

RESOLUTION NO. 2026-11
RESOLUTION OF THE ZONING ADMINISTRATOR OF
ORANGE COUNTY, CALIFORNIA
AUGUST 6, 2026

By action of the Zoning Administrator, the following Resolution was adopted:

WHEREAS, Planning Application PA25-0060 was submitted by the applicant, Brad Dudley on behalf of the property owner, James Kingston, requesting approval of a Use Permit to allow an over-height accessory structure (new uncovered deck) within the rear setback area of an existing single-family residence;

WHEREAS, the project is consistent with the Orange County General Plan, Suburban Residential 1B Land Use designation;

WHEREAS, the proposed project is consistent with the applicable provisions of the County of Orange Zoning Code and consists of the construction of an uncovered deck within the required rear setback area of an existing single-family residence. Pursuant to Section 7-9-116 (e) of the County of Orange Zoning Code, approval of a Use Permit by the Zoning Administrator is required to allow the proposed accessory structure to exceed the maximum height permitted within a required setback area;

WHEREAS, the proposed project is Categorically Exempt (Class 3) from the provisions of CEQA pursuant to CEQA Guidelines Section 15303, because it consists of construction of new accessory structures including patios and fences;

WHEREAS, a duly noticed public hearing was held on August 6, 2026, before the Orange County Zoning Administrator, at which time all interested persons were given the opportunity to be heard, and the Zoning Administrator reviewed and considered all evidence presented, including the staff report and public testimony;

WHEREAS, the Zoning Administrator reviewed and fully considered the proposed Use Permit PA25-0060 and has heard and considered any public comments received on this request and determined after review and consideration to approve Use Permit PA25-0060.

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Zoning Administrator adopts this resolution to:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 3 (New Construction or Conversion of Small Structure) pursuant to CEQA Guidelines section 15303.
2. Approve Use Permit PA25-0060 to allow an over-height accessory structure (new uncovered deck) within the rear setback area of an existing single-family residence, subject to the, subject to the Findings and Conditions of Approval contained within the Resolution.

Recommended Findings:

1. General Plan
 - a. The project is consistent with the Orange County General Plan Suburban Residential (1B) land use designation because it consists of the construction of an uncovered deck accessory to an existing single-family residence and maintains the existing residential use of the property. The project does not involve a change in land use, an increase in residential density, or the introduction of commercial, industrial, or public land uses, and is compatible with the established land use pattern and residential character of the surrounding neighborhood.
2. Zoning Code
 - a. The project consists of the construction of an uncovered deck within the required rear setback area of an existing single-family residence with a maximum height of 13 feet, 2.5 inches. The proposed deck, as conditioned, would not adversely impact adjacent properties or materially alter the character of the surrounding neighborhood. Pursuant to Section 7-9-116 (e) of the Zoning Code, an increase in height may be approved through a Use Permit by the Zoning Administrator. Therefore, the proposed project is consistent with the provisions of the Orange County Zoning Code with the approval of a Use Permit.
3. California Environmental Quality Act (CEQA)
 - a. That the proposed project is Categorically Exempt (Class 3) from the provisions of CEQA pursuant to CEQA Guidelines Section 15303, because it consists of construction of new accessory structures including patios and fences.
4. Compatibility
 - a. That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity because the project consists of a small-scale residential accessory structure that is compatible with the surrounding residential neighborhood and will not adversely affect adjacent properties.

5. General Welfare

- a. That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare because the proposed uncovered deck is accessory to an existing single-family residence, complies with applicable development standards except for the approved height deviation, and will not introduce hazardous conditions or adversely affect the surrounding neighborhood. The project will be subject to all applicable building and safety requirements, ensuring the deck is constructed in accordance with current building codes.

6. Public Facilities

- a. That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities because the proposed project consists of a minor accessory improvement to an existing single-family residence and will be served by existing public facilities and services, including fire protection, law enforcement, roadway infrastructure, utilities, and other public services. The project will not increase residential density or create a demand for additional public facilities beyond those currently serving the property.

Recommended Conditions of Approval:

1. Basic/Zoning Regulations

- a. This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2. Basic/Time Limit

- a. This approval constitutes approval of the This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void, unless a valid extension is approved.

3. Basic/Plan

- a. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval

action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4. Basic/Compliance

- a. Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

5. Indemnification

- a. Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6. Basic/Appeal Exactions

- a. Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7. California Building Code Compliance

- a. Prior to the issuance of any building permits and throughout all phases of construction, the project shall comply with all applicable requirements of the current California Building Code (CBC), as adopted and amended by the local

jurisdiction. Compliance shall be demonstrated to the satisfaction of the Building Official.

8. Construction Noise

- a. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:
 - i. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
 - ii. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - iii. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.
- b. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

9. Erosion and Sediment Control Plan

- a. Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

10. Geotechnical Report

- a. Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager OC Planned Communities and Grading, for approval. The report shall meet the requirements outlined in the County of Orange Grading Code and Manual.

I HEREBY CERTIFY that the foregoing Resolution No. 2026-11 was adopted on August 6, 2026 by the Orange County Zoning Administrator.

By: Justin Kirk, Deputy Director OC Public Works
ORANGE COUNTY ZONING ADMINISTRATOR