

# Conditional Use Permit Instructions for Applicants

## Criteria for Conditional Use Permit

Each zoning district has two categories of uses: permitted and conditional. If a property owner desires a conditional use he must obtain a Conditional Use Permit. Conditional Use Permits may be transferred by the permittee to another person but not to another location. The proposed use, or project, must be consistent with the maps and policies of the County's General Plan.

## CEQA Review

Many Projects requiring a Conditional Use Permit are exempt from an environmental evaluation under the California Environmental Quality Act (CEQA). Examples of typical Conditional Use Permit projects that are exempt are:

1. Second dwelling unit on a parcel.
2. Accessory structures including garages and carports.
3. Commercial structures designed for an occupant load of 30 persons or less.
4. Temporary mobilehomes.

Some typical Conditional Use Permit projects that **do** require CEQA evaluation are:

1. Mobilehome parks, RV parks and campgrounds with five or more spaces.
2. Libraries, schools, churches.
3. Lodges, clubhouses and service stations.
4. Development of mineral resources.

If the Planning Division Staff determines that there are significant impacts that will result from the project, an Environmental Impact Report (EIR) will be required to more fully examine and disclose these impacts. If the Staff determines that no significant impacts will result, a report called a Negative Declaration is prepared. Notice of the preparation of a Negative Declaration is published in the Union Democrat and the public is given an opportunity to comment on it.

## **Application Review Process**

At the time of submittal, the application material will first be reviewed for completeness; then it will be circulated to applicable advisory agencies for comments. Adjoining property owners will also be notified and given an opportunity to comment.

After conducting an investigation of the proposal, the Community Development Director may grant a Conditional Use Permit if the following conditions are met:

1. The proposed use is in accordance with the provisions of this Chapter.
2. The proposed use is consistent with the Tuolumne County General Plan.
3. The proposed use will not overburden existing municipal facilities.
4. The size and terrain of the parcel are suitable for the proposed use.
5. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

Projects located within the boundaries of the Tuolumne City and Twain Harte Design Review/Planning Advisory Committees will be referred to those bodies for review prior to decision. Projects located on property zoned "H" (Historic Combining) or "HDP" (Historic Design Preservation Combining) must be referred to the Historic Preservation Review Commission for review prior to decision.

The Community Development Director may schedule a Conditional Use Permit for a public hearing before the Planning Commission. Projects located on property within the boundaries of the Jamestown and Columbia Area Planning Commissions will be referred to those Commissions for decision.

An applicant or any aggrieved party may also appeal the decision of the Community Development Director. The appeal must be in writing and must be made within ten (10) days of the decision. The Conditional Use Permit will then be heard by the Planning Commission.

The Planning Commission must also make findings consistent with the qualifications of findings 1, 2, 3, 4 and 5 above.

If the applicant or any aggrieved party is dissatisfied with the decision of the Planning Commission, he/she may within ten (10) days appeal to the Board of Supervisors. Any County supervisor may also file with the Board Clerk a request that the Conditional Use Permit be referred to the Board of Supervisors for their review of the Community Development Director or Commission's action on the permit.

Notice of any hearing before the Commission or Board shall be published in the Union Democrat at least ten (10) days prior to the hearing.

Whoever grants the Conditional Use Permit may attach reasonable conditions which shall become a part of the Conditional Use Permit. Issuance of a Conditional Use Permit may be made subject to guarantees and evidence that attached conditions are being or will be complied with.

If your property must be rezoned before it is eligible for the Conditional Use Permit, such a permit cannot be issued until 30 days after the Board of Supervisors approve the rezoning.

### **Expiration of Permit**

If the change in the use of land or buildings for which a Conditional Use Permit is granted is not begun within three years of the date of final approval, the Conditional Use Permit shall expire and be of no further effect. Three one-year extensions may be granted by the Community Development Director upon written request of the applicant if made prior to the original expiration date. The Conditional Use Permit may be revoked by the Community Development Director if the proposal and conditions are not carried out as approved.

