

Article 44-1: Administrative Provisions

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44-1.10 Title. Chapter 44 of the Colusa County Code shall be known and officially cited as the “Zoning Code.”

44-1.20 Purpose. The Zoning Code carries out the policies of the Colusa County General Plan by classifying and regulating the uses of land and structures, consistent with the General Plan. This Zoning Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the unincorporated County. More specifically, the purpose of this Zoning Code is to:

- A. Provide standards and guidelines for the continuing orderly growth and development that will assist in encouraging economic growth, protecting the rural and agricultural character, and providing property owners the ability to develop and optimize the use of their land;
- B. Promote the County’s agricultural character and open spaces, including view sheds, cultural and historic resources, forests, hills, and waterways;
- C. Promote proposed development and new land uses that conserve energy and natural resources;
- D. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, waste water, energy, and other public facilities and utilities;
- E. Promote proposed development within established communities that is designed to contribute to the character of the community, through compatible building types and appearance, attractive streetscapes, and appealing pedestrian spaces; and
- F. Promote compatibility between different types of development and land uses.

44-1.30 Authority. This Zoning Code is enacted based on the authority vested in the County of Colusa by the State of California, including but not limited to: the State Constitution (Article XI,

Section 7); the Planning and Zoning Law (Government Code Section 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

44-1.40 Responsibility for Administration. This Zoning Code shall be administered by the County of Colusa Board of Supervisors, hereafter referred to as the “Board”; the County of Colusa Planning Commission, referred to as the “Commission;” the Director of Planning and Building, referred to as the “Director;” and the Department of Planning and Building, hereafter referred to as the “Department.”

44-1.50 Applicability. This Zoning Code applies to all land uses, subdivisions, and development within unincorporated areas under Colusa County jurisdiction. For lands within the unincorporated areas of Colusa County that are not subject to the County’s jurisdiction, such as Federal Lands, this Zoning Code provides guidance and recommendations that reflect the County’s vision and intent for uses and development within these areas.

44-1.50.010 ***New Land Uses or Structures, Changes to Land Uses or Structures.*** It is unlawful and a violation of this Zoning Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this Zoning Code. No planning permit, building permit, or grading permit shall be issued by the County unless the proposed development complies with all applicable provisions of this Zoning Code.

44-1.50.020 ***Subdivisions.*** Any subdivision of land proposed after the effective date of this Zoning Code shall be consistent with the minimum lot size requirements of Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards) and Colusa County Code Appendix IV (Subdivisions), and all applicable requirements of this Zoning Code.

44-1.50.030 ***Minimum Requirements.*** The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion or common sense interpretation on the part of a County official or body, that discretion or interpretation may be exercised to require more stringent measures than set forth in this Zoning Code, in order to promote orderly land use and development, agricultural resource protection, and the other purposes of this Zoning Code.

44-1.60 Interpretation.

44-1.60.010 ***Authority.*** The Zoning Administrator is delegated the responsibility and authority to interpret the meaning and applicability of all provisions in this chapter. The Director of Planning and Building, or his designee, shall serve as the Zoning Administrator.

44-1.60.020 ***Exercise of Discretion.*** In the event that a provision of this Zoning Code allows the reviewing authority to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

- A. The development complies with all applicable provisions of this Zoning Code;

- B. The exercise of discretion will act to ensure the compatibility of the development with its property boundaries, surrounding properties, and the community; and
- C. The decision is consistent with the General Plan.

44-1.60.030 ***Interpretation and Addressing Conflicting Requirements.***

- A. Zoning Code Requirements. Where there is a conflict between text and any figure, graphic, or caption, the text governs. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. “May” means permitted, but not required.
- B. County Code and Zoning Code Provisions. If a conflict occurs between requirements of this Zoning Code and the requirements of the Colusa County Code, or other regulations of the County, the most restrictive shall apply.
- C. Development Agreements, Planned Developments, or Specific Plans. If a conflict occurs between the requirements of this Zoning Code and standards adopted as part of any development agreement, planned development, or applicable specific plan, the requirements of the development agreement, planned development, or specific plan shall apply.
- D. Private Agreements. This Zoning Code applies to all land uses and development regardless of whether it requires a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.
- E. Other Requirements May Apply. Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any state, or federal agency.

44-1.70 Permit Application and Review Procedures. This article establishes procedures and requirements for the preparation, filing, and processing of permit applications required by the Zoning Code.

- 44-1.70.010 ***Review Authority.*** Table 44-1.70-1 identifies the review authority that is responsible for reviewing and making decisions on each type of permit required by this Zoning Code. Application for any of the decisions identified in Table 44-1.70-1 shall be filed with the Department by completing an application form provided by the Department and accompanied by the appropriate filing fee.

TABLE 44-1.70-1: PLANNING AND DEVELOPMENT PERMIT REVIEW AUTHORITY

TYPE OF DECISION	APPLICABLE ZONING CODE SECTION	ROLE OF REVIEW AUTHORITY ¹		
		ZONING ADMINISTRATOR ²	PLANNING COMMISSION	BOARD OF SUPERVISORS
Interpretation	44-1.60	Decision	Appeal	Appeal
Site Plan Review	44-1.80.010	Decision	Appeal	Appeal
Administrative Permit	44-1.80.020	Decision	Appeal	Appeal
Minor Use Permit	44-1.80.030	Decision	Appeal	Appeal
Use Permit	44-1.80.030	Recommend	Decision	Appeal
Temporary Use Permit	44-1.80.040	Decision	Appeal	Appeal
Variance	44-1.80.050	Recommend	Decision	Appeal
Minor Variance	44-1.80.060	Decision	Appeal	Appeal
Reasonable Accommodation	44-1.80.070	Decision	Appeal	Appeal
Density Bonus	44-3.40	Recommend	Decision	Appeal
Planned Development	44-2.80.010	-	Recommend	Decision
Development Agreement	44-1.100	-	Recommend	Decision
Zoning Code Amendment (Text or Map)	44-1.110	-	Recommend	Decision
Specific Plan	-	-	Recommend	Decision
General Plan Amendment	-	-	Recommend	Decision

Notes:

- ¹ "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals the decision of an earlier decision-making body, in compliance with Article 44-1.80.080 (Appeals).
- ² The Zoning Administrator may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

44-1.70.020 ***Application Preparation and Filing.***

- A. **Application Contents.** All applications for a permit required by the Zoning Code shall be filed with the Department on an official County application form. The application shall be filed with all required fees, deposits, information, and materials as specified by the Department.
- B. **Fees for Application Processing.** Each applicant for a planning permit processed in compliance with this chapter shall be required to pay all costs incurred by the County for the processing of each application. The Board shall establish a schedule of fees for the processing of the applications and other actions required by this Zoning Code, hereafter referred to as the County's fee schedule.
- C. **Eligibility for Filing.** An application for a planning permit may only be filed by the owner of the property subject to the planning permit application, or a lessee or authorized agent of the owner that has the written consent of the property owner to file the application on the owner's behalf.

