



## INDIVIDUAL REVIEW & HOME IMPROVEMENT EXCEPTIONS REVIEW PROCESS

### 18.77.075 Low-density Residential Review Process

#### (a) Applications Subject to Low-density Residential Review Process

The following applications are subject to the review process set forth in this section:

- (1) Individual review (IR) applications, home improvement exception (HIE) applications; and
- (2) Other permits and approvals for which such review process is required by the provisions of this title (Zoning).

#### (b) Notice of Application Submittal

Within three days of submittal of an application, notice that the application has been submitted shall be given by mail to owners and residents of property adjacent to the subject property, and shall be posted at the subject property until approval, denial or withdrawal of the application. The notice shall include the name of the applicant; the address of the proposed project; and information on when and how comments will be accepted by the city. The mailed notice shall also include a description of the project.

#### (c) Comment Period

The comment period shall be twenty-one days beginning on the third business day after an application is submitted. If notice is mailed or posted on a later date, the comment period shall begin on the later date. Written comments received by the city during this period shall be considered as part of the staff review. Only one comment period is required. If plans are revised during or following the comment period, a statement that the plans have been revised shall be included in the notice of the proposed director's decision set forth in subsection (e).

#### (d) Decision by the Director

Following completion of the comment period and any staff review:

- (1) The director shall prepare a proposed written decision to approve, approve with conditions, or deny the application.
- (2) Notice of the proposed director's decision shall be mailed to owners and residents of property adjacent to the subject property, and any person who has made a written request for notice of the decision. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if no hearing is requested, and a description of how to request a hearing.

(3) The proposed director's decision shall become final fourteen days after the date notice is mailed unless a request for a hearing is filed.

(4) The applicant or the owner or occupier of an adjacent property may request a director's hearing on the proposed director's decision by filing a written request with the planning division before the date the proposed director's decision becomes final. There shall be no fee required for requesting such a hearing.

(5) The time limits set forth in this subsection (d) may be extended upon the written request of the applicant.

**(e) Director's Hearing (Upon Request)**

(1) Following the filing of a timely hearing request of a proposed director's decision the director shall hold a hearing on the application. A hearing request received after the expiration of the time limits set forth in subsection (d)(3) shall not be considered.

(2) Notice of the director's hearing shall be mailed ten days prior to the hearing to the project applicant, to owners and residents of property adjacent to the subject property, and to any person who has made a written request for such notice. Notice shall include the address of the property, a brief description of the proposed project, and the date, time and location of the hearing.

(3) At the time and place set for hearing the director shall hear evidence for and against the application or its modification. The hearing shall be open to the public.

**(f) Final Director's Decision**

(1) The director shall issue a written decision approving, approving with conditions, or denying the project application within fourteen days of the hearing.

(2) Notice of the director's decision shall be mailed to the project applicant, the owners and occupants of all adjacent properties, and any person requesting notice of the decision. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if no appeal is filed, and a description of how to file an appeal.

(3) The director's decision shall become final fourteen days after the date notice is mailed unless an appeal is filed. The director may, for good cause, specify in writing a longer period for filing an appeal at the time he or she issues the proposed decision.

(4) The applicant or the owner or occupier of an adjacent property may file an appeal of the director's decision by filing a written request with the City Clerk before the date the director's decision becomes final. The written request shall be accompanied by a fee, as set forth in the municipal fee schedule.

**(g) Decision by the City Council**

If a timely appeal is received by the City, the director's decision on the application shall be placed on the consent calendar of the city council within 30 days. The city council may:

(1) Adopt the findings and recommendation of the director; or

(2) Remove the recommendation from the consent calendar, which shall require four votes, and set the application for a new hearing before the city council, following which the city council shall adopt findings and take action on the application.

**(h) Decision by the City Council Final**

The decision of the city council is final.

(Ord. 4869 § 39, 2005)

**18.77.080 Notice**

**(a) General Provisions**

When notice is required by provisions of this chapter, it shall be given in accordance with this section. Compliance with the procedures set forth in this chapter shall constitute a good faith effort to provide notice, and the failure of any owner or occupant to receive notice shall not prevent the city from proceeding with the hearing or from taking any action or affect the validity of any action. Typographical and/or publishing errors shall not invalidate the notice or any city action if the error is not prejudicial.

**(d) Notice by Mail**

When notice by mail is required, the notice shall be mailed to owners of real property as shown on the latest equalized assessment rolls or such other interim record as may be provided by the county assessor. When mailing notice to occupants, using the addresses listed in the city's Geographic Information System (GIS) constitutes a good faith effort to provide such notice. When notice by mail to adjacent property owners and residents is required, "adjacent properties" means those properties sharing a common boundary with the subject property, the property or properties located directly across the street, and the next properties located diagonally across the street from the subject property.

**18.77.090 Expiration of Approvals**

**(a) Expiration – General**

Permits and approvals shall automatically expire after twelve months, unless otherwise provided in the permit or approval, from and after the date of issuance of the permit or approval if within such twelve month period, the proposed use of the site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of the permit or approval. The director may, without a hearing, extend such time for a maximum period of twelve additional months only, upon application filed with him or her before the expiration of the twelve-month limit, or the expiration of such limit as may be specified by the conditions of the approval.