

RESOLUTION NO. PC 2021-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMARILLO RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE ZONING ORDINANCE OF THE CAMARILLO MUNICIPAL CODE TO CREATE A DIRECTOR LEVEL CONDITIONAL USE PERMIT PROCESS AND ALLOW FOR CERTAIN USES SUBJECT TO DIRECTOR LEVEL APPROVAL OF A CONDITIONAL USE PERMIT

The Planning Commission of the City of Camarillo resolves as follows:

SECTION 1. General Findings. The Planning Commission finds as follows:

A. The purpose of the proposed ordinance is to amend the Camarillo Municipal Code (CMC) Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, and 19.32, related to the permitting of the off-sale of alcoholic beverages with an approved restaurant; breweries, wineries, and distilleries, and tasting rooms; and day care nurseries, short-term; and amending and restating CMC Chapter 19.62, to create a director level conditional use permit (CUP) approval process.

B. The Planning Commission is authorized by Chapter 19.72 of the CMC to review and make recommendations on any proposed zoning-related ordinance that seeks to amend Title 19 of the CMC.

C. On October 19, 2021, the Planning Commission conducted a duly noticed public hearing to consider the proposed ordinance amending CMC Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, 19.32, and 19.62 and has considered all testimony and information presented at the hearing.

D. After reviewing the evidence presented, the City Council finds that the proposed ordinance is consistent with the City's General Plan because the proposed uses listed subject to a Director Level-approved CUP currently exist within the subject zones and no new uses are proposed. Additionally, the Director Level CUP would allow for streamlined review of certain uses, is appealable to the Planning Commission, and does not grant any additional by right approvals, which allows the City to ensure the use is compatible with the surrounding area and uses.

E. After reviewing the evidence presented, the Planning Commission further finds that the proposed ordinance is consistent with the City's Economic Development Strategic Plan because the ordinance provides for a streamlined review process, shorter review period, and lower permitting fees for uses that are good for the community, and is expected to take substantially less time to process than a traditional CUP issued by the Planning Commission, allowing staff to expedite permit review and authorize additional uses that will progress the City's goal of economic development.

SECTION 2. Environmental Findings. The recommendation on the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the item will not result in a direct or reasonably foreseeable indirect physical change in the environment; Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, directly or indirectly; and Section 15061(b)(3), because the item is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and Section 15378(b)(5), because this item involves an administrative activity that will not result in a direct or indirect physical change to the environment. Therefore, this item is exempt from CEQA.

SECTION 3. Recommendation of Approval. Based on the above findings, and after receiving evidence and testimony at a public hearing, the Camarillo Planning Commission recommends approval of the proposed ordinance, attached as Exhibit A, to the City Council.

SECTION 4. Office of Record. The record of Proceedings upon which this decision is based is located in the Department of Community Development, which is the office of record for the same.

PASSED, APPROVED AND ADOPTED on October 19, 2021, by the Planning Commission with the following vote:

AYES: Chair Talmadge, Vice-Chair Espinosa, Commissioners Edsall, Murphy, and Vandermeulen

NOES:

ABSENT:

ABSTAINED:



Chairman of the Planning Commission



Secretary to the Planning Commission

EXHIBIT A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING THE CAMARILLO MUNICIPAL CODE TO CREATE A DIRECTOR LEVEL CONDITIONAL USE PERMIT (CUP) PROCESS AND ALLOW FOR CERTAIN USES SUBJECT TO A DIRECTOR LEVEL APPROVAL OF A CONDITIONAL USE PERMIT

The City Council of the City of Camarillo ordains as follows:

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

A. The City of Camarillo's General Plan Land Use Element characterizes Commercial Uses to achieve a balance of commercial areas that will provide for the retail business, professional and service needs of the residents of Camarillo, as well as attracting customers from the surrounding service areas.

B. The purpose of this ordinance is to streamline the permitting process for certain uses that traditionally have low impact to the surrounding area and community, while promoting economic development by creating a director level conditional use permit approval (Director Level CUP) process. This ordinance also implements some nonsubstantive clean-up amendments that restate existing code provisions so it more clearly addresses historical interpretation and application of such provisions.

C. On October 19, 2021, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendments to CMC Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, 19.32, and 19.62 and voted to recommend to the City Council that they adopt the proposed ordinance.

D. On _____, 2021, the City Council conducted a duly noticed public hearing to consider the ordinance and the proposed amendments to CMC Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, 19.32, and 19.62.

E. After reviewing the evidence presented, the City Council finds that the proposed ordinance is consistent with the City's General Plan because the proposed uses listed subject to a Director Level CUP process currently exist within the subject zones and no new uses are proposed. Additionally, the Director Level CUP process would allow for streamlined review of certain uses, is appealable to the Planning Commission, and does not grant any additional by right approvals, which allows the City to ensure the use is compatible with the surrounding area and uses.

F. After reviewing the evidence presented, the Planning Commission further finds that the proposed ordinance is consistent with the City's Economic Development Strategic Plan because the ordinance provides for a streamlined review process, shorter review period, and lower permitting fees for uses that are good for the community, and is expected to take substantially less time to process than a traditional conditional use permit issued by the Planning Commission, allowing staff to expedite permit review and authorize additional uses that will progress the City's goal of economic development.