- D. Concurrent Permit Processing. If more than one planning permit application is submitted for a single project, the applications shall be processed concurrently, with all the permits being considered and acted upon by the highest applicable review authority.

44-1.70.030 ***Review of Application.***

- A. Review for Completeness. Review and processing of permits shall be in accordance with the Permit Streamlining Act (Section 65943 of the California Government Code).

1. The Director may require a pre-application conference.
2. The Department shall review each application for completeness and accuracy before it is deemed suitable for submission. A final determination of completeness is not provided at this stage.
3. Receipt of the application by the Department shall be based on the County's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference or during the initial application review period.
4. As per Permit Streamlining Act, within 30 days of application receipt, except as provided below, the Director shall determine whether or not the application is complete. The applicant shall be informed in writing of the determination that either:
 - a. the application is complete and has been accepted for processing;
 - b. the application is incomplete and that specific information is required to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with County standards and requirements; or
 - c. the application requests permission for an action not allowed in the applicable zone or that cannot lawfully be approved by the County and is not accepted for processing.

In order to expedite the process for administrative permits, temporary use permits, and minor use permits, the Director shall determine whether the application is complete within 14 days unless the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.

5. If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter or if a written request for extension of time that includes evidence that the applicant is working toward completeness is not provided by the applicant, the application shall be deemed to have been withdrawn and

no action will be taken on the application. Unexpended fees, as determined by the Director, will be returned to the applicant provided the applicant submits a written request for a refund.

6. When the Director determines that an application is incomplete and the applicant believes that the application is complete or that the information requested by the Department is not required, the applicant may appeal the determination in compliance with Section 44-1.90.090 (Appeals) and the Permit Streamlining Act (Section 65943 of the California Government Code).
 7. After the Director has accepted an application as complete, the Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).
- B. Application Review. After acceptance of a complete application, the project shall be reviewed in accordance with the review procedures established by this chapter and the environmental review procedures of the CEQA. The Director will consult with other departments as appropriate to ensure compliance with all provisions of the County Code and other adopted plans and requirements. The Department staff will prepare a report to the designated review authority (Zoning Administrator, Commission, and/or Board) describing the project, along with a recommendation to approve, conditionally approve, or deny the application.
- C. Types of Review. The review procedures for various types of planning applications will be subject to one of the following three procedures:
1. *Zoning Administrator Review without Public Notice.* The Zoning Administrator shall render decisions for all ministerial zoning applications (administrative permit, temporary use permit, and reasonable accommodation) based upon standards that have been adopted by the County as law or as policy without the requirement of a public hearing or notice to surrounding property owners and other parties.
 2. *Zoning Administrator Review with Public Notice.* The Zoning Administrator shall provide written or published notice to affected and interested parties regarding specific findings or conditions prior to a decision for all minor use permit applications. The notice shall be designed to inform interested parties of the pending decision and provide the public a chance to comment before the Zoning Administrator renders a decision.
 3. *Public Hearing.* In accordance with planning and zoning law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all discretionary actions of the County (variance, use permit, planned developments, specific plans, zoning

amendments, and General Plan amendments). A public hearing may be conducted before the Board, the Commission, or the Zoning Administrator. During the course of the public hearing, the applicable review authority shall invite public testimony for and against the project, review evidence, and then render its decision in compliance with Section 44-1.80.080 (Decision and Conditions of Approval).

44-1.70.040 ***Referral of Application.*** At the discretion of the Department, or where otherwise required by the County Code, State, or federal law, an application may be referred for comment to any public agency that may have an interest in the project.

44-1.70.050 ***Staff Evaluation.*** The Director shall review all discretionary applications filed in compliance with this article to determine whether they comply and are consistent with the provisions of this Zoning Code, other applicable provisions of the County Code, the General Plan, and any other applicable County requirements.

- A. **Staff Report.** Department staff shall provide a written recommendation to the Zoning Administrator, Commission, and/or Board (as applicable) on whether the application should be approved, approved subject to conditions, or denied.
- B. **Report Distribution.** Each staff report shall be provided to the applicant at the same time as it is provided to the applicable review authority prior to a hearing on the application.

44-1.70.060 ***Public Notice.*** Notice of public hearings or staff-level review with notice procedures shall be provided as set forth in California Government Code Section 65090 et seq., except that notice shall be provided to owners of real property, as shown on the latest equalized assessment roll, within 300 feet of the real property that is the subject of the public hearing or staff-level review.

- A. **Requests for Notification.** Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the Department. The County may require payment of a reasonable fee for the purpose of recovering the cost of such notification.
- B. **Failure to Receive Notice.** Failure of any person or entity to receive notice required by law of any hearing as required by this title shall not constitute grounds for any court to invalidate the actions of a designated review authority for which the notice was given.

44-1.70.070 ***Hearing Procedure.*** Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The designated review authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

44-1.70.080 ***Decision and Conditions of Approval.*** The review authority shall make a decision of whether to approve, approve with conditions, or deny a project. In approving an application for a permit or authorization, the review authority may

establish reasonable conditions to its approval that are found to be necessary to mitigate impacts created by the proposed project, that are consistent with the General Plan, Zoning Code, and other applicable laws, ordinances, standards, or regulations, and that protect the public health, safety, and welfare.

- A. Conditions of approval may be revised in compliance with Section 44-1.90.080 (Revisions to an Approved Permit).
- B. The violation of any required condition shall constitute a violation of this article and may constitute grounds for revocation of the permit or authorization in compliance with Section 44-1.90.090 (Permit Revocation or Modification).
- C. The review authority may require recordation of the conditions of approval.

44-1.70.090 ***Post-Decision Notice.***

- A. Within 10 days of a final decision on an application for an allowed use decision or permit required by this Article, the County shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the County's final action and has provided a self-addressed stamped envelope.
- B. The notice shall contain the final decision by the review authority, any conditions that may have been required, and the findings made to support the decision.

44-1.80 Types of Permits. This section describes zoning permits and the process to review and approve or deny permit applications. The review authority for each permit is identified in Table 44-1.70-1.

