

ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, ADDING CHAPTER 19.67 TO THE CAMARILLO MUNICIPAL CODE PERTAINING TO PLAN REVIEW PROCEDURES

THE CITY COUNCIL OF THE CITY OF CAMARILLO ORDAINS AS FOLLOWS:

SECTION 1. General Findings. The City Council finds as follows:

A. The Camarillo Municipal Code (CMC) references the City's Plan Review procedures in various sections of the CMC. The purpose of this ordinance is to consolidate such procedures into a single chapter to further streamline the CMC.

B. CMC Section 19.72.050 specifies how the Planning Commission must review zoning ordinances and provide a recommendation to the City Council before its adoption by the City Council.

C. On May 5, 2020, the Planning Commission conducted a duly noticed public hearing to consider this ordinance, and voted to recommend, to the City Council, adoption of this ordinance.

D. On May 27, 2020, the City Council conducted a duly noticed public hearing to consider this ordinance.

E. After reviewing the evidence presented, the City Council finds that this ordinance is consistent with the City's General Plan.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment). This ordinance involves reorganizing existing administrative procedures used by the City for reviewing certain land use applications within the CMC. Any land use application processed under these procedures will be subject to project specific CEQA review, if applicable. There is no possibility that this ordinance may have a significant adverse effect on the environment, therefore, the adoption of this ordinance is exempt from CEQA.

SECTION 3. Addition of Chapter 19.67 (Plan Review). The CMC is amended to add Chapter 19.67 (Plan Review), as follows:

"Chapter 19.67 – PLAN REVIEW

19.67.010 - Plan review application.

- A. An application for a Plan Review, when required under this title, must be filed with the Department of Community Development on a form supplied by the department, and must contain, at minimum, the following information:
1. The use to which the property will be put;
 2. An accurately dimensioned plot plan showing existing and proposed topography, all existing and proposed buildings and structures, off-street parking, landscaping areas, walls and fences, and all existing or proposed streets adjacent to the property;
 3. The dimension of all yards, setbacks, parking areas, driveways, walls and fences, and square footage of all building or other structures; and
 4. The floor plans, sections and elevations of all buildings and structures proposed with a notation of the type of material to be used, the color, and a material sample.
- B. A filing and processing fee, in an amount set by City Council resolution must be paid at the time of filing an application for plan review approval.

19.67.020 – Review and decision.

- A. In reviewing a plan, the director will approve or conditionally approve the plan if the director finds that the proposed plan complies or can be conditioned to comply with each of the following development standards:
1. That the uses proposed are in conformance with the provisions of this code;
 2. That the proposed colors, textures, materials and architectural design of each proposed building or structure are internally compatible, and are compatible with uses surrounding and adjacent to the subject property;
 3. That the plan is in conformance with conditions of any applicable specific plan and/or tract map; and
 4. That the plan complies, when applicable, with point assignments established under the residential development control system provisions set out in Title 20 of this code.
- B. The director may deny a plan if compliance cannot be obtained with the above standards.
- C. The decision of the director is final if not appealed in accordance with this chapter.

19.67.030 – Appeal to planning commission.

- A. The applicant and any interested person have the right to appeal the decision of the director on a plan review to the planning commission. An appeal is deemed timely and complete if it complies with all of the following:

1. The appeal must be written and filed with the director within ten days after the director's decision;
 2. The appeal must state the specific ground(s) for appeal; and
 3. The appeal must be accompanied by a processing fee in an amount set by city council resolution to defray the cost of processing the appeal.
- B. Upon receiving a valid appeal, the director will schedule an appeal hearing for the first available planning commission meeting, which in no event will be more than thirty days from the date of the appeal, unless the scheduled hearing date is extended in writing by the appellant.
- C. The director will notify the applicant and all property owners within six hundred feet of the property in writing by U.S. Postal Service or personal service as to the time, date, and place of the hearing on the appeal. Such notice will be provided at least ten calendar days before the hearing. The date of mailing is the date of notice. Failure to receive notice will not affect or invalidate any action or procedures taken by the city.
- D. Based upon the evidence submitted, the planning commission may uphold the director's decision, overturn the director's decision, or modify the director's decision based upon the considerations set forth in Section 19.67.020. The applicant will be notified of the planning commission's decision within five working days after its adoption.
- E. The planning commission's decision is final absent an appeal filed with the city council in accordance with this chapter.