SECTION 2. Environmental Review. The proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”) under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the item will not result in a direct or reasonably foreseeable indirect physical change in the environment; Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, directly or indirectly; and Section 15061(b)(3), because the item is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and Section 15378(b)(5), because this item involves an administrative activity that will not result in a direct or indirect physical change to the environment. Therefore, this item is exempt from CEQA.

SECTION 3. Chapter 19.21 Camarillo Commons Mixed-Use (CCM) Zone of the CMC is amended as follows:

A. Section 19.21.020.22 is amended and restated as follows:

“22. [intentionally deleted];”

B. Section 19.21.045 is added as follows:

“19.21.045 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Camarillo Commons Mixed-Use (CCM) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;

B. Day care nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165.”

SECTION 4. Chapter 19.22 Professional Office (P-O) Zone of the CMC is amended as follows:

A. Section 19.22.040.11 is amended and restated as follows:

“11. [intentionally deleted];”

B. Section 19.22.045 is added as follows:

“19.22.045 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Professional Office (P-O) Zone if a conditional use permit is approved by the director in the manner provided in Chapter

19.62:

A. Day care nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165.”

SECTION 5. Chapter 19.23 Village Commercial Mixed-Use (CMU) Zone of the CMC is amended as follows:

A. Section 19.23.020.V is amended and restated as follows:

“V. [intentionally deleted];”

B. Section 19.23.045 is added as follows:

“19.23.045 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Village Commercial Mixed-Use (CMU) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;

B. Day care nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165.”

SECTION 6. Chapter 19.24 Commercial Neighborhood (C-N) Zone of the CMC is amended as follows:

A. Section 19.24.025.C is amended and restated as follows:

“C. [intentionally deleted];”

B. Section 19.24.045 is added as follows:

“19.24.026 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Commercial Neighborhood (C-N) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;

B. Day care nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165.”

SECTION 7. Chapter 19.25 Camarillo Old Town (COT) Zone of the CMC is amended as follows:

A. Section 19.25.020.25 is amended and restated as follows:

“25. [intentionally deleted];”

B. Section 19.25.045 is added as follows:

“19.25.045 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Camarillo Old Town (COT) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;

B. Day care nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165.”

SECTION 8. Chapter 19.26 Commercial Planned Development (CPD) Zone of the CMC is amended as follows:

A. Section 19.26.030.23 is amended and restated as follows:

“23. [intentionally deleted];”

B. Section 19.26.045 is added as follows:

“19.26.045 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Commercial Planned Development (CPD) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;

B. Day care nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165.”

SECTION 9. Chapter 19.27 Service Commercial (SC) Zone of the CMC is amended as follows:

A. Section 19.27.040.A.3 is amended and restated as follows:

“3. [intentionally deleted];”

B. Section 19.27.041 is added as follows:

“19.27.041 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the SC Service Commercial (SC) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

- A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;
- B. Breweries, wineries, and distilleries, with or without tasting areas, including retail sales of alcoholic beverages manufactured on-site that will be consumed off the premises.”

SECTION 10. Chapter 19.28 Limited Manufacturing (L-M) Zone of the CMC is amended as follows:

- A. Section 19.28.050.A.2 is amended and restated as follows:
“2. [intentionally deleted];”
- B. Section 19.28.051 is added as follows:

“19.28.051 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Limited Manufacturing (L-M) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

- A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;
- B. Breweries, wineries, and distilleries, with or without tasting areas, including retail sales of alcoholic beverages manufactured on-site that will be consumed off the premises.”

SECTION 11. Chapter 19.30 Light Manufacturing (M-1) Zone of the CMC is amended as follows:

- A. Section 19.30.040.A.3 is amended and restated as follows:
“3. [intentionally deleted];”
- B. Section 19.30.041 is added as follows:

“19.30.041 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the Light Manufacturing (M-1) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

- A. Alcoholic beverages, off-sale in conjunction with an approved restaurant;

B. Breweries, wineries, and distilleries, with or without tasting areas, including retail sales of alcoholic beverages manufactured on-site that will be consumed off the premises.”

SECTION 12. Chapter 19.32 General Manufacturing (M-2) Zone of the CMC is amended as follows:

A. Section 19.32.040.A.3 is amended and restated as follows:

“3. [intentionally deleted];”

B. Section 19.32.045 is added as follows:

“19.32.045 - Uses requiring conditional use permits that may be approved at the director level.

The following uses may be permitted in the General Manufacturing (M-2) Zone if a conditional use permit is approved by the director in the manner provided in Chapter 19.62:

A. Breweries, wineries, and distilleries, with or without tasting areas, including retail sales of alcoholic beverages manufactured on-site that will be consumed off the premises.”

SECTION 13. Chapter 19.62 (Conditional Use Permit) of the CMC is amended as set forth in Attachment A.

SECTION 14. 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 15. 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 , 2021.

Charlotte Craven, Mayor

ATTEST:

Jeffrie Madland, City Clerk

APPROVED AS TO FORM

Brian A. Pierik, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF CAMARILLO)

I, Jeffrie Madland, City Clerk of the City of Camarillo, do hereby certify that the foregoing Ordinance No._____, was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the__day of_____, 2021. That thereafter, said Ordinance No.____was duly adopted and passed at a regular meeting of the City Council on the_____day of_____, 2021, by the following vote:

AYES: COUNCILMEMBERS:

NOES:

COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Jeffrie Madland, City Clerk

ATTACHMENT A

Chapter 19.62 - CONDITIONAL USE PERMIT

19.62.010 - Intent and purpose.