If the use for which a Conditional Use Permit has been granted ceases for a period of eighteen (18) months, said use shall be considered to be abandoned and the Conditional Use Permit shall become null and void. Re-establishment of an abandoned use shall require the issuance of a new Conditional Use Permit.

# Conditional Use Permit Required Submittals and Information

1. Tuolumne County Land Development Application.
2. Project Valuation Form.
3. Fee of \$\_\_\_\_\_.
4. Vicinity Map. Should show nearest intersection and any landmarks. May be drawn at a small scale on the site plan.
5. Site Plan. Number of copies:\_\_\_\_\_. Requirements and an example are attached to these instructions. For requirements for grading and landscaping plans, see items 12 and 13 below.
6. Reduced Site Plan. Number of copies: 1. Size requirement - 8 1/2" x 11".
7. Services Availability Letter. A "will-serve" letter from a water or sewer agency may be required depending on the proposed use, zoning district and General Plan designation.
8. Legal Description. A metes and bounds description of the dimensions of the project site that may be obtained from the deed.
9. Floor Plans. Number of copies:\_\_\_\_\_. Submit floor plans of all proposed buildings.
10. Exterior Elevations. Number of copies:\_\_\_\_\_. Submit plans of front, rear and side elevations. Indicate proposed colors and materials for siding, roof, doors, windows, etc. Identify the location of attached signs.
11. Reduced Exterior Elevations. Number of copies 1. Size requirement - 8 1/2" x 11".
12. Preliminary Grading Plan. Number of copies:\_\_\_\_\_. Information on this plan should include (a) topographic details, (b) soil type, depth and erodibility, (c) proposed cuts and fills, (d) amount of earth to be moved, (e) storm drainage facilities, (f) blasting, (g) erosion control measures, temporary and permanent, (h) if located adjacent to State right-of-way, show estimated drainage of impervious areas and location of terminal relief, (i) cross-sections of cut and fill slopes.
13. Landscaping Plan. Number of copies:\_\_\_\_\_. Should include:
  - (a) existing vegetation to be retained.
  - (b) existing trees with 6" diameter or larger to be removed.
  - (c) location of proposed vegetation.
  - (d) sizes and species of proposed plants.
  - (e) fences, planters and other landscape features.
  - (f) erosion control measures.
  - (g) irrigation system layout.
14. Phasing and sequence of improvements on large projects. Indicate if development will be done in separate stages. This may affect evaluation of grading, utilities, recreation areas, etc.
15. For review by the County Sheriff's Department submit details on outdoor and hallway lighting, locking devices on doors, silent or audible alarm systems, and other features that may discourage criminal activity.
16. Additional Information as determined by the Environmental Coordinator to facilitate the formulation of mitigation measures to enable the project to qualify for the preparation of a mitigated Negative Declaration instead of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA).

**Incomplete Applications Will Not Be Accepted**

# Conditional Use Permit Site Plan

## Required Details

- A. The plan must be drawn in ink on paper of good quality using a minimum size of 8 1/2" x 11" at a scale of 1" equals 20' if the land in question is less than one acre, or at a scale of 1" equals 50' if the land is one acre or larger. If the parcel is too large for the above-mentioned scale, provide a separate map of the entire property at a convenient scale, then provide a larger scale plot plan on a portion thereof, with reference to the overall map.
- B. North arrow and scale used.
- C. Dimensions and area of property.
- D. Slope of the land in % of grades.
- E. Location of all water courses, seasonal drainages, rock outcroppings, unusual vegetation, or other natural features.
- F. Legal access from public roads - include street names, widths of easements, and surface material of roads and driveways.
- G. Location and dimensions of existing on-site improvements such as structures, driveways, parking areas, fences, orchards, mines, pastures, dams, ponds, etc.
- H. Location and dimensions of proposed improvements (distinguish between existing and proposed improvements on the site plan).
- I. Locations of existing improvements on adjacent properties within 300' of the property line, including wells.
- J. Indicate location of water source and sewage disposal facilities.
- K. Name and address of property owner.
- L. Assessor's Parcel Number.
- M. An 8 1/2" X 11" reduction of the site plan must be submitted along with the scaled plan.