



CONDITIONAL USE PERMIT GENERAL INFORMATION AND APPLICATION

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

General Information and Instructions:

The attached application package contains all the necessary information and materials needed to submit an application requesting a conditional use permit. This package includes a list of materials and items that must be submitted by the applicant in order to meet the application filing requirements. In addition, general information is provided relating to costs and the processing of a Certificate of Compliance application. This office strongly encourages the applicant to review all materials included in this application package.

When preparing the conditional use permit application it is important to provide as much detail and information in the application as possible. Applications that are incomplete, confusing, missing information, or inaccurate may cause delays in processing. By providing complete and accurate information the applicant will lessen the chance for delays and requests for additional information. In order for the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted with the required application fees to the Planning Department. The Planning Department will not accept an application for processing that is incomplete or missing required items.

Applicants are strongly encouraged to have a pre-application meeting with Planning Department staff to discuss the application. Staff would review the application and discuss the application requirements, costs, and the processing of the application with the applicant. Such pre-application meetings are at no cost to the applicant and could save both application costs and time. Please call the Mariposa County Planning Department at (209) 966-5151 if you wish to schedule a meeting or if you have any questions regarding the application package.

Applicants may also wish to contact the following County Departments and state agencies with any questions relating to the project and conditional use permit application:

Mariposa County Public Works Department (for road encroachments, road improvements, and engineering issues)	(209) 966-5356
Mariposa County Health Department (for water systems, septic systems, and food facility issues)	(209) 966-2220
Mariposa County Fire Chief (for the local fire standards)	(209) 966-4330
Mariposa County Building Department (for Building Code compliance, and for inspections)	(209) 966-3934
California Department of Forestry (for state fire standards)	(209) 966-3622
California Department of Transportation (CalTrans), District 10 (for state highway encroachments)	(209) 576-6299

Purpose:

The purpose of a conditional use permit is to allow the development of a use within a zoning district that is not permitted as a matter of right within the zone. A conditional use is permitted within a particular zoning district only by approval of the conditional use by the Planning Commission. This would allow for the proper integration of the use or uses into the surrounding area. The Planning Commission will review the proposed use and make findings as to whether the establishment, maintenance, or operation of the conditional use applied for will, under the circumstances, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of the proposed use, or whether the use will be injurious or detrimental to property and improvements in the neighborhood. A complete list of findings is shown on page 3. Any conditions of approval established by the Planning Commission for a conditional use permit are in effect for the life of the project. Violation of the conditions of the conditional use permit or County Code may be sufficient grounds for revocation of the use permit.

Costs:

Application fees must be paid before the application will be accepted for processing. See the fee schedule within this application for fee costs; application fees are determined by Mariposa Planning. Planning staff will review the conditional use permit application to determine which County departments are required to review the project.

The California Department of Fish and Game will likely require the payment of environmental filing fees when the conditional use permit is approved. The environmental filing fee is required for any project subject to review as required by the California Environmental Quality Act (CEQA). The Department of Fish & Game environmental filing fees are adjusted annually on the 1st of January. Additionally, a \$50.00 County Clerk fee is required.

Please be advised that there may be other additional fees collected by other County department or state agencies that are not collected by the Planning Department as part of the conditional use permit application process. The project applicant shall be responsible for paying the costs of any special studies including, but not limited to, biological studies, cultural resource studies, environmental documents, and for any permits and miscellaneous costs associated with the project.

Review and Approval Process:

Once a complete application has been submitted to the Planning Department, various federal, state, and local agencies involved in the review process are contacted. These agencies may include the County Health Department, County Public Works Department, County Fire Department, County Public Utility District, California Department of Transportation, California Department of Fish and Game, the Bureau of Land Management, etc. The Planning Department allows at least fourteen (14) days for these agencies to comment on the project. Based on the comments received from these agencies and preliminary review of the project by staff, additional information may be required by the Planning Department. Upon receipt of any application, the Planning Department has thirty (30) days to review the application in order to determine if the application is complete. If additional information or materials are required, the applicant is notified in writing as to what the deficiencies are, and what is needed to complete the application for processing.