- A. The conditional use permit is intended for those types of land uses which require special consideration in a particular zone or in the city as a whole due to: the size of the area needed for full development of such use; the unusual traffic, noise, vibration, smoke or other problems incidental to its operation; special locational requirements not related to zoning; or to the effect that such uses may have on property values, health, safety, and welfare in the neighborhood or in the community as a whole. It is also for uses whose approximate location is indicated on the general plan but whose exact location and arrangement must be carefully studied. In granting the permit, certain safeguards to protect the health, safety, and general welfare may be required as conditions of approval.
- B. Uses existing on the effective date of the ordinance codified in this chapter which are listed as permitted subject to conditional use permit or special use permit in the zone in which they are located may continue without securing such a permit; however, any extension or expansion of such use may require a conditional use permit for such extension or expansion.
- C. Uses listed in the individual zones as "uses permitted by conditional use permit" may be permitted in such zones subject to the provisions of this section. The community development director ("director") or planning commission ("commission") is authorized to review and approve or disapprove the use. The director or commission's action is final unless appealed in accordance with this chapter.

19.62.020 - Uses permitted in all zones subject to conditional use permit.

The following uses may be permitted pursuant to the issuance of a conditional use permit in accordance with this section in any zone except where expressly prohibited:

- A. Temporary construction office and yard on or adjacent to where a project has been approved;
- B. Public utility structures and installations;
- C. Radio or television transmitters.

19.62.030 - Conditional use permit findings and conditions.

Before any conditional use permit is approved, the applicant must show and the director or planning commission must so find as follows:

- A. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title;
- B. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;
- C. That the site for the intended use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls or fences, landscaping and other features required in order to adjust the use to those existing or permitted future uses on land in the neighborhood;
- D. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use;
- E. That the conditions set forth as part of the approval of the conditional use permit are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include:
 - 1. Regulation of use,
 - 2. Special yards, spaces and buffers,

3. Fences and walls,
4. Surfacing of parking areas subject to city specifications,
5. Requiring street, service road or alley dedications and improvements or appropriate bonds,
6. Regulation of points of vehicular ingress and egress,
7. Regulation of signs,
8. Requiring landscaping and maintenance thereof,
9. Requiring maintenance of the grounds,
10. Regulation of noise, vibration, odors, etc.,
11. Regulation of time for certain activities,
12. Time period within which the proposed use shall be developed,
13. Phasing of improvements,
14. Type of materials to be utilized in the construction,
15. Duration of use, and
16. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.

19.62.040 - Procedure—Application.

- A. Filing. Each application for conditional use permit must be verified before a notary public by the owner of the land or building, or the lessee of the land or building having a leasehold interest of not less than twenty-five years.
- B. Form and Contents. Applications must be made to the director or planning commission on forms furnished by the planning department and must be full and complete, including such data as an ownership list and map of all property owners within a six-hundred-foot radius of the subject property taken from the last equalized ownership list and additional information that may be prescribed by the director or commission to assist in determining the validity of the request. Incomplete applications will not be accepted for filing.

Development plans and elevations of the proposed development must be submitted as a part of any application with sufficient number as determined by the director in accordance with the following:

1. An accurately dimensioned plot plan showing existing and proposed topography, all proposed building, parking, landscaping areas, walls and all existing or proposed streets within a three-hundred-foot radius of the property;
2. The dimension of all yards, setbacks, parking area, driveways and square footage of all building landscaping and building coverage;
3. The elevation of all buildings proposed with a notation of the type of material proposed in addition to a color and material sample.

19.62.050 - Procedure—Filing fee.

When the application for a conditional use permit is filed, a uniform fee as set forth by city council resolution must be paid for the purpose of defraying the costs incidental to the proceedings.

19.62.060 - Procedure—Investigation.

The planning department may investigate the facts bearing on the case to provide the information necessary for action consistent with the intent of this title and the general plan, and will report the findings to the director or commission, as appropriate for their approval.

19.62.061 - Procedure—Director review.

- A. An administrative review of the requested conditional use permit will be conducted by planning department staff and presented to the director for review following compliance with the California Environmental Quality Act.
- B. Notice of the director administrative review will be provided in accordance with Chapter 19.84.

19.62.062 - Procedure—Director administrative review and notice thereof.

- A. The director will, not less than ten nor more than thirty days after the publication of the legal notice of an administrative review on a conditional use permit petition, conduct the administrative review unless continued by the director.
- B. At the administrative review, the director may consider all relevant evidence, including but not limited to applicable staff reports and public testimony. The director will give any interested person a reasonable opportunity to provide comment in conjunction therewith. Based upon the evidence so presented, the director will issue their decision on the application.
- C. The director will announce and record in writing their decision within thirty days after the conclusion of the administrative review. The decision will set forth the findings of the director and any conditions deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the city as a whole. The findings will be based on substantial evidence in view of the whole record.
- D. The decision and findings will be mailed to the applicant at the address shown on the application. The action of the director is final unless appealed pursuant to this chapter.

19.62.063 - Director decisions—Appeals—Planning Commission review.

- A. The applicant and any interested person have the right to appeal the decision of the director on an administrative conditional use permit to the planning commission before it becomes final. The timely filing of an appeal will stay the decision of the director to which the appeal relates, pending the planning commission action on the matter. 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. This appeal will follow the procedures set forth in Sections 19.62.070 and 19.62.080.

