

18.71.060 - Use Permit and Minor Use Permit

A. Purpose. A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

B. Applicability. A Use Permit or Minor Use Permit is required to authorize proposed land uses identified by Article 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit.

C. Review authority.

1. Use Permits. Use Permits shall be approved or disapproved by the Commission.

2. Minor Use Permits. Minor Use Permits shall be approved or disapproved by the Director.

a. The Director may choose to refer any Minor Use Permit application to the Commission for hearing and decision.

b. A Minor Use Permit application shall only be issued if there is evidence that the project is eligible for a California Environmental Quality Act (CEQA) exemption in compliance with State law and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring). Projects that are otherwise eligible for a Minor Use Permit, but are not eligible for a CEQA exemption, shall be processed as a Use Permit.

D. Application filing and processing. An application for a Use Permit or Minor Use Permit shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Use Permits, and the following information:

1. Fiscal and economic analysis. An application for a big box retail project as defined in Article 10 (Definitions) shall include a fiscal and economic analysis.

2. Traffic study. A traffic study shall be required for uses determined by the Director or Director of Public Works to be high trip generators.

a. The traffic study shall identify both cumulative and project-specific traffic impacts.

b. All traffic impacts shall be reduced, to the maximum extent feasible, through compliance with applicable development standards and/or conditions of approval.

It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection (F) of this Section (Findings and decision).

E. Project review, notice, and hearing. Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

1. Use Permit.

a. Notice and hearing. The Commission shall conduct a public hearing on an application for a Use Permit before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).

2. Minor Use Permit. Before a decision on a Minor Use Permit, the public notice shall be provided ~~in compliance with Chapter 18.96 (Public Hearings), and~~ as follows:

a. Public notice. Public Notice shall be provided to property owners and businesses within 300 feet of the proposed use. The notice shall state that the Director will decide whether to approve or disapprove the Minor Use Permit application ~~on a date at an administrative hearing with a certain date, location and time specified in the notice and clarify that project opponents may attend that hearing or provide written~~

~~comments in advance of the hearing. , and that a public hearing will be held only if requested in writing by any interested person appears at before the specified date for the decision.~~

~~**b. Hearing.** When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 18.96, and the Director shall conduct the public hearing before a decision on the application in compliance with Chapter 18.96.~~

F. Findings and decision. An application for a Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the review authority. The review authority shall approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).

G. Conditions of approval. In approving a Use Permit or Minor Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection (F) of this Section (Findings and decision). The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

H. Post approval procedures. The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Inland Land Use and Development Code Administration), shall apply following a decision on an application for a Use Permit or Minor Use Permit.

(Ord. 930, § 2, passed 06-12-2017)