

City of Alturas ~ Planning Application Package

USE PERMIT

PURPOSE: The purpose of a Use Permit (UP) is to permit land use activities not otherwise allowed “by right” in the applicable zone. This can only be authorized by the Planning Commission at a public hearing, and only under the conditions indicated in “When To Use” (below).

USE PERMIT RESTRICTIONS: It should be noted that a Use Permit cannot be used to reduce the Site Planning and Development Standards, or any other requirement or standard, in the Zoning Ordinance unless the ZO explicitly says it can. This is because ZO Section 28.52.040F clearly states that approval of the Use Permit requires, among other things, “findings of consistency with the requirements and standards of this Ordinance, including the Site Planning and Development Standards outlined in Article 4”. Therefore, if any Zoning Ordinance requirement or standard needs to be waived or reduced it must be done with a Variance Permit unless otherwise provided for in the ZO.

LEGAL AUTHORITY:

- Zoning Ordinance Section 28.52.040
- State Code: CA Gov. Code Section 65091, 65850, 65905, 65909

WHEN TO USE: The City will consider a Use Permit Application when:

- The Land Use Matrix in ZO Section 28.22.020 permits a Use Permit to be considered; and
- The project can be conditioned to meet the criteria specified in ZO Section 28.52.040F (including being consistent with the Site Planning and Development Standards outlined in Article 4), and
- All “Required Documents and Fees” (as noted below) have been submitted to the City Clerk.

RELATIONSHIP TO OTHER PERMITS: Administrative and Sign Permits must be processed as separate permits from the Use Permit (when they are required) as they are renewed periodically and do not establish rights that run with the land (as Use Permits do). Variations may be processed concurrently with Use Permits, but they must be processed as a separate application due to the unique findings that must be made. Projects requiring a Use Permit do not require Site Plan review as compliance with all but the Sign Standards of Article 4 are incorporated into the Use Permit review process.

HOW TO PROCEED: Property owners interested in a Use Permit should call the City Clerk at (530) 233-2512 to arrange a consultation with the City Planner before submitting the Required Documents and Fees.

REQUIRED DOCUMENTS AND FEES

✓	Item	Description
1	Application Intake Form	Completed by the City Planner
2	General Information Form (<i>attached</i>)	Provides general property description, as well as ownership and contact information.

✓	Item	Description
3	Project Description	A clear description of the operation under Use Permit Review. All large equipment and buildings used on site, and product processing that will be conducted on site must be described.
4	Site Plan	A reproducible map, drawn to scale, showing all property within the boundaries of the Legal Lot where the project is proposed, all structures and easements within and adjacent to the lot, and the footprint of all improvements for the lot. Landscape drawings shall also be included along with a planting pallet that conforms to the requirements of the Landscape Standards in Article 3. The site plan shall also clearly show required parking, drainage areas and other features required by Article 3, and identify any areas of significance for the use requested as part of the Use Permit (for example: outdoor storage areas, outdoor work areas, construction equipment parking, outdoor repair areas, etc.)
5	Elevation Drawings	Architectural elevations of all sides of all structures proposed for construction or exterior modification must be drawn to scale and include reasonable likenesses of materials and lighting used in construction or renovation.
6	Fees	<p>\$ 2,100* (Please make check made payable to "City of Alturas")</p> <p><i>*Please note:</i></p> <ol style="list-style-type: none"> 1. If approved, the form of decision will need to be recorded with the County and the Applicant will be responsible for any recordation fees. 2. Additional fees may be due to the California Department of Fish and Wildlife and the Modoc County Recorder if the project is expected to impact fish and wildlife in any way. This will be determined during the environmental review process. 3. If it is determined that Extended Environmental Studies or an EIR is required for the project, additional funds will be required to review these additional documents.

DESCRIPTION OF APPLICATION PROCESSING: Since incomplete applications cannot be processed, please be sure the application materials you submit include all the material requested above.

Once application materials are submitted, the City Planner will review them and confirm whether or not the application is complete, identify potential environmental impacts caused by the proposal, and (if no additional information is needed) schedule the project for a hearing in front of the Planning Commission. Once this is done, a letter confirming the completeness of the application, the recommended environmental determination, and the hearing date will be mailed to the Applicant (typically within two to three weeks of application intake).

The decision of whether or not to issue a Use Permit is made by the Planning Commission in a public hearing. The purpose of the hearing is to allow all interested parties a chance to provide their input to the decision makers before a decision is rendered. In this case, a notice of the public hearing will be mailed to all property owners and tenants within 300 feet of the subject property. The announcement will contain a brief description of the project and the Use Permit process, as well as the type of environmental determination the project is recommended to receive. *Attendance at the Planning Commission hearing is recommended, but not required.*

If approved, the decision is appealable by any interested party for a period of 10 days. After this time, the owner will receive a Notice of Approval, and the form of decision will be recorded with the County Recorder's Office once the recordation fee has been received from the Applicant.

If denied, the applicant may file an appeal of the decision to the City Council. All appeals must be submitted in writing within 10 days of receipt of the decision letter (determined by the date on the letter or the postal cancellation stamp on the envelope, whichever is later). The Appeal should be submitted to the City Clerk at 200 West North Street, Alturas, CA 96101 along with a \$350 appeal fee. Once received, the Appeal will be scheduled to be heard at the next available City Council meeting.

A NOTE ON POSSIBLE PERMITTED CONDITIONS: The Decision Making Authority may impose such conditions as it deems necessary to secure the purposes of the Zoning Ordinance including, but not limited to:

1. Requiring tangible guarantees or evidence that any imposed condition is being, or will be, complied with.
2. Requiring a Maintenance Agreement to ensure improvements will be maintained in accordance with the Use Permit.
3. Establishing a termination date for the Use Permit.
4. Establishing a termination condition linked to closure of a business or other clearly definable event.