19.62.070 - Procedure—Planning commission public hearing date and notice.

- A. The hearing date will be set by the community development department following compliance with the California Environmental Quality Act.
- B. Notice of the public hearing will be provided in accordance with Chapter 19.84.

19.62.080 - Procedure—Planning commission public hearing, conduct recommendation, and notice thereof.

- A. The planning commission will, not less than ten nor more than thirty days after the publication of the legal notice of a public hearing on a conditional use permit petition, hold the public hearing unless continued by the planning commission.
- B. At the hearing, the planning commission may consider all relevant evidence, including but not limited to applicable staff reports and public testimony. The planning commission will give any interested

person a reasonable opportunity to present testimony in conjunction therewith. Based upon the evidence so presented, the planning commission will issue their decision on the application.

- C. The planning commission will announce and record in writing its decision within thirty days after the conclusion of the public hearing. The decision will set forth the findings of the planning commission and any conditions deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the city as a whole. The findings will be based on substantial evidence in view of the whole record.
- D. The decision and findings will be filed with city council within ten days after its announcement, and a copy thereof will be mailed to the applicant at the address shown on the application. The action of the planning commission is final unless appealed, pursuant to this chapter.

19.62.090 - Planning commission decisions—Appeals—Council reviews.

- A. Effective Date of Planning Commission Decision. Decisions of the planning commission granting, denying or conditionally granting an application for a conditional use permit ("CUP") is 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 19.62.090.
- 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 CUP will not be valid or effective for any purpose unless it meets all of the following requirements:
 - 1. Each such appeal must be in writing on a form provided by the director of planning and community development of the city ("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 three hundred feet of the lot lines of the lot or lots which are the subject of the CUP, or
 - c. Any interested person.
- C. Effectiveness of an Appeal. No appeal will be deemed complete nor effective for any purpose unless it complies with all of the provisions of this Section 19.62.090.
- D. Review by City Council. Notwithstanding any of the provisions of this Section 19.62,090 to the contrary, 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 19.62.090 may issue an order to review, de novo, a planning commission decision relating to a CUP .
- 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 CUP.
- 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.

19.62.100 - Time limit for development.

Unless otherwise stated by the director, planning commission, or council, the time limit for commencement of construction or inauguration of the use under a conditional use permit will be one year from the effective date of approval. Extension of the time limit, not to exceed two years, may be approved by the director of planning and community development upon demonstration of cause by the applicant. The action of the director extending the time limit may be appealed by the applicant to the planning commission.

19.62.110 - Effective date.

A conditional use permit is effective after an elapsed period of ten days from the date of the approval or resolution of record authorizing the permit unless an appeal is filed.

19.62.120 - Revisions to site plan approved as part of a conditional use permit.

- A. Minor revisions to a development plan approved as part of a conditional use permit may be made after review and approval by the director. Minor revisions as used in this chapter may in no way violate the intent of any of the standards or conditions of the permit.
- B. Revisions other than minor revisions, as defined above, may be made pursuant to the regular conditional use permit procedure set forth in this chapter.
- C. All copies of the approved revised development plan must be dated and signed by the planning department and made a part of the record of the subject conditional use permit. One copy of the approved revised site plan will be mailed to the applicant.

19.62.130 - Required conditions for specific conditional use permit uses.

Notwithstanding anything to the contrary in this chapter, the specific uses set forth in Sections 19.62.140 through 19.62.161 must conform to the following specific conditions in addition to those set forth in each zone and such conditions approved by the director or the planning commission.

19.62.140 - Quarries, sand pits or gravel pits.

- A. The application for a conditional use permit for a quarry, sand pit, or gravel pit must include a contour map indicating operating sites, structures and all improvements including the extremities of the proposed quarry. The application must further submit a report in detail indicating the method of quarry operation, which report must include an outline of the sequence and pattern of mineral excavation. This must include the number spacing, depth of drill holes, and amount of explosives to be used per hole. The maximum height of quarry face for mining and blasting purposes may not exceed twenty-five feet. The planning commission upon receipt of this plan may require at the operator's expense a geophysical survey to determine the seismic effects of the proposed blasting pattern, which may be the basis for limiting the size of blast.
- B. Quarries, sand pits, and gravel pits must comply with the following provisions in addition to zone provisions and conditions imposed in a conditional use permit:
 - 1. No rock or mineral crushing or treatment of minerals may be permitted.
 - 2. Accessory building may be used solely for the storage and maintenance of equipment and operating offices.

3. No building may be closer than one thousand feet from any approved public street or highway.
 4. Quarry operations must not be closer than one-half mile from any residential zone.
 5. The hours of operation may be limited from eight a.m. to six p.m. from Monday through Friday.
 6. Removal of minerals pursuant to this section must be conducted so as to limit the emanation of smoke and dust as provided by the standards set forth in chapters of this title.
 7. All operations excepting blasting may not exceed sixty-five decibels as measured from any approved public street or highway.
 8. All drill holes must be tamped to minimize the sonic effects of blasts. No charges may be exposed to the air during detonation.
 9. All roads from the site to any public street or highway must be paved with suitable asphaltic material on a prepared base as per specifications of the director of public works to a width of twenty-eight feet to prevent the emanation of dust.
 10. Upon completion of all operations, or operations at any one point, all excavations as well as mounds of waste material must be graded and the premises restored as near as possible to original conditions and contours or in accordance with the plan approved by the planning commission.
- C. All operations must be covered by public liability and property damage insurance as required by the city.
- D. Upon cessation of operations for a period of six months, this permit will terminate and all structures and equipment must be removed.
- E. To guarantee compliance with conditions set forth in this section and in the conditional use permit, the operator must post and maintain with the city a performance bond of one hundred thousand dollars, conditioned that the city may enter and restore the premises and recover all its costs.