44-1.80.010 ***Site Plan Review.*** The purpose of the site plan review process is to ensure compliance with applicable provisions of this chapter. Site plan review is required for all permitted uses identified in Article 44-2 that require a building permit.

- A. Approvals. The Administrator is the designated approving authority for site plan review. Site plan approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance).
- B. Procedure. Site plan review is a ministerial approval. The procedures for site plan review shall be performed prior to issuance of building permit.

44-1.80.020 **Administrative Permit.** An administrative permit is a ministerial zoning action that is subject to specific Zoning Code standards. An administrative permit is required in cases where limited review of a proposed structure or use through the site plan review process is necessary to verify compliance with established standards. The administrative permit shall also be used to establish the legal nonconforming status of a use or structure in compliance with Section 44-1.120 (Nonconforming Uses).

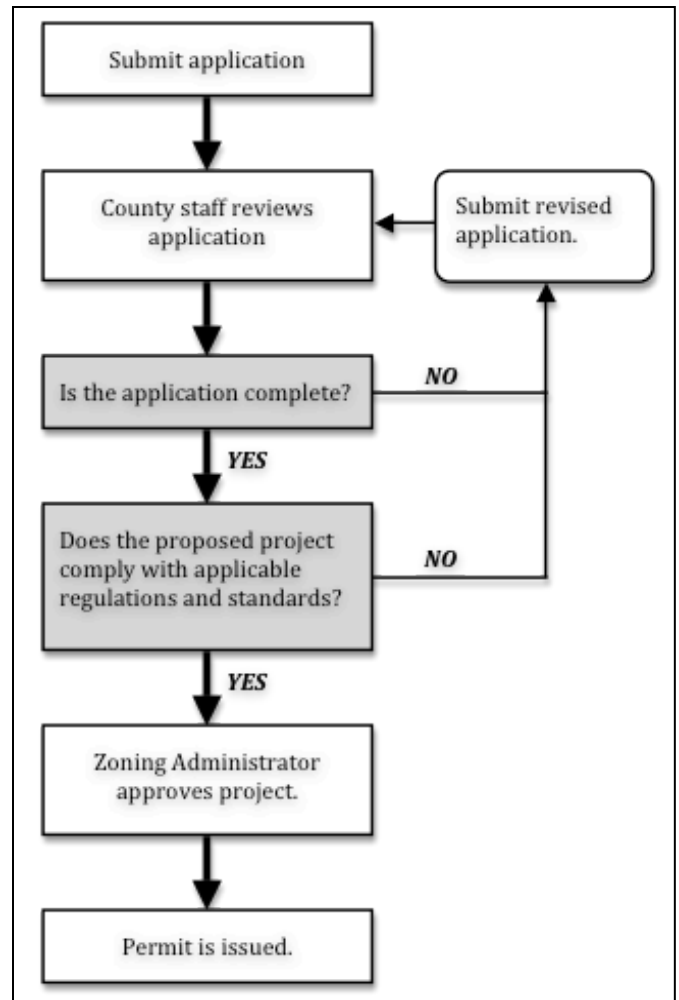
- A. **Timing.** Where Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards) of this Zoning Code requires an administrative permit as a prerequisite to establishing a land use, the administrative permit shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this Zoning Code for the proposed use.

- B. **Procedure and CEQA.** The procedure shall be staff-level without public notice. The issuance of an administrative permit shall be a ministerial project pursuant to CEQA, and shall not be subject to CEQA review.

- C. **Findings for Approval.** When issuing an administrative permit, the Zoning Administrator must find that:

1. The project is consistent with the General Plan, in compliance with the applicable provisions, standards or requirements of this Chapter, any applicable specific plans, or any other regulations adopted by the County through ordinance or resolution; and
2. The project is in compliance with requirements and conditions of previously approved entitlements, such as use permits, or variances, if applicable.

ADMINISTRATIVE PERMIT PROCESS



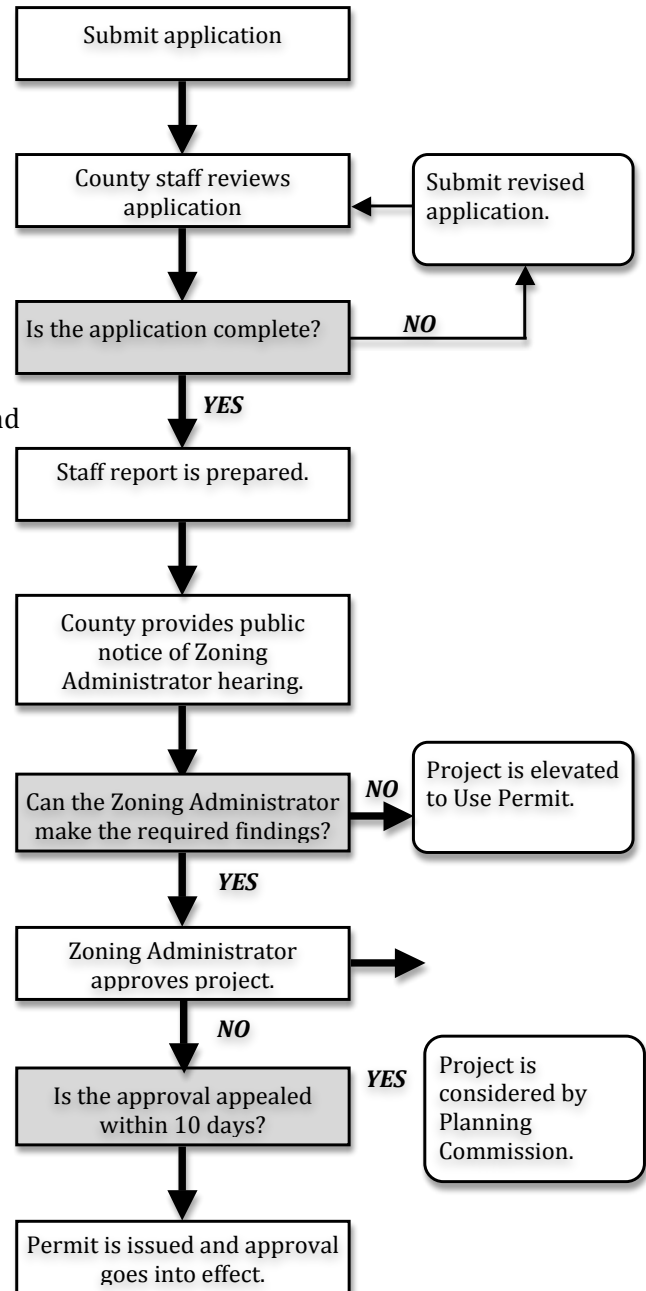
44-1.080.030 **Use Permits.** A use or minor use permit is required for uses that are generally appropriate within a zone but due to their nature require site-specific review and consideration of site design to ensure compatibility with surrounding areas and uses. A use or minor use permit is a discretionary action that enables the County to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public. A use or minor use permit is required for all uses specifically identified as requiring a use permit in Article 44-2 (Zoning Classifications, Allowable Land Uses, and Development Standards) and Article 44-4 (Special Use Regulations) of this chapter.

