

## SECTION 873

### USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

#### A. APPLICATION

##### 1. Filing

An application for a Conditional Use Permit shall be filed by the owner or lessee of the property for which the permit is sought, or by the authorized representative of either the owner or lessee.

##### 2. Form and Contents

Application shall be made to the Commission on forms furnished by the Public Works & Development Services Department and shall be full and complete, including such data as may be prescribed by the Commission to assist in determining the validity of the request.

(Amended by Ord. T-252 adopted 12-9-80)

##### 3. Verification

The Public Works & Development Services Department shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Such verification shall be made within ten (10) days of the filing of such application.

(Amended by Ord. T-252 adopted 12-9-80)

In cases where the Director considers the reasons and conditions as set forth in the application not within the scope of the Conditional Use Permit procedure, the applicant shall be so informed; whereupon, if the application is filed and the fees are accepted, said application shall be signed by the applicant to the effect that he was so informed.

(Amended by Ord. T-252 adopted 12-9-80)

##### 4. Formal Acceptance

If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application does not constitute an indication of approval.

#### B. FILING FEE

When the application for a Conditional Use Permit is filed, a fee as provided in Section 879 shall be paid for the purpose of defraying the costs incidental to the proceedings.

#### C. DEPARTMENT INVESTIGATION

The Public Works & Development Services Department shall investigate the facts bearing on the case to provide information necessary for action consistent with the intent of this Division and the General Plan.

(Amended by Ord. T-252 adopted 12-9-80)

D. NOTICE OF COMMISSION PUBLIC HEARING

1. The hearing date shall be set by the Director for not less than ten (10) nor more than forty (40) days after the formal acceptance of an application.
2. Notice of all public hearings shall be given and shall contain the name and place of the hearing and other pertinent data presented in the application.
3. Notice shall be mailed not less than ten (10) days before the date set for the hearing to owners of property within a radius of three hundred (300) feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the latest adopted tax roll of the County.
4. Notices may be posted not less than ten (10) days before the date set for the hearing on all streets within five hundred (500) feet of the external boundaries of the subject property when such notices are requested by the Commission.

E. COMMISSION PUBLIC HEARING AND DECISION

1. The Commission shall, not less than ten (10) days after the legal notice of a public hearing on a Conditional Use Permit application, hold said public hearing.
2. The Commission shall approve, approve with conditions, or disapprove the application. The Commission action is final unless appealed, except Conditional Use Permits filed concurrent with other applications required to be heard by the Board of Supervisors or Conditional Use Permits for development of Agricultural Commercial and Rural Commercial Centers under Section 867. A tie vote shall constitute denial.
3. The Commission shall announce the result of its action by resolution within ten (10) days after the conclusion of the public hearings. Said resolution shall set forth the findings of the Commission and any recommended conditions, including the time limit, deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the community as a whole. The resolution shall be filed with the Clerk of the Board and mailed to the applicant at the address shown in the application.

(Sec. 873-E amended by Ord. 490.101 adopted 9-10-74; 490.171 re-adopted 4-24-79)

F. COMMISSION FINDINGS AND CONDITIONS

The Commission, in approving or recommending approval of a Conditional Use Permit, shall find as follows:

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

3. That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.

(Amended by Ord. 490.127 adopted 1-11-77)

4. That the proposed development is consistent with the General Plan.

(Amended by Ordinance 490.127 adopted 1-11-77)

5. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:

- a. Special yards, spaces and buffers.
- b. Fences and walls.
- c. Surfacing or parking areas subject to specifications.
- d. Requiring street dedications and improvements (or bonds) subject to the provisions of "Site Plan Review," Section 874, including service roads or alleys when practical.
- e. Regulation of points of vehicular ingress and egress.
- f. Regulation of signs.
- g. Requiring landscaping and maintenance thereof.
- h. Requiring maintenance of the grounds.
- i. Regulation of noise, vibration, odors, etc.
- j. Regulation of time for certain activities.
- k. Time period within which the proposed use shall be developed (See Section 873-I).
- l. A bond for removal of such use within a specified period of time.
- m. A request for a site plan for purposes of review, said site plan to be submitted by the applicant.
- n. And such other conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division.