Once the application is determined to be complete, the Planning Department will prepare an Initial Study and staff report for the project. An Initial Study is an analysis and discussion of environmental impacts that may result from the project. Based on the findings contained in the Initial Study, the Planning Department will recommend adoption of a Negative Declaration (statement of no significant

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impacts), or a Mitigated Negative Declaration or the preparation of an Environmental Impact Report (EIR) for the project. If it is clear at the outset that an EIR is required, an initial study is not required to be prepared. A California Environmental Quality Act (CEQA) handout that explains the environmental review process is available at the Planning Department.

The Initial Study and proposed environmental determination is subject to public review. The review period is a minimum of 20 days; it is 30 days if it requires state agency review.

The Initial Study becomes part of a staff report that is prepared by the Planning Department. This report contains recommendations for approval or denial of the project, and the appropriate recommended findings and conditions of approval. At this time the applicant will be given an opportunity to review the Initial Study and preliminary staff report and meet with Planning staff to discuss the reports and recommendations before the application is scheduled for consideration by the Planning Commission.

The applicant does not have to agree with the Planning Department's conditions and recommendation for approval or denial in order to schedule the application for consideration by the Planning Commission, except for those conditions developed specifically as mitigation measures.

A Planning Commission public hearing will be scheduled for the use permit application, and the affected property owners would be notified of the hearing and invited to provide comments on the project in writing or at the public hearing. The hearing would also be advertised in the newspaper.

In order to approve a conditional use permit, the Planning Commission must make the following findings:

1. That adequate open space is being provided.
2. That the site is physically suited for the proposed development.
3. That adequate provisions have been made for sewage disposal, and the handling of solid waste.
4. That the proposed development would have adequate potable water for public use and fire protection.
5. That the project complies with all standard and special setback requirements, and appropriate buffers have been provided for adjacent land uses.
6. That appropriate access is available, or is provided to, the development.
7. That the proposed use is consistent with the policies and standards of the General Plan, and any applicable Specific Plan.
8. That the project, as approved, would not have a significant effect upon the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.
9. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort,

and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

If the Planning Commission determines that the mandatory findings cannot be made, the application must be denied. In addition, the Planning Commission may impose any conditions and/or requirements it finds necessary to guarantee compliance with the above findings.

An approved conditional use permit would become invalid if the project is not completed within three (3) years from the date of approval, unless a time extension has been requested and approved. Additional time may also be requested as part of the application package. A project is considered completed when:

1. The Building Department has issued a Certificate of Occupancy verifying that all structures, site improvements and/or off-site work has been completed.
2. The Planning Director verifies that a use or activity, not involving a building or grading permit, is occurring on the subject site in accordance with the approved conditional use permit.

The Planning Commission may revoke a conditional use permit for one or more of the following grounds:

1. The conditions of the conditional use permit are violated.
2. Activities held on the premises for which the conditional use permit was granted are, or have been, in violation of state law and County ordinances.

Processing Time:

The time to process a conditional use permit is generally twelve to sixteen (12-16) weeks from the date a complete application is received. This time frame assures the completion of an Initial Study with a recommendation for a Negative Declaration or mitigated Negative Declaration. An incomplete application will delay the processing time.

Any action made by the Planning Commission relating to the environmental determination or the approval, conditional approval, or denial of the application may be appealed to the Board of Supervisors. **The appeal period to appeal a Planning Commission determination on a conditional use permit application is twenty (20) days from the date of the Commission's action.**

Appeals to the Planning Commission must be submitted to the Mariposa County Planning Department, while appeals to the Board of Supervisors must be submitted to the Board of Supervisors. Further information regarding the appeal process and appeal fees may be obtained from the Planning Department.

