

### **Section 12.05.060 - Use Permits.**

- A. *Purpose.* To provide for those land uses that may be appropriate and compatible in a zoning district, depending on the design of the individual project and the characteristics of the proposed site and surrounding area. Such uses may either raise major land use policy issues or create serious problems for adjoining properties or the surrounding area if such uses are not properly designed and located. It is the intent of this Section to establish appropriate standards for permit processing and the location, design and operation of such land uses, to avoid their creating problems or hazards, to provide for the compatibility of such land uses with adjacent properties and the surrounding area, and to assure their consistency with the General Plan.
- B. *Conformance to Chapter.* Any Use Permit issued pursuant to this Section shall conform to the definitions and requirements of this Chapter.
1. *Conformance to Regulations.* Any Use Permit issued pursuant to this Section shall conform to all other laws and requirements of the County Code. No building permit shall be issued for any structure until any special district which provides regular services to the project has entered into a will-serve agreement with a developer and has certified to the building official that such agreement has been fulfilled.
  2. *Compliance Required.* No person shall fail to comply with any approved Use Permit or any conditions or provisions thereof. No building permit shall be issued for any structure which would violate or fail to comply with any approved Use Permit for the parcel or parcels on which such structure or use is to be located.
  3. *Permit Time Limits.* See Section governing Permit Time Limits.
- C. *Use Permit Application Content.* A Use Permit application shall be filed with the Planning Department, signed by the owner of the property for which the Use Permit is sought or by the authorized representative of the owner. Filing shall be on forms provided by the Planning Department, accompanied by appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors.
- The application shall consist of maps, diagrams, plans, elevations, written reports, and other information as prescribed by the Planning Director, necessary to adequately describe the project. Such information shall be adequate to evaluate the proposal and demonstrate compliance with the General Plan, zoning ordinance and other related chapters of the County Code.
- D. *Scope of Review.* Where the Planning Director considers the application for a Use Permit as incomplete, the applicant shall be so notified. Acceptance of an application does not constitute an indication of completeness or approval.
- E. *Notice and Hearing.* Following the acceptance of an application, the Planning Agency shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing Public Hearing Notice.

F. *Planning Agency Level of Processing.*

1. New construction, or additions to existing construction, for uses that have been established pursuant to a use permit, that do not exceed four hundred (400) square feet, shall be allowed subject only to zoning compliance and building permit issuance, providing that the addition or new construction does not conflict with the mitigation measures, conditions or findings of any previously granted use permit for the subject site, and that no more than one (1) such project can be so approved in any five-year period.
2. The Zoning Administrator shall have the responsibility to make determinations on Use Permits as established by Table 5.2 of this Section, with the exception of those Use Permits listed below for which the Planning Commission shall have the responsibility to make determinations:
  - a. Mining and reclamation plans.
  - b. Mobile home parks.
  - c. Campgrounds and camps.
  - d. Commercial, industrial, and other nonresidential development of ten thousand (10,000) square feet or more of total gross floor area and/or outdoor storage/use area.
  - e. Communication facilities requiring a Use Permit as defined by Section 12.03.080

G. *Findings for Approval or Denial.* The Planning Agency shall approve, approve with conditions or disapprove the application within thirty (30) days after the conclusion of a public hearing. Approval or conditional approval shall be granted only when findings can be made as found in Section governing "Development Permit."

H. *Amendments to Permit or Conditions.* Any use may be modified by an amendment to the Use Permit approved by the Planning Agency body having original jurisdiction to hear the Use Permit application whenever the modification requested does not qualify for administrative approval as a minor change pursuant to Section governing "Minor Changes to an Approved Project." An amendment is herein defined as any modification or expansion of the approved use or conditions of approval. The amendment shall be processed in a similar fashion to the original Permit. Any such application shall constitute a project requiring environmental review under CEQA.

It is the intent of this Section to recognize the rights of permittees to proceed with development and use of their property in conformity with approvals previously given by the County while allowing for minor modifications in the use and/or development of property as embodied in such approvals. Therefore, it is hereby declared and established that the scope of review for any amendment to a Use Permit shall be limited to the effect of the proposed amendment as compared to the existing Use Permit, and finding shall be required only as to matters which are affected by the amendment.

Notwithstanding the above, an amendment to a Use Permit may not be approved which would extend the time for the development and the use of the property.

- I. *Appeals*. Appeals from the decision of the Planning Agency shall be pursuant to "Appeals" Section.