

Chapter 18.60

ADMINISTRATION AND PROCEDURES

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18.60.010 Planning Agency. The functions of a planning agency shall be performed by the Ross town council and planning department, in compliance with state law (Government Code Sections 65100, et seq.) (Ord. 641 (part), 2013; Prior code §10 116 (part)).

18.60.020 Town Council. The Ross town council shall perform the duties and functions prescribed to the town council in this title. The town council shall act as a planning commission when required under the California Government Code. Any hearing required to be held by the planning commission shall be consolidated with and held as a single hearing of the town council. (Ord. 665, 2015; Ord. 641 (part), 2013; Prior code §10 116 (part)).

18.60.030 Town planner. The town planner shall be appointed by the town manager. The town planner shall have the responsibility and authority to take action on applications for all administrative permits and approvals issued by the town planner under this title and to perform other duties as directed by the town manager. The town planner may refer any administrative permit to the town council for review because of unique circumstances or a need for policy direction. (Ord. 641 (part), 2013; Prior code §10 116 (part)).

18.60.040 Appeal of town planner decisions. (a) The applicant or any interested person may appeal decisions of the town planner to the town council by filing a notice of appeal with the planning department within ten calendar days after the date of the decision accompanied by an appeal fee established by resolution of the town council. The date of the decision shall not be counted in determining the final date for filing an appeal. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday. The notice of appeal shall specify the person making the appeal, the decision appealed from, and the reasons for the appeal.

(b) Effect of Filing an Appeal. A timely appeal of a town planner action shall stay the effective date of the decision until the appeal has been acted upon or withdrawn.

(c) Public Notice and Hearing. Upon the receipt of a valid appeal from a decision of the town planner, the town planner shall, within a reasonable period of time, set a public hearing on the matter before the town council. Notice of the hearing shall be given pursuant to California Government Code Section 65091 for any appeal of a decision related to an application for design review, variance, conditional use permit or hillside lot application.

(d) Standards for Appeal. In considering an appeal of a town planner decision, the town council shall conduct a de novo hearing, considering the appeal as a new matter. The town

council shall apply all laws and ordinances to the application as they exist at the time of the hearing on the appeal. The original applicant shall have the burden of proof. In considering the appeal, the reviewing body shall not be limited to the issues raised by the appellant. After the public hearing on an appeal, the town council may reverse, affirm or modify the decision of the town planner. In taking such action, the town council shall make all findings which relate to the type of application under consideration. The decision of the town council on any appeal shall be final. (Ord. 641 (part), 2013).

18.60.050 Effective date. (a) A town planner decision is final on expiration of ten calendar days following the decision unless a notice of appeal is filed within such time. (b) A town council decision is final on the date action is taken. (Ord. 641 (part), 2013).

18.60.060 Expiration and extension of approvals. (a) In the absence of a stated termination date in the approval, approvals under this title shall expire without notice two years after the effective date unless construction or other authorized action has commenced or, for approvals not associated with construction, if the approved activity has been initiated in full compliance with all applicable conditions, ordinances or resolutions (the "original expiration date"). Once a building permit has been issued for the approved project, the approval shall remain valid as long as the building permit remains in effect.

(b) The town council may extend the original expiration date up to one year after a public meeting. An application for an extension shall be filed with the planning department prior to the original expiration date on forms prepared by the town planner and accompanied by a penalty fee as set by resolution of the town council for failure to complete the project by the original expiration date. Notice of the extension request shall be provided as required for the original application. In order to approve an extension, the town council must determine that the findings made in the original approval remain valid. The extension may be conditioned to comply with any development standards which may have been enacted since the permit was initially approved. (Ord. 641 (part), 2013).

18.60.070 Permit to run with land. Unless otherwise conditioned, a permit or variance granted pursuant to the provisions of this title shall be transferable upon a change of ownership of the site, business, service, use or structure, provided that the use and conditions of the original permit or variance are fully complied with and not modified or enlarged. (Ord. 641 (part), 2013).

18.60.080 Revocation or modification of an approval for cause. An application approved under this title may be revoked or modified for cause as provided in this chapter. For purposes of this chapter, the modification of an approved application may include the modification of the terms of the approval itself or the waiver, alteration or imposition of new conditions.

(a) Grounds for Revocation or Modification. An approval may be revoked or modified upon a finding of any of the following grounds: (1) the approval was obtained or extended by false, misleading or incomplete information; or (2) one or more of the conditions upon which the approval was approved have been violated, or have not been complied with.

(b) Initiation of Action. The revocation of a approval or the modification of the conditions of approval of an application shall be initiated by order of the town council. The order shall specify the basis upon which the action to revoke the approval or to modify the conditions is to be evaluated during the hearing to revoke or modify. (Ord. 641 (part), 2013).

18.60.090 Revocation hearing. (a) The town council shall hold a public hearing on the revocation of an approval or the modification of the conditions of an approval on the grounds

stated by the town council. The hearing shall be held in a timely manner after the issuance of an order of the town council. The hearing shall be noticed in the manner provided for the original application.

(b) At the hearing, the town planner shall present evidence showing the cause for revocation of the approval or modification of the conditions of the approval. The permittee shall be entitled to present additional or rebuttal evidence as he or she may desire regarding the issues in question. The town council shall consider all of the evidence, and may revoke the approval or modify a conditions of approval if it finds by a preponderance of the evidence that: (1) the approval was obtained or extended based upon false, misleading, or incomplete information submitted with the application for the approval, or; (2) one or more of the conditions upon which the approval was approved has been violated, or has not been fully complied with in a timely manner.

(c) In its discretion, the town council may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a approval in order to address the issues raised by the revocation hearing. The decision of the town council shall be final. (Ord. 641 (part), 2013).