Any work or construction begun or completed by the applicant during the appeal period is at the applicant's risk. The County may issue a building or septic permit during the appeal period. However, if the conditional use permit is appealed and overturned, any work started must be halted, and any work completed may be required to be totally removed.

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Attachments:

Application

Required Materials and Items for a Complete Application

Site Plan Requirements Checklist

Conditional Use Permit Application Processing Flow Chart

Fish and Game Letter

Mariposa County Zoning Ordinance, Chapter 17.112



CONDITIONAL USE PERMIT APPLICATION

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FOR OFFICE USE ONLY

Date Submitted _____ Received By _____

Fees Paid \$ _____ Receipt No. _____ Received By _____

Application No. _____ Application Complete _____

Final Action _____ Date _____

Applicant:

Name _____

Agent: (if applicable)

Mailing Address _____

Daytime Telephone (_____) _____

(_____) _____

E-Mail Address _____

Property Owner Name(s)* _____

*If different than applicant, attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

Property Information:

Assessor's Parcel Number (APN) _____ Parcel Size _____

Address _____ Town _____

General Plan Land Use _____ Zoning Districts _____

Project Information:

Please briefly describe the proposed use (attach additional pages if necessary).

Is a new structure to be constructed? Yes No

If yes, please briefly describe the structure and its intended use (attach additional pages if necessary).

Is an existing structure to be remodeled? Yes No

If yes, please briefly describe the remodeling activities and the intended use (attach additional pages if necessary).

Days of Operation _____

Hours of Operation _____

Number of Employees _____

Number of Anticipated Customers _____

Number of Existing On-site Parking Spaces _____

Number of Proposed On-Site Parking Spaces _____

Primary Access from* _____

Secondary Access from* _____

*Please provide information on whether the access road is a County road, non-County road, private easement or driveway, information on the width and type of surface, and the name of the road. If an existing or proposed easement is located off-site, please attach adequate documentation that clearly demonstrates the subject property has the necessary rights to use the easement, or that the necessary easement could be obtained from the adjoining property owner. Adequate legal access is a requirement for commercial development.

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Road Encroachment Permit Needed? Yes No

(may be required from Mariposa County Public Works Department or from CalTrans)

Water Source:

(circle) Well Spring Public Water System Other _____

Sewage System:

(circle) Sewer Septic Tank/Leach Field Other _____

Are there any prior Planning Commission actions affecting this property that you are aware of?

Yes No (i.e., Lot Line Adjustment, Variances, Use Permits, etc.)

If so, please describe:

Previous building permits? Yes No; Project or building _____

Construction Time Frame:

Can the project be constructed in a 3-year time frame? Yes No

If no, can the project be constructed in a 4-1/2 year time frame? Yes No

Preliminary Environmental Information:

Provide information on the adjacent land uses for those properties adjacent to the project site (i.e., vacant, residential, commercial, grazing land, agricultural, mining, timber, etc.).

	<u>Parcel Size</u>	<u>Use of Property</u>
North	_____	_____
Northeast	_____	_____
East	_____	_____
Southeast	_____	_____
South	_____	_____
Southwest	_____	_____
West	_____	_____
Northwest	_____	_____

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Are the following items listed below applicable to the project with respect to having a possible effect on the environment? A brief discussion of those items checks 'yes' or 'maybe' must be attached to the application.

Yes Maybe No

 1. Would the construction of roads, driveways, and building pads associated with the project result in grading on slopes of greater than 20% result in a change in the existing topography of any hills on the site, or result in the alteration of any lakes, ponds, rivers, or drainage courses?

 2. Would the project result in any change in the pattern, scale, or character of development in the general area of the project?

 3. Would the project result in a change in the quantity or quality of ground and surface water supplies?

 4. Would the project result in an increase in noise or light levels in the vicinity of the project site?

 5. Would the project result in the use of hazardous materials such as toxic substances, chemicals, flammables, or explosives?