19.62.145 - Arcades.

- A. Arcades, as defined in Section 19.04.072, must comply with the following provisions in addition to zone provisions and conditions imposed in a conditional use permit:
1. If any wall of the arcade is in common with a commercial, office or residential use, such wall must have a sound transmission class rating of 54 unless the planning commission makes a specific finding that the use adjoining the wall would not be adversely affected by noise from the arcade.
 2. A minimum of one bicycle rack space must be provided for every two mechanical or electronic games operated in the arcade. The required bicycle racks must be placed for convenient access and use by the arcade, but not in such a location as to create a public safety or nuisance problem in relation to adjoining businesses, nor may they be placed in locations requiring the removal of required parking or required on-site landscaping.
 3. A person may not enter, be or remain in any part of an arcade while in possession of, consuming, using or under the influence of any drug or alcoholic beverage. Owners, operators, managers and employees of an arcade may not permit any such person to enter or remain upon the arcade premises. Establishments holding a valid license from the alcoholic beverage control for on-premises sale of alcoholic beverages are exempted from the provisions of this subsection related to alcoholic beverages, provided that no persons under the age of twenty-one are permitted in the arcade area where alcoholic beverages are permitted.
 4. At least one responsible adult must be in attendance at all times that the arcade is open and must provide adequate management and control over the activities at the arcade premises.
 5. Public restroom facilities must be provided on the arcade premises.
 6. No arcade may be located within five hundred feet of the property boundary of any public or private school having any grades of kindergarten through twelfth.

7. A minimum of two footcandle illumination must be maintained in all parts of the premises when the arcade is open.
- B. No owner, operator, manager or employee of an arcade may violate or cause to be violated any of the provisions set forth in Section 19.62.145 or any conditions attached to the conditional use permit for an arcade.
- C. In addition to any other provisions of law or this code:
 1. Operation of a business in violation of the provisions of this section or the conditional use permit governing the arcade may be grounds for revocation or non-renewal of any license, permit, or other entitlement authorizing the conduct of such business or any other business, if the business includes the operation of arcades.
 2. Further, violation of the provisions of this section is a public nuisance, and may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the state of California.
- D. The conditional use permit issued to an arcade will be subject to review within six months from the date of approval. If the arcade is not being operated in accordance with the provisions of this code or chapter or the conditions attached to the conditional use permit, then the conditional use permit may be modified in accordance with this chapter or revoked in accordance with Section 19.62.170.

If the arcade is not being operated in accordance with the provisions of this chapter and all conditions attached to the conditional use permit, then the director of planning and community development will cause a public hearing to be held before the planning commission in accordance with the provisions of Sections 19.62.070 and 19.62.080. The decision of the planning commission may be subject to appeal in accordance with Section 19.62.090.
- E. Any person operating an arcade as defined in Section 19.04.072 on the date this section becomes effective must obtain a conditional use permit in accordance with the provisions of this section within six months of the effective date of the ordinance codified in this section.

19.62.147 - Reserved.

19.62.150 - Open storage yards for junk, auto wrecking, and other waste products.

Open storage yards for junk, auto wrecking, and other waste products must comply with the following provisions in addition to zone provisions and conditions imposed in a conditional use permit:

- A. Location. The minimum distance from the site to a residential zone, school, park, playground, church, museum or similar use must be at least five hundred feet.
- B. Screening. The site must include at least an eight-foot high wall on all sides and storage must not exceed the height of the wall.

19.62.160 - Oil exploration and extraction.

It is declared to be in the interest of the public health, safety, welfare and the purpose and intent of this section that the following conditions must be imposed and made a part of any conditional use permit for oil and gas drilling and extraction hereafter issued:

- A. Soundproofing. Whenever the drilling or redrilling of any oil or gas well is situated within five hundred feet of any dwelling not owned by the permittee, or if applicable, the lessor of the permittee, the derrick, portable rig and machinery or equipment used to operate in connection with drilling must be enclosed with fire-resistant and soundproofing material unless the director is furnished written consent to waiver such condition by all owners and tenants of the dwellings. If a noise nuisance develops after written consent has been given and if inspection under supervision of the director sustains that the noise level constitutes a nuisance, the original provisions of soundproofing will prevail.
- B. The exercise of any right granted by the permit must conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board No. 4 and the California Division of Oil and Gas; and that all water, mud, oil, or any other substances removed as waste material from the land for which the permit is issued must be deposited in a disposal

site approved by the planning commission and the California State Regional Water Pollution Control Board.

