

**Chapter 16.06
PROCEDURES**

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- 16.06.010 General submittal requirements.**
- A. Scope. Any person may apply to the planning department, in writing, for approval of a development application, including site and architecture approval, conditional use permit, variance, tentative subdivision map, time extension to a previous approval, zoning ordinance amendment, general plan amendment, annexation; to appeal an action of the deciding body, or other entitlements. All applications shall comply with all applicable procedures of this section. Applications shall be on forms prescribed for that purpose by the

city planner and, if not submitted by the owners of the relevant property, shall include the written consent of the owner of the property on which the use is to be located.

B. Application Fees and Deposits. Concurrent with the submittal of an application for development, a fee and/or deposit shall be made, in the amount determined by city council resolution, to cover the costs incurred in the processing of the application. In no case shall the development application be set for hearing or final action until such time as any balance due is paid in full.

C. Complete Applications. Any application for a permit or entitlement must be accepted as complete for processing by the city planner in order to initiate the official review process. Standard minimum submittal requirements shall be established by the city planner. The city planner may request additional information specific to the permit or entitlement necessary for the complete analysis of an application. All required material, information and fees shall be provided by the applicant before the application is deemed complete for processing.

D. Incomplete Applications. In the event a development application is determined to be incomplete, written notice shall be provided to the applicant specifying the information and/or plans necessary to make the application complete within 30 calendar days after the receipt of the application. The applicant must supply the requested plans and/or information within 60 calendar days of the notice of incomplete filing or an extended time as may be granted by the city planner. Requests for time extensions shall be made in writing by the applicant. In the event that required information is not provided by the applicant within the time limits specified by this section, the city shall deem the application withdrawn or deny the permit or

entitlement for the project, and the applicant shall be deemed to have forfeited the application fee. Information whose absence would constitute a reason for such withdrawal or denial are:

1. Information which is to be supplied by the applicant and is necessary to prepare a legally adequate environmental document; or

2. Information without which the city's decision to approve a project would not be supported by substantial evidence; or

3. Information which was specified for application submittal; or

4. Falsification or misrepresentation of any documentation.

Denial for any one of the above reasons may be deemed by the city to be a denial without prejudice to the applicant's right to reapply for the same permit.

E. Environmental Review. All applications for development which are subject to the California Environmental Quality Act and city adopted guidelines shall be required to submit a completed Initial Study Part A form as part of the application. The city planner may request additional information or studies of the applicant in order to make an environmental determination. (Ord. 758, §2 (part), 2007)

16.06.020 Requirements for action.

Except as otherwise provided by statute, all planning commission actions shall be performed by an affirmative vote of a majority of the members present. A quorum is required for any action except a decision to adjourn. (Ord. 758, §2 (part), 2007)

16.06.030 Consolidated proceedings.

When a single project has to have both a conditional use permit and architecture and site approval, a combined application may be filed and

the matter considered in a consolidated proceeding. (Ord. 758, §2 (part), 2007)

16.06.040 Hearings required.

Hearings are required in the determination of the following matters:

A. Annexations.

B. Amendments to this title which change land from one zone to another or which create, abolish or alter a zone or the regulations of a zone which govern a land use.

C. Conditional use permits.

D. Variances.

E. Site and architecture permits where planning commission action is required.

F. Appeals, regardless of whether a hearing was required for the original determination.

G. Revocations or city-initiated modifications of any permit or approval, regardless of whether a hearing was required for the existing permit.

H. Applicant-initiated modification for any permit or approval when a hearing was required for the existing permit and where the city planner determines that the modification is significant.

I. Time extensions for any permit or approval when a hearing was required for the existing permit.

J. Demolition of a designated historic structure or structures in a historic district.

K. Whether to extend suspension of action on applications for demolition of a designated landmark. (Ord. 758, §2 (part), 2007)

16.06.050 Notice of hearing.

Unless state law requires otherwise, notice of the time and place of a public hearing by the planning commission or by the city council shall be given at least 10 calendar days before the hearing in the following manner:

A. By publication of the notice at least one

time in a newspaper of general circulation published in San Joaquin County and circulated in the City of Ripon; and

B. By mailing the notice, postage prepaid, to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll, or alternatively from such other records of the county or the tax collector as contains more recent addresses in the opinion of the city planner, as owning real property within 300 feet of the property which is the subject of a proposed zoning application. (Ord. 758, §2 (part), 2007)

16.06.060 Consent items.

Any matter for determination by the planning commission may be placed on the planning commission's meeting agenda as a separate item or as a consent item together with other matters, at the discretion of the city planner. At the request of any member of the planning commission, any consent item must be removed from the consent calendar and be considered as a separate item. At the request of any member of the audience, any consent item for which a noticed hearing is required must be removed, and any other consent item may be removed from the consent calendar and considered as a separate item. (Ord. 758, §2 (part), 2007)