19.67.040 - Appeal to city council.

- A. **Effective Date of Planning Commission Decision.** Decisions of the planning commission approving, denying or conditionally approving an application for a plan will be final and conclusive on the tenth consecutive calendar day following the date of the planning commission's decision, unless an effective timely and complete appeal is filed or a city council review is ordered as provided in this section.
- B. **Form of Appeal.** Except as provided in subsection D of this section, an appeal from a decision of the planning commission relating to a plan will not be valid or effective for any purpose unless it meets all the following requirements:
1. Each such appeal must be in writing on a form provided by the director, and must identify the planning commission's action to which the appeal relates; and
 2. Each such appeal must be filed with the director prior to the planning commission decision to which the appeal relates becoming final, as provided in subsection A of this section; and
 3. Each such appeal must be accompanied by a processing fee in an amount set by the city council; and
 4. Each such appeal is filed by or on behalf of any of the following:

- a. The owner of any real property located within the city; or
 - b. A person who lawfully occupies or is entitled to lawfully occupy any real property which is located within six hundred feet of the lot lines of the lot or lots which are the subject of the plan; or
 - c. Any interested person.
- C. Effectiveness of an Appeal. No appeal will be deemed complete, or effective for any purpose, unless it complies with all of the provisions of this section.
- D. Review by City Council. Notwithstanding any other provisions of this section, the city council, by majority vote of its total membership and at any time before a planning commission decision becomes final pursuant to subsection A of this section, may issue an order to review, de novo, a planning commission decision relating to a plan ("order of review").
- E. Stay of Proceedings. The timely filing of an effective appeal or the timely adoption by the city council of an order of review will stay the decision of the planning commission to which the appeal or order of review relates, pending the city council action on the matter.
- F. Action of City Clerk. Upon the timely filing of an effective appeal or the adoption of a timely order of review, the city clerk will:
- 1. Set the matter for hearing at the next most convenient meeting of the city council; and
 - 2. Give written mailed notice of the time and place of the hearing to the appellant, the applicant, and such other persons and entities in accordance with Section 19.84.030 of this code.
- G. Action by the City Council. At the time and place of the hearing on an appeal or an order of review, the city council will conduct a de novo hearing on the matter, at which time all interested persons will be allowed to present relevant reliable evidence to the city council. The technical rules of evidence applicable to judicial proceedings need not be observed, provided that the matter is resolved by the city council based upon reliable relevant evidence. The applicant has the burden of proof to show the existence of the facts which warrant the granting of the plan.
- H. City Council Decision. The city clerk will give written notice of the city council's decision to the appellant, the applicant and any other interested person who requests such notice. The city council's determination is final and conclusive subject only to judicial review."

SECTION 4. Conforming Amendments. The CMC is amended as follows:

A. CMC Sections 19.12.190, 19.12.200, 19.12.210, 19.14.170, 19.14.180, 19.14.190, 19.16.350, and 19.16.360, are repealed.

B. Section 19.12.180 of the CMC is amended and restated, as follows:

"19.12.180 - Plan review process.

The procedures set forth in Chapter 19.67 (Plan Review) will govern this process."

C. Section 19.14.160 of the CMC is amended and restated, as follows:

"19.14.160 - Plan review process.

The procedures set forth in Chapter 19.67 (Plan Review) will govern this process."

D. Section 19.16.340 of the CMC is amended and restated, as follows:

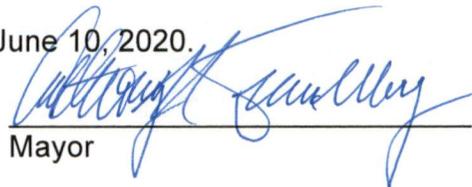
"19.16.340 - Plan review process.

The procedures set forth in Chapter 19.67 (Plan Review) will govern this process."

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Publication. The City Clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED June 10, 2020.



Mayor

Attested to on 6/12/2020
Jamadland

City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1174 was introduced by the City Council at a meeting held May 27, 2020, and subsequently passed and adopted by the City Council at a regular meeting held June 10, 2020, by the following vote:

AYES: Councilmembers: Craven, Kildee, Mulchay, Santangelo, Mayor Trembley
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jamadland

City Clerk