A. Minor Use Permit Findings.

Minor use permits provide for a review of minor projects or uses that are allowed, but do not meet the standards for administrative review. Unless the Administrator makes the following findings, the project will be processed as a use permit in compliance with this article:

1. The project incorporates design standards that are capable of mitigating potentially significant environmental impacts to a level less than significant; and
2. The project is planned for immediate development and does not include a phased development.

MINOR USE PERMIT PROCESS

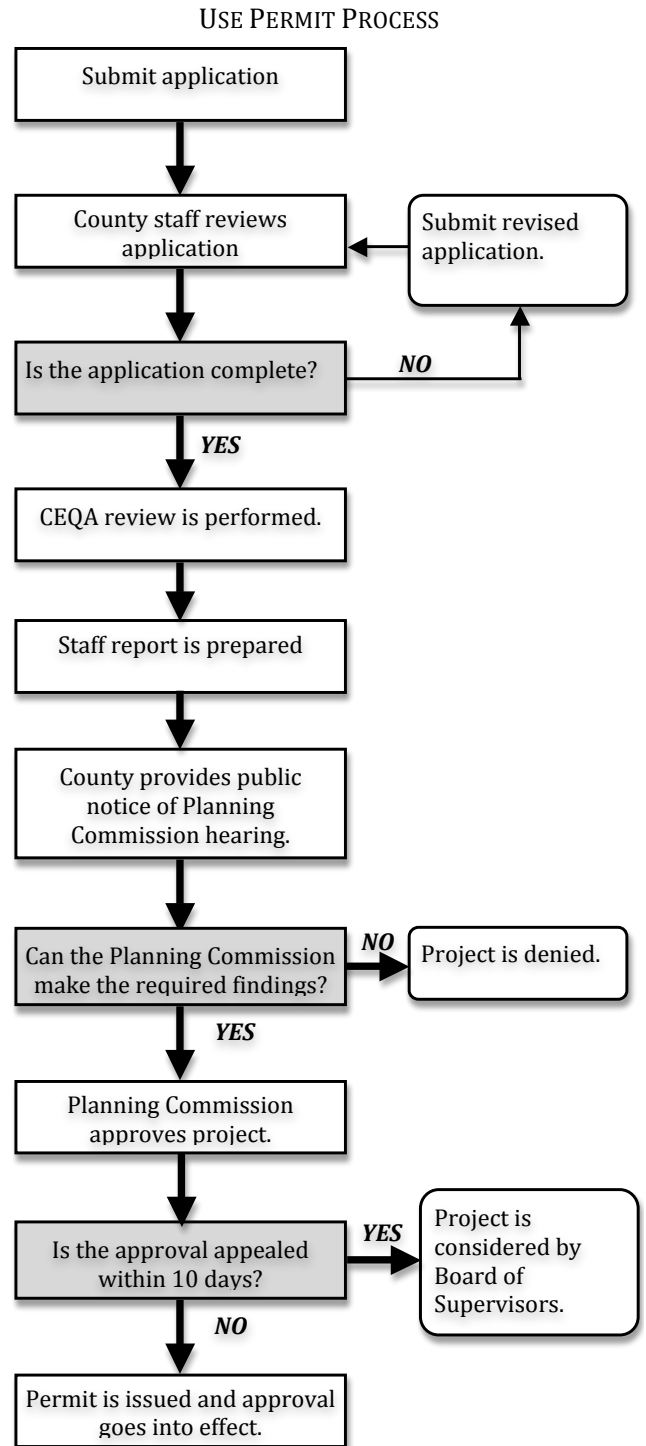


B. Use Permit Findings. Use permits are discretionary and shall be granted only when the review authority determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the General Plan and all applicable provisions of this title.
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use.

A. Conditions. The following standard conditions shall apply to all minor use permits and use permits:

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this Use Permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Zoning Code, including Section 44-1.90.090.
2. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. Minor changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health, or



Public Works or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.

4. The use granted by this permit must be established within two years of the delivery of the countersigned permit to the Permittee. If any use for which a Use Permit has been granted is not established within two years of the date of receipt of the countersigned permit by the Permittee, the permit shall become null and void and re-application and a new permit shall be required to establish the use.
5. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

The review authority may require additional conditions, or remove conditions recommended by staff, to ensure conformance with this chapter and/or to protect public health and safety, including conditions related to:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).
3. Regulation of maintenance and site restoration during and after termination of the use permit. A bond or other form of security acceptable to the review authority may be required prior to the initiation of the use to ensure cleanup after the use is finished.

44-1.80.040 **Temporary Use Permit.** The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit. Also see temporary use provisions in Article 44-4.80 (Temporary Uses).

- A. **Findings.** A temporary use permit shall be granted only when the designated review authority finds that the proposed activity complies with all of the following criteria:
1. The establishment, maintenance or operation of the temporary use will not be detrimental to the public health, safety or welfare of the persons residing or working in the neighborhood or vicinity of the proposed use (e.g., excessive dust, noise, light, odor, or other objectionable characteristics).
 2. The temporary use is in conformance with applicable provisions of this chapter and other regulations of the County, including but not limited to fire access and prevention, security provisions, and access to necessary water and sewer services.
 3. Measures for removal of the use and site restoration have been required.
- B. **Conditions.** The following standard conditions shall apply to all Temporary Use Permits:
1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this temporary use permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Zoning Code, including Section 44-1.90.090.
 2. Unless otherwise provided for in a special condition to this Temporary Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
 3. Minor changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health, or Public Works or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.
 4. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

The review authority may require additional conditions to ensure conformance with this chapter and/or to protect public health and safety, including conditions related to:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).
3. Regulation of maintenance and site restoration during and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the review authority may be required prior to the initiation of the use to ensure cleanup after the use is finished.

44-1.80.050 **Variance.** In accordance with Section 65906 of the California Government Code, a variance request allows the County to grant exception to the development standards and provisions of this chapter in cases where, because of special circumstances applicable to the property, the strict application of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning classifications. A variance approval is required to grant exception from any of the development standards and provisions of this chapter. Variance applications may not be granted for uses or activities not otherwise permitted by zoning classification regulations.

- A. **Findings.** The review authority may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:
1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning classifications.
 2. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which such property is located.
 3. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
 4. That granting the variance is consistent with the objectives of the General Plan and this chapter.

- B. Conditions. The review authority may require conditions for the variance to ensure compliance with this section and other applicable provisions of this chapter.

44-1.80.060 **Minor Variance.** The Zoning Administrator may grant a minor variance from the standards set forth in this Title of up to the limits set forth in the applicable sections, or 25 percent of the area or dimension, whichever is greater, subject to the following procedures:

1. After submittal of a complete application, the Department shall notify property owners within 300 feet of the project by mail of the proposed request;
2. A period of 10 days shall be provided to the adjacent property owners to comment on the proposed request;
3. If an objection is received during the comment period, the Zoning Administrator shall not approve the proposed request, and elevate the review to the Commission. The Administrator may also, at his or her discretion, elevate the review to the Commission regardless of whether an objection is received.
4. If an objection is not received during the comment period, prior to approval of the minor variance the Zoning Administrator must make all of the following findings:
 - a. The proposed waiver or relief does not exceed the limits set forth in this article;
 - b. There are no objections from any adjacent property owner; and
 - c. The proposed waiver or relief will not be detrimental to the public health, safety, and welfare.

44-1.80.070 **Reasonable Accommodation.** This article provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws, building regulations, and other land use regulations, policies and procedures.

- A. Applicability. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law, building regulation, or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This article is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development, improvement, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Paragraph B - Application Requirements.

- B. Application Requirements. Requests for reasonable accommodation shall be submitted on an application form provided by the Department of Planning and Building, or in the form of a letter, to the Director of Planning and Building and shall contain the following information:
1. The applicant's name, address, and telephone number.
 2. Address of the property for which the request is being made.
 3. The current actual use of the property.
 4. The basis for the claim that the individual is considered disabled under the Acts.
 5. The County Code provision, Zoning Code provision, or other regulation or policy from which reasonable accommodation is being requested.
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

If the project for which the request for reasonable accommodation is being made also requires some other approval or permit (including but not limited to: administrative permit, use permit, development plan review, general plan amendment, zone change, etc.), then the applicant shall file the information required by Paragraph B for concurrent review with the application for discretionary approval.

- C. Review Procedure.
1. *Director Review.* The Director, or his designee, shall make a written determination within 30 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 44-1.80.080 (Decisions and Conditions of Approval).
 2. *Other Reviewing Authority.* The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Paragraph D (Findings and Decision) of this section.
 3. *Additional Information.* If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may

request further information from the applicant consistent with the Acts, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty day period to issue a decision is stayed until the applicant responds to the request.

D. Findings and Decision.

1. *Findings.* The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
 - a. Whether the structure or use that is the subject of the request will be used by an individual with a disability protected under the Acts.
 - b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 - c. Whether the requested reasonable accommodation would result in an undue financial or administrative burden on the County.
 - d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning.
 - e. Potential impact on surrounding uses.
 - f. Physical attributes of the property and structures.
 - g. Alternative reasonable accommodations which may provide an equivalent level of benefit.
2. *Conditions.* In granting a request for reasonable accommodation, the reviewing authority may require any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Paragraph (1) above.

44-1.80.080 ***Appeals.*** Any decision by the Director, Zoning Administrator, or Commission may be appealed by the applicant or any other affected party as described below.

A. Eligibility.

1. An appeal may be filed by any person affected by an administrative determination or action by the Director or Zoning Administrator, as described in this article;
2. In the case of a decision with public notice and/or hearing decision described in this article, an appeal may be filed by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed

the County in writing of the nature of their concerns before the hearing or determination.

- B. Filing. An appeal must be filed within 10 days from the decision by the review authority by submitting an appeals request in writing together with the applicable fee to the Board Clerk. The appellant shall clearly identify in the appeal documentation the specific reasons for the appeal and the relief requested.
- C. Scope. The appeal of a decision made by a review authority at a noticed public hearing may be as to the whole decision or only a part of the decision. If an appellant chooses, an appeal may be taken solely from a finding, action, or condition.
- D. Consideration. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:
 - 1. All decisions of the Director are appealable to the Commission and then to the Board.
 - 2. All decisions of the Zoning Administrator are appealable to the Commission and then to the Board.
 - 3. All decisions of the Commission are appealable to the Board.
 - 4. All decisions of the Board are final.
- E. Timing of Hearing. The hearing on an appeal shall be set no more than 45 days from receipt of a completed appeal form and fee. If the Commission or Board meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 45-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.
- F. Withdrawal. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.
- G. Judicial Review. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this chapter until all appeals to the Commission and Board have been first exhausted in compliance with this section.

- H. **Findings and Decision.** The appeal body shall conduct a public hearing in compliance with Sections 44-1.70.060 (Public Notice) and 44-1.70.070 (Hearing Procedure).
1. When reviewing an appeal the review authority may consider any issue associated with the project, including the applicable environmental determination for which a decision is being appealed, in addition to the specific grounds for the appeal.
 2. If new or different evidence is presented during the appeal hearing, the Commission or Board, may refer the matter back to the Director, Zoning Administrator, or Commission, as applicable, for a report on the new or different evidence prior to a final decision on the appeal.
 3. Decision. After a public hearing, the appeal body may:
 - a. Approve, modify, or deny the appealed decision based on the record on appeal and the evidence received at the hearing on appeal; and
 - b. Adopt additional conditions of approval deemed reasonable and necessary.

44-1.90 Permit Implementation, Time Limits, and Extensions. This section provides requirements for the implementation of approved permits and authorizations required by this Zoning Code, including time limits, procedures for granting revisions or extensions of time to an approved permit, and revocation of approvals.

44-1.90.010 **Effective Date.** An administrative permit, use permit, minor use permit, variance, or minor variance shall become effective on the eleventh calendar day following the date of application approval by the review authority, provided that no appeal has been filed in compliance with Section 44-1.80.080 (Appeals) of this chapter.

44-1.90.020 **Effect of Permit Approval.** Development of a new land use authorized through a permit approved in compliance with this chapter shall be established only as approved by the review authority and in compliance with all conditions of approval.

