

COUNTY OF ORANGE
“ORANGE IS THE NEW GREEN”
ZONING CODE UPDATE

ARTICLE 1 – Decision-Making Bodies

Second Draft – October 2018

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green



County of Orange – Zoning Code Update
Proposed Revisions to Article 1 – Decision-Making Bodies

Comment Number [County xx]	Section Number	Neutral/Decrease/ Increase	Discussion
1	Article 1	Neutral	Revised title of Article to better reflect topics contained within
2	7-9-1	Neutral	Addition of language clarifying existing powers
3	7-9-2.4	Neutral	Addition of language clarifying existing powers
4	7-9-3	Neutral	Addition of language clarifying existing powers
5	7-9-4	Neutral	Addition of language clarifying existing powers

Proposed revisions have been highlighted as follows:

Neutral/No Change in Regulations – Highlighted in gray

Decrease in Regulations – Highlighted in yellow

Increase in Regulations – Highlighted in green

Article 1. – County Planning Commission
Decision-Making Bodies

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Neutral

Table of Contents

Section 7-9-1 Board of Supervisors 2

Section 7-9-2 ~~Members of County Planning Commission~~ 2

Section 7-9-3 ~~6~~ Office of Zoning Administrator and Associate Zoning Administrator 4

Section 7-9-4 Deputy Director, OC Public Works/Manager, OC Development Services, Planning Division “Director” 4

Section 7-9-5 Reserved 4

Section 7-9-6 Reserved 4

Section 7-9-7 Reserved 4

Section 7-9-8 Reserved 4

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ARTICLE 1. - ~~COUNTY PLANNING COMMISSION~~ DECISION-MAKING BODIES

Sec. 7-9-1.- Board of Supervisors.

In addition to the general powers and duties of the Board of Supervisors (the Board) established in the Codified Ordinances of the County of Orange, the Board has the following specific responsibilities under Title 7, Division 9, Article 2, the Comprehensive Zoning Code:

- (a) Approve the appointment of citizen’s advisory boards and committees, such as for specific plan areas.
- (b) May initiate amendment(s) to the General Plan, Zoning Code, zoning map, specific plans and area plans.
- (c) To hear, consider, and adopt, reject, or modify amendments to the General Plan, Zoning Code, and Zoning Map.
- (d) To hear, consider, and adopt, reject, or modify amendments to specific plans, planned communities, and area plans.
- (e) To hear and decide applications for development agreements, consistent with State law.

Sec. 7-9-2.1 - ~~Members of County Planning Commission.~~

There is hereby created a County Planning Commission consisting of five (5) members, not officers of the County. Proposed members shall be nominated by the Supervisor from the district in which the proposed member resides and appointed by a majority vote of the Board of Supervisors. There shall be one (1) member from each district.

Sec. 7-9-2.1.2 - Terms of office.

The term of each member generally coincides with the term of office of the Supervisor from the district in which the member resides. The term of office of any member whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was appointed. All members shall serve at the discretion of the Board of Supervisors; and any member of the Commission may have his or her membership terminated by majority vote of the Board of Supervisors. A vacancy thereby created shall be filled in the same manner as the original appointment.

Sec. 7-9-2.2. 3 - Meetings.

The Commission shall meet regularly at a time and place set by resolution and may continue, cancel or call other meetings in the manner prescribed in the Ralph M. Brown Act (Government Code sections 54950 and following) for such actions. Prior to the cancellation of any regularly scheduled Commission meeting, in addition to any requirements of the Ralph M. Brown Act, concurrence of the chair of the Commission is required.

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Sec. 7-9-2.3. 4 - Compensation and expenses.

Each member of the Commission shall receive compensation as established by resolution of the Board of Supervisors for up to ninety-six (96) meetings per fiscal year and be paid actual and necessary traveling expenses while conducting business for the Commission.

Sec. 7-9-2.4.5 - Powers of Commission.

In addition to those powers otherwise provided by law, the County Planning Commission shall have the following powers:

- (a) To recommend to the officers of the County adoption of plans and regulations, including General Plan amendments, Zoning Code amendments and zone changes, for the future growth, development and beautification of the County in respect to public and private development.
- (b) To recommend to the officers of the County plans, including specific plans, planned communities and area plans, consistent with the future growth and development of the County in order to secure to the County and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities.
- (c) To make recommendations to any public authorities or any corporation or individuals of the County with reference to the location of any proposed buildings, structures or works.
- (d) May initiate amendment(s) to the General Plan, Zoning Code, zoning map, specific plans and area plans.
- (e) To hear and approve, conditionally approve, modify or deny discretionary permits including, but not limited to, use permits, coastal development permits, and variances.
- (f) To hear and approve or deny the proposed revocation of a permit(s).
- (g) To hear appeals from actions of the Subdivision Committee with respect to tentative tract and parcel maps, and lot line adjustments. The Planning Commission decision on such appeals shall be final for appeals not involving a California Environmental Quality Act determination, unless the California Environmental Quality Act determination is being appealed, in which case both the CEQA determination and the discretionary permit determination are appealable to the Board of Supervisors from the Planning Commission as set forth in section 7-9-150.4(a)(3) TBD.
- (h) To hear appeals from actions by the Director, ~~OC Development Services~~ regarding negative declarations and the requirement to prepare environmental impact reports. The Planning Commission decision on such appeals may be further appealed to the Board of Supervisors as set forth in section 7-9-150.4(a)(3) TBD.
- (i) To hear appeals from actions by the Director, ~~OC Development Services~~ or Zoning Administrator regarding a discretionary permit. The Planning Commission decision on

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such appeals shall be final, unless the California Environmental Quality Act determination is being appealed, in which case both the CEQA determination and the discretionary permit determination are appealable to the Board of Supervisors from the Planning Commission as set forth in section 7-9-~~150.4(a)(3)~~ TBD.

Sec. 7-9-3 6. - Office of Zoning Administrator and Associate Zoning Administrator.

The office of Zoning Administrator and Associate Zoning Administrator are hereby created. The Director, ~~EMA~~, shall appoint persons to fill these offices. The Associate Zoning Administrator shall serve as Zoning Administrator during any absence of that officer. The Zoning Administrator shall have those powers provided by ordinance and include, but are not limited to:

- (a) To hear and approve, conditionally approve, modify or deny use permits.
- (b) To hear and approve, conditionally approve, modify or deny requests for minor modifications.
- (c) To hear and approve or deny requests for waivers of dimensional requirements.

Sec. 7-9-4.- Deputy Director, OC Public Works/Manager, OC Development Services, Planning Division (“Director”).

The powers and duties of the Director include, but are not limited to the following:

- (a) Maintain and administer the Zoning Code, including oversight of processing of applications, abatements and other enforcement actions.
- (b) Act as decision-maker or approving authority on discretionary applications as specified.
- (c) Prepare and effect rules and procedures necessary or convenient for the conduct of the Director’s business. These rules and procedures may include the administrative details of hearings officiated by the Director or the Zoning Administrator (e.g. scheduling, rules of procedure, and recordkeeping) as well as other written policies and procedures needed to implement the Zoning Code.
- (d) Issue administrative regulations for the submission and review of applications subject to the requirements of the Zoning Code and Government Code Section 65950 (Deadlines for Project Approval Conformance; Extensions), including determining what constitutes a complete application.
- (e) Negotiate specific components and provisions of development agreements consistent with State law.

Sec. 7-9-5. – 7-9-8. - Reserved.

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