 6. Are there any historical or archaeological structures or sites located on the project site or in the surrounding area?

 7. Would the project result in an increase of traffic or existing easement roads?

Mandatory Findings:

In order to approve a conditional use permit, the Planning Commission must make the findings listed below. Please provide supporting information for each finding.

- 1. Adequate open space is being provided.

- 2. The site is physically suited for the proposed development.

- 3. Adequate provisions have been made for sewage disposal and the handling of solid waste.

- 4. The proposed development will have adequate potable water for public use and fire protection.

- 5. The project complies with all standard and special setback requirements, and appropriate buffers have been provided for adjacent land uses.

- 6. That appropriate access is available or is proposed to the development.

7. That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan

8. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

9. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. The planning commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

REQUIRED SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

<u>Property Owner (printed name):</u>	<u>2nd Property Owner (printed name):</u>	<u>Applicant (printed name):</u>
<u>Property Owner (signature):</u>	<u>2nd Property Owner (signature):</u>	<u>Applicant (signature):</u>
Date:	Date:	Date:

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

Affidavit

Applicant/Agent Authorization:

I/we, _____, Property Owner(s) hereby authorize _____ to act as a representative/Applicant and/or _____ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

<u>Property Owner (printed name):</u>	<u>Applicant (printed name):</u>	<u>Agent (printed name):</u>
<u>Property Owner (signature):</u>	<u>Applicant (signature):</u>	<u>Agent (capacity/title):</u>
<u>Property Owner (capacity/title):</u>	<u>Applicant (capacity/title):</u>	
Date:	Date:	
<u>2nd Property Owner (printed name):</u>	<u>Co-Applicant (printed name):</u>	
<u>2nd Property Owner (signature):</u>	<u>Co-Applicant (signature):</u>	
Date:	Date:	

REQUIRED MATERIALS AND ITEMS FOR A COMPLETE CONDITIONAL USE PERMIT APPLICATION

The attached conditional use permit application form filled out completely and signed by the applicant. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all other individuals who have an interest in the property.

Ten (10) copies of an accurate site plan that indicates the affected parcel drawn to scale and containing the information listed on the Conditional Use Permit Site Plan Requirements Checklist. To ensure that all the required information is shown on the site plan, use the Conditional Use Permit Site Plan Requirements Checklist and check off each item drawn. The site plan must be drawn to scale in black ink or other non-erasable marker on a single sheet with a minimum size of 11"x17" and a maximum size of 18"x26". Planning staff recommends that applicants use the site plan form provided with this application packet. The site plan must be drawn to scale as follows:

<u>Parcel Size</u>	<u>Scale</u>
Less than 1 acre	1 inch = 20 feet
1 to 2.5 acres	1 inch = 50 feet
2.6 to 5 acres	1 inch = 80 feet
5.1 to 20 acres	1 inch = 100 feet
Over 20 acres	Please discuss with Planning staff.

Environmental Review Requirements for CIM Plan. The environmental review requirements for a CIM Plan application submittal will be dependent upon the submittal, including the project and the site. Some of the typical requirements which may be required for the CIM Plan environmental review document include the following (submittal of this information with the application will expedite the permitting process):

- a. Botanical survey conducted during the appropriate time of year by a qualified individual or individuals; purpose of the survey would be to evaluate the project site for endangered, rare or threatened state-listed or federal-listed species or habitat for species. Survey shall be conducted in accordance with any state or federal survey criterion or requirements. If species or habitat is identified, survey would include recommendations for mitigation.
- b. Biological survey conducted by a qualified individual or individuals; purpose of the survey would be to evaluate the project site for endangered, rare or threatened state-listed or federal listed species or habitat for species. Survey shall be conducted in accordance with any state or federal survey criterion or requirements. If species or habitat is identified, survey would include recommendations for mitigation.
- c. Cultural Resources (historical / archaeological) study conducted by a qualified individual or individuals; purpose of the study would be to evaluate the project site and development for the existence of cultural resources and determine the project's potential impacts to the resources. If resources and potential impacts are identified, survey would include recommendations for mitigation.
- d. Traffic study conducted by a qualified individual or individuals; purpose of the study would be to determine the existing traffic levels of streets and roads providing access to the site and to

evaluate the project's potential impacts to the traffic levels. If potential impacts are identified, survey would include recommendations for mitigation.