44-1.90.030 **Applications Deemed Approved.** A permit application deemed approved in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Zoning Code, the General Plan, the County's improvement standards, and other adopted policies or regulations which shall be satisfied by the applicant before a building permit is issued or a land use not requiring a building permit is established.

44-1.90.040 **Permits to Run with the Land.** Any permit or authorization that is granted in compliance with this chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and/or becomes void in compliance with Section 44-1-90.070 (Permit Time limits, Extensions, and Expiration) of this article,

provided the project is in compliance with any licensing requirements. All applicable conditions of approval shall continue to apply after a change in property ownership.

44-1.90.050 ***Performance Conditions.***

- A. As a condition of approval of a use permit, minor use permit, variance, minor variance, upon a finding that it is warranted for public health, safety and welfare, the review authority may require a form of surety in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval. The security shall, as required by law or otherwise at the option of the County, be in the form of a performance bond, or other security acceptable to the County, executed by the applicant and a corporate surety authorized to do business in California. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
- B. Security required in compliance with this section shall be payable to the County.
- C. Upon satisfaction of all applicable provisions of this article, the security deposit will be released.
- D. Upon failure to perform any secured condition, the County may perform the condition, or cause it to be done, and may collect from the applicant, and surety in case of a bond, all cost incurred, including engineering, legal, administrative, and inspection costs.

44-1.90.060 ***Effect of Permit Denial.*** If a permit application is either denied by the review authority without appeal, or is denied by an appeal body, no new application for the same or substantially similar proposal shall be filed with the County for at least twelve months from the date of the final decision denying the application or proposal. Any unused portion of the security shall be refunded to the applicant after deduction of the cost of the work.

44-1.90.070 ***Permit Time Limits, Extensions, and Expiration.***

- A. Time Limits. Any permit or approval not exercised within 24 months of the effective date shall expire and become void unless a condition of approval or other provision of this article establishes a different time limit.
 1. The permit shall not be deemed “exercised” until the applicant or property owner has substantially commenced or alteration under an active building permit or, in cases where a building permit is not required, has substantially commenced the allowed use or activity on the site in compliance with the conditions of approval.
 2. After it has been exercised, a planning permit shall remain valid as long as a building permit is active for the project, the applicant has complied with all applicable conditions of approval, and after a final building inspection or certificate of occupancy has been granted.

3. If a project is to be developed in approved phases, each subsequent phase shall be exercised within two years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be void. If the project also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit shall be exercised before the expiration of the tentative map, or the permit shall expire and be void.

B. Time Extensions. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit to be exercised in compliance with the following procedures:

1. The applicant shall file a written request, together with the filing fee required by the County's fee schedule, for an extension of time with the Department before the expiration of the permit. Upon the timely filing of an extension request, permit expiration shall not occur until action by the County on the extension request.

2. The review authority shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant have prevented exercising the permit.

3. A permit may be extended by the review authority for no more than one additional 12-month period, provided that the review authority first finds that there have been no changes in the conditions or circumstances of the site or project such that there would have been grounds for denial of the original project. Modified or additional conditions may be required when a time extension is granted that update the permit where required to protect the public health and safety or to comply with provisions of state or federal law. The decision of the review authority on a time extension may be appealed in compliance with this title.

C. Effect of Expiration. After the expiration of a planning permit in compliance with 44-1.100.070(A) of this section, no further work shall be done on the site until a new planning permit and any required building permit or other County permits are first obtained.

44-1.90.080 **Revision to an Approved Permit.** Development or a new land use authorized through a permit granted in compliance with this Zoning Code shall be established only as approved by the review authority, and in compliance with all conditions of approval, except where a change to the project is approved as follows:

A. An application for the revision to an approved permit is submitted to the Department. The application shall consist of a written description of the proposed modifications, appropriate supporting documentation, plans, or other information deemed necessary by the Director to evaluate the proposed change.

- B. The Director may authorize one or more minor changes to an approved site plan, architecture, landscape plan, parking layout, or the nature of the approved land use where the Director first finds that each change:
 - 1. Is consistent with all applicable provisions of this chapter;
 - 2. Does not involve a feature of the project that was specifically addressed in the conditions of approval or mitigation measures or was the basis for the project approval or findings in a negative declaration or environmental impact report for the project;
 - 3. Is minor and will not adversely affect the surrounding area;
 - 4. Does not substantially alter the original approval; and
 - 5. Does not result in an expansion of the project.
- C. The Director may choose to refer any requested change to the original review authority for review and final action.
- D. **Changes Approved by Original Review Authority.** A proposed change that does not comply with the criteria in Paragraph B of this section shall only be approved by the original review authority for the project through an application amendment. The amendment to the original application request shall be submitted in writing.
- E. If the original approval required a public hearing, the applicable review authority shall hold a public hearing on the proposed amendment in accordance with Sections 44-1.70.060 (Public Notice) and 44-1.70.070 (Hearing Procedure).

44-1.90.090 ***Permit Revocation or Modification.*** The County may revoke, or modify the conditions of approval, of any discretionary permit as provided for in this article.

- A. Review Authority.
 - 1. A permit may be revoked or modified by the review authority which originally approved the permit.
 - 2. In instances where the Zoning Administrator was the review authority, the Zoning Administrator may choose to refer any action to revoke or modify a permit to the Planning Commission for review and final decision.
- B. Public Hearing. Public notice and hearing for any action to revoke or modify a permit shall be conducted in accordance with Sections 44-1.70.060 (Public Notice) and 44-1.70.070 (Hearing Procedure).
- C. Findings. The review authority may revoke or modify a permit only if one or more of the following findings can be made:

1. The applicant or property owner has altered the circumstances under which the permit was granted to a degree that one or more of the findings required to grant the original permit can no longer be made.
 2. Permit issuance was based on misrepresentation by the applicant, either through omission or the making of a false material statement in the application, or in public hearing testimony.
 3. One or more conditions of approval have been violated or have not been complied with or fulfilled.
 4. The use or structure for which the permit was granted no longer exists or has been discontinued for a continuous period of at least 12 months.
 5. The applicant or property owner has failed to accommodate or refused to allow inspections for compliance.
 6. Improvements authorized by the permit are in violation of the Zoning Code or any law, ordinance, regulation, or statute.
 7. The use or structure is being operated or maintained in a manner which constitutes a nuisance.
- D. Effect of Revocation. The revocation of a permit shall have the effect of terminating the approval and denying the use or project granted by the permit.

44-1.100 Development Agreements. This section establishes procedures and requirements for the adoption and amendment of development agreements in compliance with Government Code Section 65864 et seq. A development agreement provides assurances to an applicant of a development project that, upon approval, the project may proceed in accordance with the conditions placed upon it by the review authority, as well as with existing policies, rules, and regulations. Development agreements strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

44-1.100.010 **Review Authority.** The designated approving authority for development agreement applications is the Board, with consideration to the review and recommendation by the Commission in compliance with Sections 44-1.80 (Permit Application and Review Procedures). Approval of a development agreement shall be by ordinance. The approval of a development agreement is a discretionary project pursuant to CEQA.

44-1.100.020 **Findings.** A development agreement may only be granted when the Board makes all of the following findings:

- A. The development agreement is consistent with the General Plan, the County Code, and any other applicable plans or regulations.
- B. The development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be

detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the County as a whole.

- C. The development agreement will promote the orderly development of property or the preservation of property values.
- D. The development agreement specifies the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.
- E. The development agreement is consistent with the requirements of State law, including Government Code Sections 65865 through 65869.5.

44-1.100.030 **Recordation and Filing of Agreement.** Within 10 days after the effective date of a development agreement or any amendment thereof, the Clerk of the Board shall have the agreement or amendment recorded with the County Recorder. Additionally, the Clerk of the Board shall be the official custodian of the agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the agreement.

44-1.100.040 **Amendment, Assignment, or Cancellation.**

- A. Either party may propose an amendment to or cancellation in whole or in part of any development agreement. The applicant may request the assignment of the agreement to another party. The procedure for proposing amending, cancelling, or assigning the development agreement shall be the same procedure for entering into an agreement as set forth in this section.
- B. Any amendment or cancellation shall be by mutual consent of the parties or as otherwise provided in the agreement.

44-1.100.050 **Periodic Review.** The Director shall review the development agreement every 12 months from the date the agreement is entered into and provide a written report to the Board. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the agreement. The applicant shall also pay applicable fees for such review. If the Director finds that any aspect of the development project is not in strict compliance with the terms of the agreement or may warrant consideration by the Board, the Director may schedule the matter before the Board for review. If the Board determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the Board may modify or terminate the agreement.

44-1.110 Zoning Code Amendment. The purpose of a zoning code amendment is to allow modification to any provisions of this chapter (including the adoption of new regulations or deletion of existing regulations) or to change the zoning designation on any parcel(s). This section is consistent with Section 65853 of the California Government Code.

44-1.110.010 **Approving Authority.** The designated approving authority for zoning amendments is the Board. The Director and Commission provide recommendations and the Board approves, conditionally approves, or denies the zoning amendment in accordance with the requirements of this section.

44-1.110.020 **Initiation of Amendment.** A zoning amendment to this chapter may be initiated by motion of the Board or Commission, by application by property owner(s) of parcel(s) to be affected by zoning amendment, or by recommendation of the Director to clarify text, address changes mandated by state law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the County.

44-1.110.030 **Findings for Zoning Amendment (Text or Map).** Zoning amendments shall be granted only when Board makes the following findings:

- A. The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

44-1.110.040 **Conditions/Restrictions.** When considering rezone applications, the Board has the authority to require restrictions on property including the restriction of use.

44-1.120 **Nonconforming Uses.**

44-1.120.010 **Provisions.** Existing uses, structures and buildings, and lots or parcels which do not conform to the regulations of the zone in which they are located shall be subject to these specific regulations. Within the zoning classifications established by this chapter, as it may be amended, there exist lots, structures and uses which were legal prior to the effective date of the provisions codified in this chapter or future amendments thereof, but which would be prohibited, regulated or restricted by the terms of such provisions on the effective date. Such lots, structures and uses are herein called "legal nonconformities." Legal nonconformities may be continued notwithstanding the prohibition, regulation, or restriction of those provisions subject to the provisions of this chapter.

44-1.120.020 **Purpose.** It is the purpose of this section to establish procedures to permit the continued operation of nonconforming uses where the nonconforming uses are appropriate while eliminating nonconforming uses through abandonment, obsolescence, or destruction.

44-1.120.030 **Types of Nonconforming Uses.** As used in this chapter, the term nonconforming uses includes several types of nonconformities. Several distinct types of nonconformities can be distinguished from one another. These include:

- A. Nonconforming building. That situation which occurs when a building or structure does not conform to the zone regulations because of size, height, location, materials, or proximity to other buildings;
- B. Nonconforming use of a building. That situation which occurs when the use of a building or structure does not conform although the building or structure does;

- C. Nonconforming uses of land. That situation where the use of the land regardless of any buildings or structures does not conform; and
- D. Conditional use without use permit. That situation where a use which is listed as a conditional use of the zone in which it is located does not have a use permit.

For the purposes of this chapter these various nonconformities shall be known as nonconforming uses.

44-1.120.040 ***Continued Use of a Legal Nonconforming Use.*** Except as otherwise provided, any use, building or structure, existing on the effective date of this chapter may be continued even though such use, building or structure may not conform with the regulations of the zone in which it is located. Provided, however, that such use must have been lawfully established and not in violation of any ordinance, statute or regulation in effect at the time. Furthermore, such use, structure or building must have been in existence at the time, not merely contemplated. Use permits, variances, building permits, or other permits not exercised within the required time do not establish the right to a legal nonconforming use. Pursuant to law, the party asserting a right to a nonconforming use has the burden of proof to establish the lawful and continuing existence of the use at the time of the enactment of the ordinance, statute, or regulation.

44-1.120.050 ***Change or Expansion of Nonconforming Use.*** Except as otherwise provided, no nonconforming use shall be expanded, enlarged, extended, reconstructed, substituted, or structurally altered unless made to conform to the use standards, and regulations for the zone within which it is located. Provided, however, that any nonconforming use may be changed to another nonconforming use, expanded, enlarged, extended, reconstructed, or structurally altered upon obtaining a use permit. When considering a use permit for a nonconforming use, the reviewing authority shall grant the use permit when it finds that the change, expansion, enlargement, extension, reconstruction or structural alteration of such use will not conflict with, impair or be detrimental to the uses both permitted and conditional of the zone in which it is located and/or adjoins. This finding shall be in addition to the findings required by Section 44-1.080.030. Pursuant to Section 44-1.080.030, the reviewing authority may require conditions upon the issuance of the use permit which are reasonably related to the use of the property for which the use permit is requested. In addition, the reviewing authority may at its own discretion establish a date for either the termination of the use or review of the use permit. Whenever a nonconforming use has been changed to conform to the uses, standards, and regulations of the zone in which it is located, it shall not subsequently be changed to a nonconforming use. Agricultural uses and agricultural operations are exempt from these requirements.