- C. No earthen sump may be constructed or maintained within five hundred feet, and no drilling may be permitted within one hundred feet of any natural channel in which there is or may be flowing water.
- D. Within ninety days after a well is producing, the derrick, all boilers and all other drilling equipment must be removed from the premises unless permission to store them on the premises is obtained from the planning commission.
- E. All sumps, or debris basins, or any depressions, ravines, gullies, barrancas or the like which are used for the impounding or depositing of water, mud, oil, or any other fluid, semifluid, or any combination thereof, must be fenced. When any such place is located more than one-half mile away from any school, playground or dwelling, it must be enclosed by a cattle fence with wood or steel posts not less than four feet above the ground with not less than three strands of barbed wire secured horizontally to posts. When any such place is located within one-half mile of any school, playground or dwelling, it must be enclosed by a wire fence of a wire mesh type with a maximum of two inches by four inches opening, and the fence must be secured to steel posts not less than five feet in height above the ground, and the posts must have forty-five-degree arms attached to top of posts with three strands of barbed wire attached thereto.
- F. No permanent buildings or structures may be erected within one hundred feet of boundaries.
- G. The permittee must at all times comply with the provisions of the Public Resources Code of the state relating to the protection of underground water supply and in connection with oil and gas extraction.
- H. Upon abandonment of any well or cessation of drilling operations, all earthen sumps or other depressions containing drilling mud, oil, or other waste products from the drilling operation must be cleaned up by removing such waste products or by consolidating all mud, oil, or other waste products into the land by disking, harrowing, and leveling to restore the land to the condition existing prior to the issuance of this permit as nearly as practicable to do so.
- I. Transfer of Permit. Unless otherwise provided in the terms of a permit, the permit will expire no later than when the permittee's ownership, lease or other right to develop the property in the manner described in the application is terminated. A permit may be transferred to another person only with the approval of the planning commission. A transfer will be null and void unless and until (1) the planning commission has approved the transfer, (2) the planning commission has been furnished satisfactory evidence of the transfer, (3) the transferee files with the planning commission a writing wherein he obligates himself to comply with every term and condition of the permit, and (4) the transferee has filed an approved bond.
- J. No drilling or other uses for which this permit is granted may be commenced or continued unless and until the permittee has filed, and the director has accepted, a bond in the penal amount of twenty-five thousand dollars for each well that is drilled or to be drilled. Any operator may, in lieu of filing such bond for each well drilled, redrilled, produced or maintained, file a bond in the penal amount of one hundred thousand dollars to cover all operations conducted in the city, a political subdivision of the state, conditioned upon the permittee's wilfully and truly obeying, fulfilling and performing each and every term and provision of the permit, and that in case of any failure by the permittee to perform or comply with any term or provision thereof, the planning commission may, by resolution, declare the bond forfeited and the sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the bond to the city. The forfeiture of any bond will not insulate the permittee from liability in excess of the sum of the bond for damages or injury or expense or liability suffered by the city from any breach by the permittee of any term or condition of the permit or any applicable ordinance or of this bond. The transfer of this permit, as provided for in this chapter, will not be effective unless and until the transferee has also complied with this condition for posting an approved bond.
- K. All drilling and production operations must be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and must be in accordance with the best accepted practices incident to drilling for and the production of oil, gas and other hydrocarbon

substances. Where economically feasible, generally accepted and used technological improvements for reducing factors of nuisance and annoyance must be employed by the permittee.

- L. A certificate of insurance for property damaged and public liability in the amount of five hundred thousand dollars and one million dollars for bodily injury must be provided.

19.62.161 - Agricultural stands, temporary.

Temporary agricultural stands must comply with the following conditions in addition to the general provisions and other conditions imposed for a conditional use permit:

- A. There will be no more than one temporary agricultural stand per parcel, with a minimum of one acre in area, and there will exist a minimum separation of one thousand feet between stands except for legal existing stands.
- B. The stand must be located to provide appropriate setback from the existing or proposed right-of-way to insure adequate ingress or egress and parking area.
- C. The stand must be constructed of wood material and its floor area must be at least approximately five hundred square feet. In addition, a trailer may be used for storage and include a refrigeration unit with location to be approved as part of the conditional use permit application.
- D. There may be no more than one sign on the stand in accordance with the sign provisions contained in Title 17.
- E. The stand must be used for sale of produce or flowers grown on the parcel; in addition, it may be used for sale of produce or flowers grown in the city of Camarillo or Ventura County; however, in no case may it be used for the sale of prepackaged products.
- F. The parking area must be graded to create a level condition with a surface consisting of either rock or another material approved by the director which prevents the generation of dust.
- G. No vehicle, cart or wagon may be located on or nearby the parcel for the purpose of attracting attention or traffic to the stand by the use of signs or otherwise except for those uses as permitted under this section.
- H. The property owner or applicant must post bond sufficient to guarantee removal of the stand and must provide the city with written consent to remove it in the event the CUP is revoked and the stand is not removed within the time specified by the revocation decision.
- I. The stand may be licensed as a general retail use in accordance with the Camarillo business license provisions.
- J. If the stand is not in use or the land is not in production for a one-hundred-eighty day period, the use will be deemed voluntarily abandoned and the CUP will be subject to revocation proceedings.

19.62.163 - Recycling facility—Intermediate.

