18.91.100.C.
3. Public hearings and notice shall be provided in accordance with this chapter.

E. Closure of Rezoning Cases.

1. The planning division shall close rezoning cases:
 - a. Upon expiration of time limits prescribed in Sections 18.91.040.E and 18.91.070.C;
 - b. Upon written request of the applicant made prior to adoption of a rezoning ordinance by the board of supervisors for the entire property;
 - c. After the effective date of annexation for the entire property;
 - d. Upon denial of the rezoning request by the supervisors;
 - e. Upon issuance of a certificate of compliance by the planning director for the entire property;
 - f. Upon reversion of the property to its previous zone by action of the supervisors in accordance with Section 18.91.100.C and F.
 - g. Upon denial of a rezoning time extension request. If a time extension request is denied for only a portion of the rezoning site, that portion of the rezoning shall be closed.

F. Reversion of Rezoning.

1. After the expiration date of a time limit, if no time extension request has been submitted and the required rezoning conditions have not been satisfied which would allow a certificate of compliance to be issued for all or a portion of the property, then the planning division shall schedule a public hearing by the board of supervisors to cause the property to revert to its previous zoning classification.
2. The planning division shall notify the property owner by registered mail of a public hearing date before the supervisors.
3. If the supervisors decide not to close the rezoning case, the applicant shall submit a time extension request and fee to the planning division within 30 days of the date of the supervisors' decision. The planning division shall prepare a time extension request for public hearing in accordance with Section 18.91.100.C. If the time extension application and fee are not filed within the required 30 days, the rezoning case shall be closed by the planning division.

4. If the supervisors close the rezoning case, the property shall revert to its previous zone.

G. Special Procedures for Golf Course (GC) Zoning.

Refer to Section 18.59.560 (GC Golf Course Zone) for GC requirements and procedures.

(Ord. 2001-103 § 1 (part), 2001; Ord. 1996-91 § 1 (part), 1996; Ord. 1994-114 § 6 (part), 1994; Ord. 1993-12 § 1 (part), 1993; Ord. 1992-18 § 1 (part), 1992; Ord. 1987-74 § 1, 1987; Ord. 1985-141 § 1 (part), 1985)

REZONING PROCEDURES