16.06.070 Withdrawal of application.

An applicant may withdraw his/her application within 15 calendar days of submittal and receive a refund of any unexpended portion of the application fee. Any refund of application fees for an application withdrawn later than 15 calendar days after the date of submittal will be made at the discretion of the city council upon a written recommendation of the city planner. Only that portion of the fees that have not already been expended may be returned. (Ord. 758, §2 (part), 2007)

16.06.080 Permit expiration.

All approvals granted pursuant to this title shall expire two years from the date of approval, except those established by ordinance, and those kept valid by issuance and continuation of a building permit. This section shall not apply to final subdivision maps or plats. The planning commission or city council may approve any number of time extensions, but the total time period of approval shall not exceed three years. (Ord. 758, §2 (part), 2007)

16.06.090 Revocation of permits.

Any site plan permit, use permit, variance, or temporary land permit granted in accordance with the provisions of this title may be revoked by action of the city council, or the deciding body, in the manner hereinafter set forth if the said permit or variance is exercised in violation of the conditions or the terms under which such permit or variance is granted, or if any one of the following findings are made:

A. In connection with site plan permits, use permits, and temporary land permits that the continuance of the use would be detrimental to the health, safety, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city;

B. In connection with variances, that continued relief from the strict application of the terms of this title would be detrimental to the health, safety, comfort or general welfare of persons residing or working in the neighborhood of the subject property, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city. (Ord. 758, §2 (part), 2007)

16.06.100 Revocation hearing – Notice to owner.

Before a deciding body considers the revocation of a site planning permit, use permit, variance, or temporary land permit, it shall hold a public hearing thereon, notice of which shall be served on the owner of the subject property at least 10 days prior to the date of the hearing, either personally or by registered or certified mail, with postage prepaid and return receipt requested. At the conclusion of the hearing the deciding body shall make findings of fact as to whether or not there is good cause for such revocation. If it finds that such good cause does exist, it may revoke or modify the permit or variance. (Ord. 758, §2 (part), 2007)

16.06.110 Continuances.

All hearings under this division may be continued from time to time. (Ord. 758, §2 (part), 2007)

16.06.120 Findings.

Except in the case of hearings concerning the adoption of ordinances, where a hearing is required by this chapter, the body which renders the decision must make findings sufficient to bridge the analytic gap between the raw evidence and the decision. When a hearing concerns adoption of an ordinance, only those findings required by statute need be made. (Ord. 758, §2 (part), 2007)

16.06.130 Conditions of approval.

A. To protect the general health and welfare of all citizens, the deciding body may enforce reasonable requirements when necessary or appropriate to ensure a development or use compatible to and harmonious with the particular neighborhood and the established uses therein.

B. To ensure that the provisions of this title are

maintained, the deciding body may enforce requirements more stringent than the minimum zone requirements.

C. In granting approvals, time extension or modifications thereof, the deciding body may include such conditions as are reasonable and necessary under the circumstances to carry out the purpose of this title. Such conditions, without limiting the discretion and authority of the deciding body in this regard, may include site planning conditions, architectural conditions, landscape conditions, street dedication, street and drainage improvements, off-street parking conditions and outdoor advertising conditions. (Ord. 758, §2 (part), 2007)

16.06.140 Date of approval.

Unless there is an appeal the effective date of approval is the date on which the deciding body votes on the motion or resolution of approval. When there is an appeal, the date of approval is the date of the administrative vote on the motion or resolution finally determining the appeal. (Ord. 758, §2 (part), 2007)

16.06.150 Use of approvals.

An approval is used if substantial construction work, including grading, specifically for the project is lawfully performed after the approval is granted, in reliance on the approval and in reliance on validly issued building permits. Or, when the project does not involve substantial construction work, an approval is acted on when the activity approved is commenced in a substantial, as distinguished from tentative or token, manner. (Ord. 758, §2 (part), 2007)

16.06.160 Lapse for discontinuance.

If after two years from the effective date of

approval the activity for which an approval has been granted under the terms of this chapter (except an approval embodied in an ordinance) has never been established, or is discontinued for a period of one year, the approval lapses. (Ord. 758, §2 (part), 2007)

16.06.170 Issuance of building permit and certificate of use and occupancy.

When any discretionary approval is required by this chapter, no building permit, certificate of use and occupancy, or any similar evidence of

entitlement to build upon or use land in any manner shall issue until the approval is granted and the time for appeal has expired. (Ord. 758, §2 (part), 2007)

16.06.180 Renewal and transferability.

A. Renewal. Approvals shall not be renewed more than once.

B. Transferability. Approvals shall not be affected by changes in ownership. (Ord. 758, §2 (part), 2007)