- e. Wetlands delineation conducted by a qualified individual or individuals; purpose of the study would be to determine the existence of wetlands on the project site and to determine if project impacts the wetlands.
- f. Soils testing information, including possible full soils report with soil profiles and percolation test; purpose of the testing information would be to determine adequacy of the soils to support on-site sewage disposal system.
- g. Well production information, including both quality and quantity information; purpose would be to determine adequacy of the on-site well to support commercial project.
- h. Noise study conducted by a qualified individual or individuals; purpose of the study would be to determine potential noise impacts created by project.

Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the assigned lower staff hour charge of \$58 per hour. Should the Director or Deputy Director work on the project, the time charge will be rated at \$114 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Conditional Use Permit Deposit Fee:.....	2,140.00
Document Conversion.....	50.00
Planning Commission Hearing.....	200.00
Agency Review Fees	
Public Works.....	75.00
County Fire.....	100.00
Health Department.....	114.00
(Health fees are based on 1 hour. Any additional time will be billed to the applicant)	
Public Noticing Fee (____ names at .50 per name + \$5.00).....	_____
Vehicle Mileage Fee (____ miles at \$.0575 per mile, round trip).....	_____
TOTAL	_____

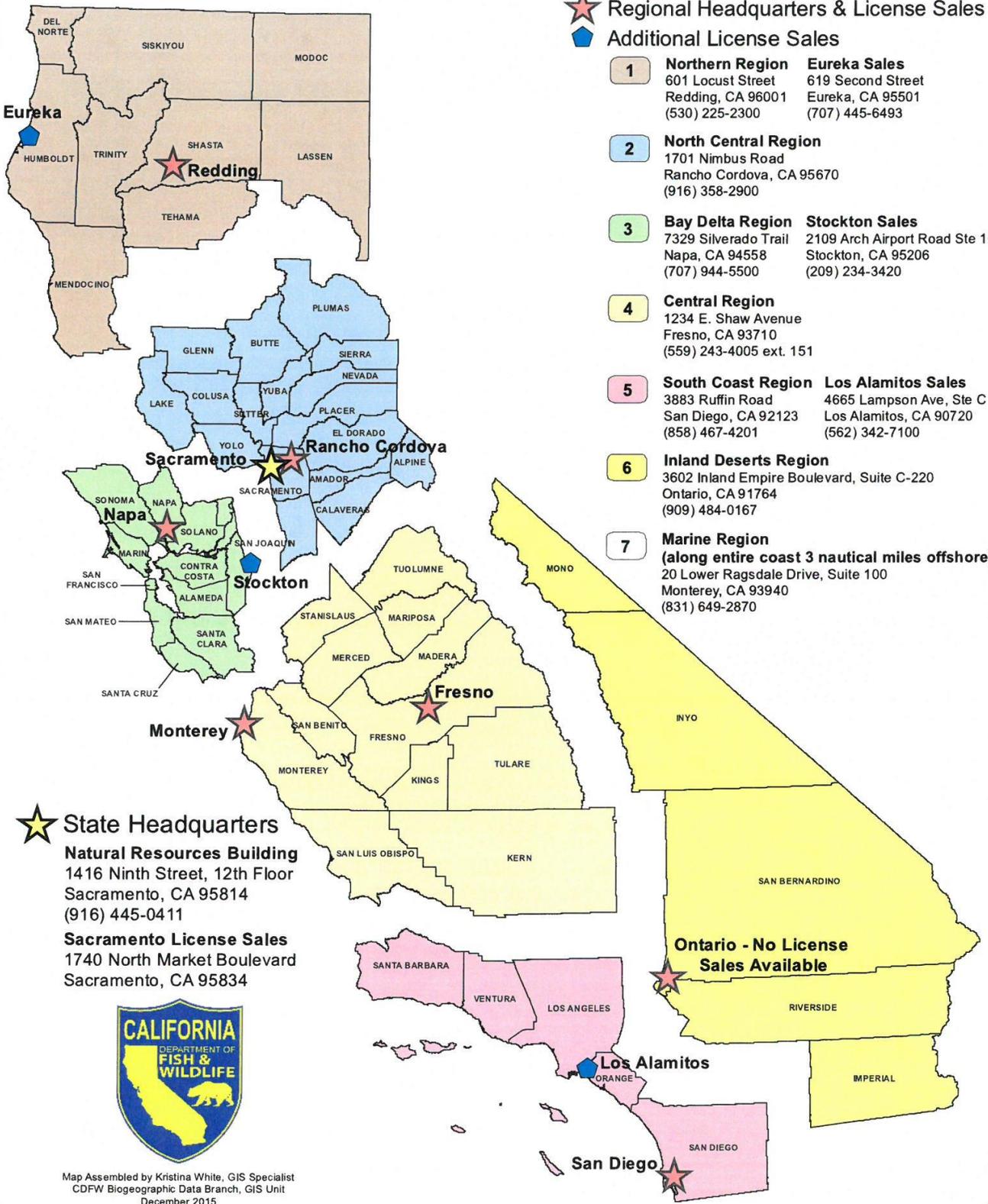
**CONDITIONAL USE PERMIT APPLICATION
SITE PLAN REQUIREMENTS CHECKLIST**

1. The name of the applicant.
2. The street address and Assessor's Parcel Number (APN) of the project site.
3. A north arrow and scale.
4. The property lines and dimensions of the parcel.
5. The approximate area of the property in acres (square feet for parcels less than one acre).
6. The location of all creeks, springs, intermittent streams, other drainages, lakes or reservoirs on the property.
7. The location, size, and dimensions of all *existing* structures on the property including houses, decks, additions, garages, sheds, and mobile homes. Each structure must be labeled as to what the structure is used for.
8. The location, size, and dimensions of all *proposed* structures on the property including houses, decks, additions, garages, sheds, and mobile homes. Each structure must be labeled as to what the structure would be used for.