(Sec. 873-F amended by Ord. 490.196 adopted 3-11-80)

#### G. APPEAL OF COMMISSION DECISION

1. The applicant, any person aggrieved, a County Department Director, or a member of the Board, may appeal any decision of the Commission to the Board by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days of the Commission's action. Such appeal shall set forth the reasons therefor.
2. The appeal of a Commission decision on any application filed and heard concurrently with

other applications shall require a Board hearing of each of those applications.

3. The hearing date for appeals shall be set by the Clerk of the Board for not less than fifteen (15) nor more than forty (40) days after the expiration date for the filing of an appeal pursuant to Section 873-G-1 or the filing of an appeal pursuant to 873-G-2. Notice shall be given as provided in Section 873-D, above.

(Amended by Ord. 490.196 adopted 3-11-80)

#### H. BOARD PUBLIC HEARING AND DECISION

1. The Board shall, not less than ten (10) days after the legal notice of public hearing on a Conditional Use Permit, hold said public hearing. Appeal hearings shall be de novo, except where the appeal is to a condition imposed or not imposed in which event the hearing and the decision of the Board shall relate only to such condition.
2. The Board may approve, approve with stated conditions, or disapprove the Conditional Use Permit application by resolution. The Board may add to or delete any of the conditions recommended or approved by the Commission. Such decision shall be made within forty (40) days of the hearing. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.
3. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.
4. The decision of the Board shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days after the Board resolution date.

(Added by Ord. T-241 adopted 7-28-80)

#### I. TIME LIMIT FOR DEVELOPMENT

Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when:

1. There has not been substantial development within two years after the approval of said Conditional Use Permit or the effective date of this amendment, whichever date is later. However, in the case of a Conditional Use Permit authorizing a tentative map, expiration of said permit shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map; or

(Amended by Ord. T-241 adopted 7-28-80; Ord. T-026-287 adopted 11-12-85)

2. There is a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two years; except where the structure or land is limited to a single purpose use.
3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873-I.1, the Commission may grant a maximum of four one (1)-year extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit. Such request shall be acted upon by the Commission at a public hearing. The Commission's decision shall be appealable to the Board of Supervisors. The required public hearing(s)

shall be subject to the public notice requirements and procedures set forth in Section 873-D, E, G, and H.

(Amended by Ord. T-091-374 adopted 8-23-16)

J. APPEAL OF DIRECTOR'S DECISION AND BOARD PUBLIC HEARING AND DECISION

(Added by Ord. T-241 adopted 7-28-80)

1. Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent the external boundaries of the property described in the application. The applicant or an adjacent property owner may appeal this decision to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days after the mailing of notice of such decision. Such appeal shall set forth the reasons therefore.
2. The Clerk of the Board upon receipt of such appeal shall set the hearing date for not less than fifteen (15) days nor more than forty (40) days after the filing of an appeal.
3. The Board shall not less than ten (10) days after the legal notice of a public hearing on an appeal, hold said public hearing.
4. The Board may approve, approve with stated conditions, or deny the appeal by resolution. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.
5. The decision of the Board shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days after the Board resolution date.

K. REVOCAION OF CONDITIONAL USE PERMIT

1. The Board, on its own motion, at a public hearing, with or without a recommendation from the Commission, may revoke any Conditional Use Permit for noncompliance with the conditions set forth in granting said permit.
2. If an established time limit for development expires and no extension has been granted, the Conditional Use Permit shall be considered void.

L. MAPPING

Within thirty (30) days after the granting of a Conditional Use Permit, the Public Works & Development Services Department shall indicate on the zone map the lot or lots affected by such Conditional Use Permit. Such indication shall show the file number of such permit.

(Amended by Ord. T-252 adopted 12-9-80)

M. REAPPLICATION FOR CONDITIONAL USE PERMIT

No person, including the original applicant, shall reapply for a similar Conditional Use Permit on the same land, building or structure within a period of one (1) year from the date of the final decision on such previous application unless such decision is a denial without prejudice.