44-1.120.060 ***Residential Substitution Permitted.*** The substitution of a single nonconforming residential building or structure is permitted subject to a review and conditions required by the Director. Such conditions shall be limited to setbacks, yards, locations, height, and placement of the building or structure on the property.

Substitution of a nonconforming mobile home shall be considered a permitted residential substitution under the terms of this chapter.

44-1.120.070 ***Maintenance and Repairs for Safety.*** Nothing in this chapter shall prevent the normal, ordinary, customary maintenance of a nonconforming use provided that such maintenance does not include major structural alterations which have the effect of expanding, enlarging or extending the nonconforming use. Nothing in this chapter shall prevent any such repair, alteration or restoration to a safe condition of any portion of a nonconforming use when so directed by the Director upon a finding that such is necessary for the protection of the public health and safety.

44-1.120.080 ***Construction, Use Permits, and Amendments.***

- A. Nothing in this chapter shall require any change in the plans, construction size, or designated use of any land, building, or structure for which building permits have been issued in accordance with the provision of this chapter or ordinances then in effect. Provided, however, that the actual use or construction under such permit has started prior to the effective date of this chapter and in all such cases be carried out in a normal manner until completion.
- B. Except as provided by this section and Section 44-1.80.030, any rezoning or subsequent amendment of this chapter which has the effect of eliminating a particular conditional use or changing the conditions under which a particular conditional use may be allowed shall remain valid, unless specifically stated to the contrary in the amending ordinance. Subject to the limitations of this section and Section 44-1.80.030, any such use permits shall remain valid and may be used, extended, transferred, or modified through amendment pursuant to Section 44-1.80.030. No extension of a use permit shall be granted following such rezoning or amendment unless the applicant makes a satisfactory showing to the reviewing authority that there have been substantial expenditures made in reliance upon the continued effectiveness of the use permit within the prescribed time period and/or the inability to complete the project authorized by the use permit is due to reasons beyond the applicant's control.

44-1.120.090 ***Nonconforming Parcels of Record.*** Except as otherwise provided in this chapter or where specifically merged under the provisions of Section 66499.11 et seq., of the Government Code, any legally established parcel of land of record having less than the minimum width or frontage required for the zone in which it is located, may be used for a permitted use provided that the parcel:

- A. Meets the other area or dimensional standards and requirements for the proposed use unless granted a variance or minor variance; and
- B. Meets the requirements of the Colusa County Health Division for the provisions of water and sewage disposal.

44-1.120.100 ***Abandonment of Nonconforming Use.***

- A. **Abandonment – Consequences.** A nonconforming use shall be abandoned when it is voluntarily discontinued with the intent not to resume it. There shall be a presumption that a nonconforming use which has been discontinued for a period of twelve consecutive months has been abandoned; however, the property owner, occupant or other party asserting the right to a legal nonconforming use has the burden of proving the legal and continuing existence of the use. Once abandoned, a nonconforming use shall no longer be a legal nonconforming use entitled to the rights and privileges described in this chapter and thereafter shall be made to conform to the uses, standards, and requirements of the zone in which it is located.
- B. **Determination of Abandonment – Appeal.** The Director, at his or her sole discretion, may determine whether or not a nonconforming use has been abandoned and may mail notice of such determination to the property owner using the address from the latest equalized assessment roll of the County of Colusa and to the occupant at the street address of the property. The property owner or occupant may, within fifteen days of the mailing of said determination, appeal the determination to the Board. If no such appeal is filed, the determination of the Director shall be final. If such appeal is filed, it shall be filed and heard in the same manner as appeals pursuant to Section 44-1.70.010 (Review Authority) and Section 44-1.80.080 (Appeals).

44-1.120.110 ***Restoration of Nonconforming Buildings or Structures.*** A nonconforming building or structure which does not conform to the required side yard, rear yard, or street setback areas, which is in need of restoration by demolition totally or in part, may be restored to a total floor area or to the same extent as the original only upon securing a use permit pursuant to Section 44-1.80.030.

44-1.120.120 ***Restoration of Nonconforming Uses.*** A nonconforming use, building, or structure catastrophically damaged or destroyed totally or in part may be restored to a total floor area or to the same extent as the original without a use permit. Provided, however, that any expansion, enlargement, or extension of the nonconforming use be allowed only upon securing a use permit pursuant to Section 44-1.80.030. Any such restoration or reconstruction of a nonconforming use not requiring a use permit shall commence within twelve months and be completed within twenty-four months of the time of damage or it shall be deemed abandoned. Upon application to the planning commission an extension of time for the restoration of a nonconforming use may be granted not to exceed five years in total.

44-1.120.130 ***Nonconforming Building or Structure – Relocation.*** A nonconforming building or structure shall not be moved to any other lot or to any other portion of the lot in which it is presently located unless, as a result of the move, the building or structure conforms to the regulations of the zone in which it will be located after the move.

44-1.120.140 ***Nonconforming Use and Building – Additions, Enlargements, Repairs.*** Except where ordered by the building inspector to protect the health and safety of the occupant, there shall be no addition or alteration of any building or structure where the use of land and the structure are both nonconforming.

44-1.130 Enforcement.

44-1.130.010 **Issuance of Permits, Certificates, and Licenses.** All departments, officers, and public employees vested with the duty or authority to issue permits or licenses shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this Zoning Code. Any permit, certificate or license issued in conflict with the provisions of this Zoning Code shall be null and void.

44-1.130.020 **Enforcement.** The Director shall be responsible for the primary enforcement of the provisions of this chapter. The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the county agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this chapter and the County Code.

44-1.130.030 **Penalties for Violations.** Any person, whether principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. Abatement of the violation shall be required and shall be conducted in accordance with Chapter 42.

44-1.130.040 **Public Nuisance and Abatement.** Any building or structure, or any use of property contrary to or in violation of this chapter is a public nuisance, as established by Chapter 42. All abatement and enjoinder proceedings shall be conducted in accordance with Chapter 42.

Should a violation of a condition of approval of a permit not be corrected in a reasonable timeframe, the County may undertake proceedings to revoke the permit in accordance with Article 44-1.90.090 (Permit Revocation or Modification).

44-1.130.050 **Remedies Cumulative.** The remedies provided herein shall be cumulative and not exclusive.

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