Recycling facilities—Intermediate must comply with the following conditions in addition to the general provisions and other conditions imposed for a conditional use permit:

- A. Location. A recycling facility must be appurtenant to a primary use;
- B. Construction. A recycling facility must be constructed of durable, waterproof and rustproof material fixed on the site with the color, design and materials approved under the conditional use permit;
- C. Parking. A recycling facility must not block or obstruct parking required for the primary use of the property and must provide parking as provided in Chapter 19.44;
- D. Signage. A recycling facility must be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if problems occur at the facility. The total sign area must be in accordance with the sign ordinance;

- E. Mechanical Equipment. A recycling facility may not use any power-driven processing equipment except for reverse vending machines;
- F. Lighting. A recycling facility must be illuminated to ensure safe and comfortable operation if hours are between dusk and dawn;
- G. Hours of Use. A recycling facility's hours of use may match but may not exceed those of the host use;
- H. Siting. A recycling facility's location is subject to the review and approval of the conditional use permit;
- I. Materials. A recycling facility may accept glass, aluminum and bi-metals, plastic containers, and include a deposit area for newspapers;
- J. Storage. A recycling facility must store all recyclable materials within recycling machines or containers which must be screened from view with the location and screening approved under the conditional use permit;
- K. Maintenance. A recycling facility must be maintained free of litter;
- L. Noise. A recycling facility must comply with noise standards established by the noise ordinance;
- M. Landscaping. A recycling facility may not remove or impair on-site landscaping and may require additional landscaping to be provided depending on the location and design of the recycling facility.

19.62.164 - Recycling facility—Large.

Recycling facility—large may be required to comply with the requirements for the recycling facility—intermediate and the following conditions in addition to the general provisions and other conditions imposed for a conditional use permit:

- A. Location. A recycling facility—large must not abut a property zoned or planned for residential use;
- B. Screening. A recycling facility—large must be screened by landscaping or by a six-foot high block wall or fence, as determined by the planning commission during review of application, unless the fence is used for screening of outside storage, then an eight-foot-high block wall or fence would be required;
- C. Storage. All exterior storage of materials must be in sturdy containers which are covered, secured and maintained in good condition. Storage containers for flammable material must be constructed of inflammable material. No storage will be visible above the height of the fencing;
- D. Hours of Operation. Hours of operation may be limited by the planning commission through the conditions of project approval;
- E. Parking. Spaces will be provided on site as set forth under Chapter 19.44;
- F. Processing. Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding or other light processing activities necessary for efficient temporary storage and shipment of material may be approved at the discretion of the planning commission if noise and other conditions are met.

19.62.165 - Day care nurseries, short-term.

Day care nurseries, short-term, must comply with the following conditions in addition to the general provisions and other conditions imposed for a conditional use permit:

- A. Day care nurseries, short-term, are to provide thirty-five square feet of usable indoor area per child.
- B. Day care nurseries, short-term, are to provide seventy-five square feet of outdoor play area per child. Area is to be secured and screened with a six-foot-high wall or wrought iron fence. Location of outdoor areas is subject to approval of the conditional use permit.
- C. Day care nurseries, short-term, do not need to provide outdoor play area.

- D. Parking for day care nurseries, short-term, is to be in conference with subsection G of Section 19.44.050.
- E. A copy of the license from the state to operate the day care nurseries, short-term, is to be submitted to the planning department within thirty days of occupancy. All state and/or county licenses to be attained prior to occupancy.
- F. When the use occupies space in a multi-tenant building, methods will be employed as necessary to attenuate excess noise to the adjoining tenants. An acoustical analysis or other method as approved by the director may be required to satisfy this requirement.

19.62.166 - Emergency shelter and transitional housing.

Emergency shelters, and transitional housing (in a zone where residential dwellings are not otherwise conditionally permitted), must comply with the following conditions in addition to the general provisions and other conditions imposed for a conditional use permit:

- A. Management Plan. The emergency shelter and transitional housing provider must have a written management plan, including as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and training, counseling, and treatment programs for residents.
- B. General Property Development Standards. The facility must conform to all property development standards of the zoning district in which it is located, except as modified by this section.
- C. Maximum Number of Persons/Beds. The facility may not contain more than forty beds or serve more than forty homeless persons at any one time.
- D. Lighting. Adequate external lighting must be provided for security purposes. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- E. Laundry Facilities. The facility must provide laundry facilities adequate for the number of residents.
- F. Common Facilities. The facility may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - 1. Central cooking and dining room;
 - 2. Recreation room.
- G. Security. Parking facilities must be designed to provide security for residents, visitors and employees.
- H. On-site Parking. On-site parking is subject to the requirements set forth in Chapter 19.44 of this code.
- I. Outdoor Activity. Outdoor activities may only be conducted between the hours of eight a.m. to ten p.m.
- J. Concentration of Uses. No more than one facility is permitted within a radius of one thousand feet from another emergency shelter or transitional housing facility.
- K. Refuse. Facilities must provide a refuse storage area that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for the parcel. The refuse enclosure must be accessible to refuse collection vehicles.
- L. Shelter Provider. The agency or organization operating the facility must comply with the following requirements:
 - 1. Emergency shelters are to be available to residents for no more than sixty days. Extensions up to a total stay of one hundred eighty days may be provided, if no alternative housing is available.

2. Staff and services must be provided to assist residents to obtain permanent shelter and a steady source of income. These services must be available at no cost to all residents.
3. The provider may not discriminate in any services provided.

19.62.167. - Agricultural plant nurseries, retail in the RE-40 AC Zone.

Agricultural plant nurseries, retail in the RE-40 AC Zone must comply with the following provisions in addition to zone provisions and conditions imposed in a conditional use permit:

- A. The nursery may be used for sale of plants, where the majority of the plants for sale are farmed and grown on the premises. A limited amount of planting supplies such as garden pots and compost may be sold.
- B. The size and location of any commercial signage may be determined by the Planning Commission, but in no case exceed one on-site sign with a maximum of forty square feet in area.
- C. A paved parking area must be provided in accordance with the standards contained in Section 19.44.270 (Parking area improvement).
- D. Parking and setback areas must contain permanent landscaping and irrigation in accordance with the standards contained in Section 19.44.260 (Landscaping of parking areas).
- E. All buildings on the property must be of a permanent type of construction, made of durable, high-quality materials that are compatible with the surrounding area.
- F. Any fences or walls on the property must comply with Section 19.12.100 (Fences and walls). Acceptable fencing materials may consist of masonry, wrought iron, durable vinyl, or other similar durable materials, as approved by the Director of Community Development.

19.62.168. - Agricultural wineries in the RE-40 AC Zone.

Agricultural wineries in the RE-40 AC Zone must comply with the following provisions in addition to the development criteria of the zone and conditions imposed for the conditional use permit:

- A. The minimum area devoted to a winery must be four acres or larger in size on a parcel in the RE-40 AC Zone.
- B. No restaurant may be allowed. Only a limited amount of food service may be allowed in conjunction with wine tasting. Food service will be limited to crackers, appetizers, and hors d'oeuvres; however no full meals may be served on the premises unless otherwise approved through a Special Event Permit.
- C. Wine tasting and sales may include only wine which is produced or bottled on the premises, and may include wine which is produced for the winery and sold under a brand name owned by the winery. Not less than fifty percent of all wines for sale must be produced on the premises, using grapes grown on the premises.
- D. Wine tasting, public tours, and limited retail sales of wine and wine-related accessories, such as corkscrews and wine glasses may be permitted as accessory uses only.
- E. Retail sales of wine and wine tasting are permitted only where grapes for wine production are grown on the premises.
- F. The size and location of any commercial signage may be determined by the Planning Commission, but in no case exceed one on-site sign with a maximum of forty square feet in area.
- G. Any outdoor activity(ies) or event(s) will be subject to the approval of the Planning Commission, during consideration of the Conditional Use Permit, or the Director of Community Development in accordance with the provisions of Chapter 19.63 (Special Events).
- H. The facility will be limited to an Alcoholic Beverage Control license of a Type 02 (Winegrower).

19.62.169. - Bed and breakfast inns in the RE-40 AC Zone.

Bed and breakfast inns in the RE-40 AC Zone must comply with the following provisions in addition to zone provisions and conditions imposed in a conditional use permit:

- A. The bed and breakfast inn must be an architecturally- or historically-unique residential structure, which is compatible with the surrounding neighborhood.
- B. Any alterations to the structure must be compatible with the architectural character of the structure. Any modifications to the property must be compatible with the surrounding area.
- C. The owner or manager of the bed and breakfast inn may occupy his or her primary place of residence on the site of the bed and breakfast inn.
- D. The number of guest rooms permitted will be determined based on the size of the existing building and site, compatibility with the surrounding neighborhood, visitor access, and parking. The number of guest rooms must not exceed five.
- E. The maximum stay must be limited to fourteen consecutive days or less.
- F. Meals must be limited to breakfast for overnight guests only.
- G. No cooking facilities may be provided in individual guest rooms.
- H. Parking must be provided at a rate of one off-street parking space per guest room, plus the required parking for the residential use. On-site parking must be designed and located so as not to detract from the character of the neighborhood. Excessive amounts of paving to meet the parking requirements may not be allowed.
- I. Any commercial signage may be limited to one on-site monument or wall identification sign not to exceed twenty-four square feet in area. Monument signs may not exceed six feet in height.
- J. Any outdoor activities or events will be subject to the approval of the Planning Commission during consideration of the Conditional Use Permit or the Director of Community Development in accordance with the provisions of Chapter 19.63 (Special Events).

19.62.170 - Revocation of conditional use permits.

- A. Upon recommendation by the director, the planning commission, or the city council if it was the city council who initially granted the conditional use permit, may conduct a noticed public hearing to determine whether such conditional use permit should be revoked. If any one of the following facts is found to be present, the conditional use permit may be revoked:
 - 1. That the permit was obtained by fraud;
 - 2. That the use for which such approval was granted has ceased to exist by reason of a voluntary abandonment;
 - 3. That the permit or variance granted is being, or has been exercised contrary to any conditions of approval imposed upon such permit or variance, or in violation of any law; or
 - 4. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a public nuisance.
- B. If the revocation hearing is conducted by the commission, its decision will be subject to review on appeal, taken in the time and manner set forth in Section 19.62.090 et seq. hereof.

19.62.180 - Expiration.

Any conditional use permit will be null and void if the use granted thereby is not commenced within the time specified in the resolution approving such conditional use permit, or, if no time is so specified, if commencement does not occur within one year from the date the permit is granted. The director of planning and community development or the granting body, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this section for a period not to exceed one year; provided, that if litigation is filed prior to the exercise of such rights, attacking the validity of such permit, the time for exercising such rights will be automatically extended pending a final determination of such litigation.

19.62.190 - Modification.

Any condition imposed upon the granting of a conditional use permit, including a zoning device granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be added; provided, that the body which granted the conditional use permit, which is the subject of the modification proceeding, will first conduct a public hearing thereon, noticed in the same manner as is required for the initial granting of the same. No such modification may be granted unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or that such action is necessary to permit reasonable operation under the conditional use permit as granted. The decision to modify a conditional use permit by the granting body will be subject to review on appeal, taken in the time and manner set forth in this chapter.