

Appeals Filing Instructions and Procedures

AUTHORITY

In accordance with Section 7-9-125.10 of the County of Orange Zoning Code, any decision of the Director, the Zoning Administrator or the Planning Commission, regarding the action taken on a discretionary permit application may be appealed to a Board of Appeals. Any interested person may file an appeal upon submittal of the required documents, information, and filing fee.

The Board of Appeals for action taken on a discretionary permit application is as follows:

Approving Authority for Application	Board of Appeals
Director	Planning Commission*
Zoning Administrator	Planning Commission*
Planning Commission	Board of Supervisors

*The Planning Commission’s decisions on appeals shall be final and cannot be appealed to the Board of Supervisors.

TIMELINESS

An appeal shall be filed within fifteen (15) calendar days of the date on which the decision being appealed was rendered. If the fifteenth day is a non-working day for the County, the appeal period shall be extended to include the next County working day. The appeal must be filed at <https://myoceservices.ocgov.com> during normal business hours – Monday through Friday 8:00 a.m. to 4:00 p.m. **NO APPEAL SHALL BE ACCEPTED AFTER THE APPEAL PERIOD HAS EXPIRED.** Note that appeals to the Coastal Commission are an exception to the 15-day deadline, as otherwise provided by Section 7-9-127.2.

MINIMUM APPEAL APPLICATION FILING REQUIREMENTS

Each appeal package shall be accompanied by any such documents and information the Director deems to be necessary to adequately explain and to provide proper notification for the appeal. Each appeal shall set forth specifically and in detail the grounds for the appeal. The Board of Appeals may refuse to consider issues not addressed in the written appeal.

At a minimum, the Appellant shall provide the following:

- Letter of justification explaining in detail the grounds for the appeal
- Payment of Appeal Fee: \$500.00 deposit plus T&M, due at the time of submittal

The Project Applicant shall be responsible for: 1) At least ten (10) additional copies of plans upon which Appeal action is being taken and 2) additional staff time spent on the Appeal application. Charges for work performed on the Appeal shall continue to be drawn from Planning Application deposits, per Ordinance No. 10-008.

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PROCEDURE

1. *Timeliness.* Except as otherwise provided by section 7-9- 40 for appeals to the Coastal Commission, an appeal shall be filed within fifteen (15) calendar days of the date on which the decision being appealed was rendered. If the fifteenth day is a nonworking day for the County, the appeal period shall be extended to include the next County working day. No appeal shall be accepted after the appeal period has expired.
2. *Required documents.* Each appeal shall be accompanied by such other documents and information the Director deems to be necessary to adequately explain and to provide proper notification for the appeal. Each appeal shall set forth specifically and in detail the grounds for the appeal. The Board of Appeals may refuse to consider issues not raised in the written appeal.
3. *Time for action.* Not later than ninety (90) days from the end of the appeal period, the Board of Appeals shall consider the appeal. The Board of Appeals may: 1) take action on the appeal, or 2) may continue the appeal, or 3) may refer the application back to the approving authority with directions.
4. *Public hearing requirements.* The appeal of an approving authority's determination that required a public hearing shall also require a public hearing. Notice and schedule requirements for an appeal hearing shall be identical as those for an original hearing.
5. *Forwarding of records.* When an appeal has been accepted, the Director shall forward to the Board of Appeals all documents and information on file pertinent to the appeal, together with the minutes or official action of the approving authority, and a report on the basis of the decision and the appropriateness of the appeal.

The appellant and project applicant are expected to appear or be represented at the hearing. Action taken by the Board of Appeals will be effective on the action date.

If there are any further questions regarding the appeal, please call (714) 667-8888.