

**APPLICATIONS AND DECISION MAKING STANDARDS****Section 401—Various Applications Provided:**

This Ordinance provides for a number of Land Use Applications, required and provided to achieve the purposes of this Ordinance.

**Section 402—Decision Making Standards:**

The decision-making standards set forth in this Ordinance, and this Chapter, are provided based on the distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy that is applicable throughout the City, while administrative proceedings apply public laws and policies to a specific Land Use Application, as required by this Ordinance.

**Section 403—Legislative and Administrative Proceedings:**

1. **Legislative Proceedings.** The Council is hereby identified to be the only Land Use Authority of the City authorized to render a decision on any Application determined to be legislative matter and subject to a legislative proceeding. The following types of Applications are hereby declared to be legislative matters and subject to legislative proceedings:
  - 1.1. General Plan Amendment Applications.
  - 1.2. Land Use Ordinance Amendment Applications, including Amendment Applications to this Ordinance, all associated maps, and Subdivision Ordinance Amendment Applications.
  - 1.3. Official Map Amendment Applications.
  - 1.4. Temporary Land Use Regulations.
2. **Legislative Proceedings—Decision Standards.** A decision regarding a legislative matter shall be based on the “reasonably debatable” standard, as follows:

2.1. The Council shall determine what action, if any, in its judgment is necessary to achieve the purposes of the City's General Plan, the City's Land Use Ordinances, other Ordinances, and the purposes of the Act.

2.2. In rendering a decision for a legislative matter the Council may consider the following:

2.2.1. Reports, information and testimony presented at public hearing(s) or meeting(s) when the legislative matter was considered; and

2.2.2. The personal knowledge of Council members regarding the various items and issues bearing on the matter, including, but not limited to, the effect of guiding growth and development in an orderly manner, providing for the implementation of the General Plan, preserving natural beauty and resources, including open space, wildlife habitat, and clean water, providing opportunities for the establishment of appropriate business activities to meet the needs of residents and others, preventing the overcrowding of land, preventing damage and injury from disasters such as fire, flood, geologic and seismic hazards, and other dangers, directing and managing the type, distribution, and intensity of uses and activity, ensuring the adequacy and sufficiency of required public services, facilities, and amenities, protecting landowners from potential adverse impacts from adjoining uses, securing economy and efficiency in the allocation and expenditure of public funds, and protecting the public health, welfare and safety.

2.2.3. The Council shall identify and include the basis, and any findings of fact, for a legislative matter in the public record of the Council when the legislative matter is considered.

3. **Administrative Proceedings.** The following types of applications are hereby declared to be administrative matters and subject to administrative proceedings:

3.1. Temporary T-1 Use Applications.

3.2. Seasonal S-1 Use Applications.

3.3. Permitted P-1 Use Applications.

3.4. Permitted P-2 Use Applications.

3.5. Conditional C-1 Use Applications.

3.6. Conditional C-2 Use Applications.

3.7. Applications for Determinations of Legal Nonconforming Uses, Noncomplying Structure(s), and other Nonconformities.

3.8. Sign Permit Applications.

3.9. Variance Applications.

3.10. Building Permit Applications.

3.11. Applications for Ordinance Text Interpretations.

3.12. Applications for Zoning District Map Boundary Interpretations

3.13. All other applications for any approval, permit, or license required by the provisions of this Ordinance, and all other Land Use Ordinances, not identified to be a legislative proceeding, as identified by this Chapter.

4. **Administrative Proceedings—Decision Standards.** All decisions regarding an administrative matter shall be based on the “substantial evidence” standard including, as a minimum the following:

4.1. A statement of the standards for approval applicable to the Application;

4.2. A summary of evidence presented to the Land Use Authority;

4.3. A statement of findings of fact or other factors considered and references to applicable standards, as set forth in this Ordinance, or the City’s other Land Use Ordinances, and the provisions of the Act, as applicable; and

4.4. A statement of approval, approval with requirements or conditions, or denial, as applicable.

4.5. The Land Use Authority, as applicable, shall identify and include the findings of fact, for an administrative decision in the record of the Land Use Authority when the administrative matter is considered.