

Ordinance No. 1674(20)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending The Appeal Provisions in Title 17 (Zoning)
of the Lompoc Municipal Code**

WHEREAS, on January 21, 2020, the Lompoc City Council adopted Ordinance No. 1673(20) amending and standardizing the appeals procedures in the Lompoc Municipal Code (LMC); and

WHEREAS, Ordinance No. 1673(20) did not include amendments to the appeals procedures in the Title 17 (Zoning) because such amendments require additional review by the City's Planning Commission, as required by state law; and

WHEREAS, the Planning Commission reviewed this ordinance on April 8, 2020, and recommended that the City Council adopt the amendments to Title 17 stated herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 17.404.030(H)(2) is hereby amended to read, in its entirety, as follows:

2. Decisions on adult business employee licenses may be appealed consistent with LMC Chapter 1.32.

SECTION 2. Footnote 3 in Table 17.504.020.A is hereby amended to read, in its entirety, as follows:

- ³ If Commission recommends a denial, the application will not proceed to Council unless an appeal is filed (see Chapter 17.612 (Appeals)).

SECTION 3. Section 17.612.020 is hereby deleted and replaced in its entirety with the following:

17.612.020: Right to Appeal; Exhaustion of Remedies; Notice

A. Appealable Actions.

1. Any decision or determination of the Director may be appealed to the Commission by the applicant or any interested person adversely affected by the decision or determination, unless a provision of this Title allows for a direct appeal to the Council.

2. Any decision of the Commission may be appealed to the Council by the applicant or any interested person adversely affected by the decision. Recommendations of the Commission which are required to be forwarded to the Council for its consideration as part of the normal review process are not appealable.

B. Exhaustion of Remedies. No person may file an appeal until such person has exhausted all other available remedies including filing an appeal with any subordinate City officer, board, commission, or other body.

C. Notice of Right to Appeal. Any decision or determination that may be appealed under this Title shall be in writing, shall give notice of the right to appeal, and shall clearly state the procedures and timeline for filing an appeal. Failure to give notice of the right to appeal shall not affect the validity of the decision or determination.

SECTION 4. Section 17.612.030(A) is hereby amended to read, in its entirety, as follows:

A. Filing of Appeal.

1. The applicant or any other person aggrieved may appeal a decision by filing a written notice of appeal with the City Clerk prior to the time the decision becomes final in compliance with Section 17.552.020 (Effective Dates of Permits), or if the decision is not addressed in Section 17.552.020, or becomes effective immediately, then within 10 days after the decision. The date of filing is the date the notice of appeal is received by the City. Upon the expiration of the deadline for filing an appeal, the decision shall become final and shall no longer be appealable.
2. The appellant shall state specifically in the appeal how the decision is inconsistent with the requirements or purposes of this Code or is otherwise in error.
3. An appeal shall include payment of the applicable fee, as provided in Section 17.504.040 (Application Fees).

SECTION 5. Section 17.612.040 is hereby amended to read, in its entirety, as follows:

A. Suspension of Permits on Appeal. Once an appeal is filed, the associated permits and project are not effective, and any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable Review Authority.

B. Exception. Notwithstanding subsection 17.612.040.A, permits that become effective immediately under Section 17.552.020 (Effective Date of Permits) shall remain effective while an appeal of the permit is pending.

SECTION 6. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on June 2, 2020, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2020, by the following electronic vote:

PASSED AND ADOPTED this ___ day of _____ 2020, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc