



## LAND USE SERVICES DEPARTMENT

### Planning Division

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<http://www.sbcounty.gov/uploads/LUS/Planning/Applications/Appeal.pdf>

## APPEAL INFORMATION SHEET AND APPLICATION

Prior to its effective date, any land use decisions made by any County agency, department, office or officer may be appealed to the Planning Commission and any land use decision made by the Planning Commission may be appealed to the Board of Supervisors, except those decisions exempted per Section 86.08.010(b)(2). Actions of the Board of Supervisors are final and may not be appealed.

The Planning officer's decision to require preparation of an Environmental Impact Report (EIR) may be appealed to the Planning Commission for final decision

An appeal must be filed prior to the effective date for the project action being appealed. Land use decisions made by the Planning Commission become effective 11 days after the action. Decisions made by a reviewing authority, other than the Planning Commission are effective 11 days after the written decision has been mailed.

### **FEES:**

Fees must be submitted at the time of submittal of a completed Appeal Application and must be a check or money order made payable to "San Bernardino County." **Fees for appeals submitted by persons other than the applicant and for applicants of average cost (set fee) projects are:**

Appeal to the Planning Commission (L695)	\$1,712.00
Appeal to the Board of Supervisors (L696)	\$1,331.00
Appeal to the Chief Executive Officer (L696)	Currently No Fee

**Appeals by the applicant of actual cost projects will be charged to the actual cost deposit as follows:**

**"Actual Cost Initial Deposit"** – *If* your Appeal is to be processed as an "actual cost" application, your money is deposited into an account and the reviewing staff records the time spent processing your application. Your account is then charged for the staff time at established hourly rates (\$63 to \$226/hr.). You are responsible for all charges made to the project account. If account funds are depleted an additional deposit will be required. If an additional deposit is required it must be paid to allow staff to continue processing. Any failure to pay the required deposit will result in suspension and possible termination of the review process. For more information on fees, please contact County Planning.

# APPEAL APPLICATION

Complete all portions of this application. If you believe that an item does not apply to your appeal, mark it "N/A". Do not leave any blank spaces.

You may attach additional pages or other documentation to this application.

Project Action Date: \_\_\_\_\_

File/Index #: \_\_\_\_\_

Building Permit No.: \_\_\_\_\_

Project Applicant(s): \_\_\_\_\_

Appellant's Name (s): \_\_\_\_\_

Appellant's Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Assessor's Parcel No. of Subject Property: \_\_\_\_\_

General Location of Property: \_\_\_\_\_

Community/Area: \_\_\_\_\_

1. I/We hereby appeal to the San Bernardino County: (check one)

**Planning Commission** from action by: (check one)

Director of Land Use Services

Division Chief of Environmental Health Services (EHS)

Director of Transportation/Flood Control/Surveyor

**Board of Supervisors** from action by the County Planning Commission.

**Chief Executive Officer** from action by the Directors of Land Use Services and Public Works.  
(Only for appeals of right-of-way dedication and/or street improvement waiver or modification decisions).

To be completed by County Staff: Filing Date: \_\_\_\_\_ Project No.: \_\_\_\_\_ JCS Project No.: \_\_\_\_\_

2. I/We are appealing the project action taken to:

- |  |  |
|--|--|
| <input type="checkbox"/> <b>DENY</b> the project/request     | <input type="checkbox"/> <b>DENY</b> the project without prejudice   |
| <input type="checkbox"/> <b>APPROVE</b> the project/request  | <input type="checkbox"/> <b>APPROVE</b> the project with conditions. (Attached a copy of the conditions, if they are the subject of the appeal). |
| <input type="checkbox"/> <b>ADOPT</b> a Negative Declaration | <input type="checkbox"/> <b>OTHER</b> (specify) _____  |

3. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measure, conditions and/or policies with which you disagree. Also state exactly what action/changes you would favor.

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4. State why you are appealing. Be specific. Reference any errors or omissions. Attach any supporting documentation, including any Conditions of Approval that are being appealed.

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I/We certify that I/we are the:

- |   |             |                             |
|---|-------------|-----------------------------|
| <input type="checkbox"/> Legal Owner(s)             | _____       | [Signature of Appellant(s)] |
| <input type="checkbox"/> Authorized Legal Agent(s)  | _____       | [Signature of Appellant(s)] |
| <input type="checkbox"/> Other Interested Person(s) | Date: _____ |                             |

## **APPEAL HEARING PROCEDURES FOR APPEALS TO THE BOARD OF SUPERVISORS**

Within 30 days after an appeal application is accepted, Staff will schedule the appeal hearing date before the County of San Bernardino Board of Supervisors (Board). Staff will confer with the Appellant and the Project Applicant (if different from the Appellant) to consider availability of all parties in scheduling the Board hearing.

The Appellant and the Project Applicant must submit the following information no later than **one week** in advance of the hearing date:

1. Speaker Names: Submit the names of presenters speaking on behalf of the Appellant and the Project Applicant to the Project Planner.
2. Presentation Materials: Submit any exhibits or presentation materials you intend to present at the Board hearing.
  - a. PowerPoint presentations are optional, and must be sent by e-mail to the project planner. The maximum file size is 5 MB.
  - b. Submit 8 paper copies of Power Point slides or any other exhibits.
  - c. County staff does not assist with PowerPoint presentations. A wireless mouse is provided for the presenter.

On the day of the Board hearing, plan to arrive 15 minutes before the scheduled hearing time, which is typically 10:00 a.m. The project planner will direct you to reserved seating and give you an orientation to the speakers' table and operation of multi-media equipment.

Hearing Protocol: The following is the standard appeal hearing protocol, which may be modified at the discretion of the Board. Please plan your presentations accordingly:

1. Staff report.
2. 15-minute presentation by the Appellant.
3. 15-minute presentation by the Applicant. (No additional time if the Project Applicant is the Appellant.)
4. Public comment – 3 minutes per speaker.
5. 5-minute comments by the Applicant. (No additional time if the Project Applicant is the Appellant.)
6. 5-minute comments by the Appellant.
7. Questions, deliberation and decision by the Board.

Appeals to the Planning Commission will follow the same procedures, subject to the exercise of discretion by the Planning Commission. Please contact the Project Planner for details.