

## SECTION 864

### PERMITS

#### A. PERMIT REQUIRED

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion or alteration of any building, or any addition to any building, a permit shall be secured from the Division of Building and Safety of the Department of Resources and Development by any owner or his agent for said work, and it shall be unlawful to commence any work until and unless such permit shall have been obtained. Provided, further that no such building shall be occupied or used unless a certificate of occupancy, and a license for such use, where required, is first obtained from the department or person vested with the duty or authority to issue same.

#### B. PROCEDURE

1. Each application for a building permit shall be made on a printed form to be obtained from the Division of Building and Safety of the Department of Resources and Development, and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of those regulations. Where complete and accurate information is not readily available from existing records, the Division of Building and Safety may require the applicant to furnish a survey of the lot prepared by a licensed surveyor. A copy of the original of such application shall be kept in the office of the Division of Building and Safety.

(Amended by Ord. T-252 adopted 12-9-80)

2. Each application shall be reviewed for compliance with the requirements of this Division. No permit shall be granted unless the proposal meets all the requirements of this Division.

(Amended by Ord. T-252 adopted 12-9-80)

3. Before an occupancy permit shall be issued, all required onsite (outside the County right-of-way) and off-site (within the County right-of-way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the County to complete said work within six (6) months from the date of the issuance of the permit. The Director may extend the completion date for one additional six (6) month period upon written request of the permittee upon a showing of good cause therefor. Such an agreement shall be secured either by cash deposited with the County, a cash deposit in an irrevocable escrow approved by the Director, or other financial security approved by the Director as the equivalent thereof. Such security shall be in the amount of one hundred (100) percent of the estimated cost of completion to be determined by the said Director.

In the event such work is not completed within the period provided or any extension thereof, the County shall be authorized to take all necessary action to enforce the agreement including the use of said security to cause the completion of all required improvements. Monies deposited with the County or in escrow may be partially released to the depositor by said Director during the progress of the work so long as the same ratio of security is maintained on deposit to secure all uncompleted work.

(Sec. 864-B.3 added by Ord. 490.25 adopted 2-21-66, amended by Ord. T-252 adopted 12-9-80)

C. GENERAL CONDITIONS

1. The provisions of this Section shall not apply to buildings or uses excepted by this Division.
2. No building permit shall be issued or Site Plan Review, Conditional Use Permit, Director Review and Approval, or a Variance approved for any use which would be forbidden by a proposed change in the zone district or zoning regulation. In addition, all building permits, Site Plan Reviews, Conditional Use Permits, Director Review and Approvals, Variances, parcel maps, or final maps shall meet the Property Development Standards of the existing zone district or zoning regulations, or the proposed zone district or zoning regulations, whichever is the more restrictive. A change of zone district or zoning regulations shall be construed as initiated by the filing of an application of a zoning amendment or by the adoption of a resolution of intention by the Planning Commission or Board of Supervisors.

(Amended by Ord. 490.73 adopted 3-21-72; amended by Ord. 490.139 adopted 10-18-77)

3. Despite any other provision of this Division to the contrary, the Director may validate the issuance of a permit authorizing construction in accordance with the impending zoning district regulations on property being rezoned after the Board has taken affirmative action adopting an Ordinance rezoning the property, provided the permittee and owner of the land and owner of the property being constructed shall have entered into a written agreement with such Director for the County to the effect that should the zoning for any reason whatsoever not be effective, the permittee or owner shall remove from such property, within thirty (30) days after written notice from the Director, any improvements or construction authorized by such permit and in conflict with existing zoning district regulations and restore said property as nearly as practicable to its prior condition. The written agreement may include provisions dealing with a cash deposit, bond, entry permission, covenants running with the land, hold harmless clause, lien clause, and similar provisions to assure that should the permittee or owner fail to so remove the improvements or construction that the County could accomplish such removal without cost to the County.

(Added by Ord. 490.24 adopted 1-11-66; amended by Ord. T-252 adopted 12-9-80)

D. PERMITS REQUIRED FOR TREE REMOVAL WITHIN THE NEIGHBORHOOD BEAUTIFICATION OVERLAY DISTRICT

The Director shall investigate and may approve, with or without conditions, or deny, the issuance of a permit for removal of the tree or trees, as provided herein.

1. No less than thirty (30) days after prior to the granting or denial of a permit, the Director shall prepare a written notice of application. The written notice of application shall include a copy of the permit form and the date, place and time at which the Director's informal hearing regarding the permit shall be held.
2. No less than 15 days prior to the hearing, the Director shall:

- a. Provide written notice of application to the Supervisor of the supervisorial district in which the parcel is located, which notice may be made by sending a copy of the written notice of application; and
- b. Post a copy of the written notice of application adjacent to the tree(s) proposed to be removed, in order to notify the residents of the area; and
- c. Send a copy of the written notice by first class mail, postage prepaid:
  - (1) to the applicant; and
  - (2) to any person or entity which has requested the Director to give notice of applications for permits to remove trees.

The Director shall hold an informal hearing, as noticed in the Director's written notice of application. The informal hearing may be adjourned or continued from time to time.

3. Issuance after Informal Hearing. The Director may issue or deny the permit. The Director may impose any conditions on the granting of a permit as the Director deems appropriate. The Director shall issue or deny the permit no more than ten (10) days after the conclusion of the Director's informal hearing. Copies of the permit, with or without conditions or written denial of permit shall be sent by first class mail, postage prepaid to the permittee, and to any person or entity which received the notice of application. No permit shall be effective until twenty-five (25) days after its issuance, unless appealed to the Board of Supervisors. Furthermore, in no case shall any permit with conditions be effective until those conditions have been satisfied in the sole opinion of the Director.
4. Appeal to Board of Supervisors.
  - a. Any person may request a hearing by the Board of Supervisors regarding the Director's granting or denying a permit for tree removal. A written request for an appeal hearing must be received by the Clerk to the Board of Supervisors within ten (10) days of the date of the Director's decision. The person appealing shall provide a copy of the written request for an appeal hearing to the Director in the same fashion and at the same time he or she provides the original to the Clerk of the Board of Supervisors.
  - b. In the event a permit was granted, the Director shall send a written notice of stay to the permittee. That written notice of stay pending appeal shall stay the effectiveness of the permit. The written notice of stay pending appeal shall be issued within five (5) days of receipt by the Director of the copy of the written request for an appeal hearing. The original written notice of stay pending appeal shall be sent first class mail, postage prepaid to the permittee, within two (2) days of issuance, and a copy shall be sent in the same manner and within the same time to the person requesting an appeal. A copy of the written notice of stay pending appeal shall also be delivered to the Clerk of the Board of Supervisors within three (3) days of issuance.
  - c. The Clerk to the Board of Supervisors shall set the matter for hearing. The Clerk to the Board shall notify the person requesting the appeal, the applicant for the permit, the Supervisor of the affected area, and any persons or entities requesting notice of applications for potential removal of trees by first class mail, postage prepaid, no less than ten (10) days prior to the date set for the hearing. The Clerk shall also

cause a notice of the hearing to be published in a newspaper in the county one time, no less than five (5) days prior to the hearing of the Board of Supervisors.

The Board of Supervisors may adjourn or continue any hearing from time to time.

The Board of Supervisors may impose any conditions, if it grants the permit for tree removal.

The decision of the Board of Supervisors shall be final and conclusive.

- d. The permit, if granted after being heard by the Board of Supervisors, shall be effective commencing thirty-five days after issuance. Anyone appealing a decision of the Board of Supervisors to a court of competent jurisdiction must serve the Clerk to the Board of Supervisors and the Director with a copy of any writ. The Director shall issue a written notice of stay on the permit, pending a final court judgment, in the same way as specified above, if the writ was timely served upon the Director. The Director's written notice of stay may stay, in the Director's sole discretion, any conditions imposed upon the permittee, pending the final court judgment.

(Added by Ord. T-062-333 adopted 5-2-00)