9. The setback distance of all existing and proposed structures from all property lines, from the centerline of all state highways, County roads, road easements, and all existing structures.
10. The location of all existing and proposed sewage disposal systems on the property. The site plan must show and label the area for the septic tank, leach lines, and 100% percent replacement area for the septic tank and leach lines. Each sewage disposal system must be identified and labeled as existing or proposed.
11. The location of all existing and proposed well sites on the property. The site plan must show the distance of any existing or proposed well from any proposed or existing septic system.
12. The location, width, and type of all easements of record(s) on the property.
13. The location, width, surface, grade, and length of all existing and proposed access roads and driveways including turnouts, turnarounds, and bridges or crossings must be identified and labeled as existing or proposed. Include this information for the road(s) within any off-site easement(s) leading to the nearest state highway or County road.
14. The number of existing and proposed parking spaces available on site. Provide information on the parking area surface, parking staff dimensions, width of travel aisles, turnaround areas, and show the direction of traffic flow on and off site.

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15. Building elevations may be beneficial in some circumstances. Verify with Planning staff if building elevations are required to be submitted with the application. Elevations should indicate the type of construction and materials to be used.
16. Provide a general vicinity map showing the location of the affected property, and showing information such as major roads, streams, prominent landmarks, adjoining sections, and other information sufficient to locate the property and show its relation to the surrounding area.
17. Provide a preliminary grading plan or cross section of the site if major grading is proposed as part of the project. Verify with Planning staff if a grading plan or cross section is required for the project.
18. Provide a preliminary landscaping or revegetation plan for any proposed parking areas or open space areas on the project site.
19. Show any outside work areas, outside storage areas, or areas where outside retail sales may occur on the project site.
20. Show the location of any existing or proposed exterior lighting, security lighting, or building lighting.

California Department of Fish and Wildlife Regions and License Sales



★ State Headquarters
Natural Resources Building
 1416 Ninth Street, 12th Floor
 Sacramento, CA 95814
 (916) 445-0411

Sacramento License Sales
 1740 North Market Boulevard
 Sacramento, CA 95834



Map Assembled by Kristina White, GIS Specialist
 CDFW Biogeographic Data Branch, GIS Unit
 December 2015
 DFG Regional Boundaries effective January 1, 2007

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CEQA Environmental Document Filing Fees

CDFW imposes and collects a filing fee to defray the costs of managing and protecting California's vast fish and wildlife resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs.

CEQA Document	Fees Effective January 1, 2019	Fees Effective January 1, 2020
Negative Declaration (ND)	\$2,354.75	\$2,406.75
Mitigated Negative Declaration (MND)	\$2,354.75	\$2,406.75
Environmental Impact Report (EIR)	\$3,271.00	\$3,343.25
Environmental Document pursuant to a Certified Regulatory Program (CRP)*	\$1,112.00	\$1,136.50
County Clerk Processing Fee**	\$50.00	\$50.00

* CRPs include certain state agency regulatory programs as defined in section 21080.5 of the Public Resources Code and section 15251 of the CEQA Guidelines. Beginning July 1, 2013, CEQA/CRP Filing Fees will no longer apply to the filing of Notices of Decision or Determination for Forest Practice Rules and Timber Harvest Plans (Pub. Resources Code, § 4629.6, added by Stats. 2012, ch. 289, § 3).

** Additional county fees may apply. Please check with your county clerk's office for details.

Chapter 17.112CONDITIONAL USE PERMITSSections:

- 17.112.010 Purpose and issuance.
- 17.112.020 Form of application.
- 17.112.030 Public hearing required.
- 17.112.040 Findings of approval.
- 17.112.050 Conditional use permit revisions.
- 17.112.060 Modification of use.

17.112.010 Purpose and issuance.

The purpose of the conditional use permit is to allow the proper integration of uses into the community, which may be suitable only in specific locations in a zone, or only if such uses are designed or arranged on the site in a particular manner.

Conditional use permits may be issued, as provided in the Chapter, for any of the uses or purposes for which such permits are required or permitted by the terms of this Title, upon conditions designated by the planning commission.

The planning commission, may approve, deny, or conditionally approve an application for a conditional use permit.

The planning commission may impose such conditions as it deems necessary to secure the purposes of this Title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the conditional use permit, as it deems necessary, for the protection of the property owners and the public interest, and may require tangible guarantees or evidence that such conditions are being, or will be complied with. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

17.112.020 Form of application.

Application for a conditional use permit shall be made in writing by the owners of the property or by a lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the county. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the proposed use.

No application shall be deemed complete until environmental review process has been completed, in accordance with the Mariposa County environmental review policies and procedures.

The planning commission shall not be required to conduct a hearing to reject an application which does not conform to the requirements of this Title. (Ord. 912 Sec. II, 1997; Ord. 704 Sec.1, 1988).

17.112.030 Public Hearing Required.

A public hearing in accordance with the provisions of Chapter 17.132, will be required on any application for a conditional use permit prior to action being taken by the planning commission to approve, deny, or CUP 200102 with CEQA Page 20 of 22

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conditionally approve the application. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

17.112.040 Findings of approval.

In evaluating a proposed project, the planning commission prior to approving a conditional use permit, must find that all the following findings can be made:

- A. That adequate open space is being provided;
- B. That the site is physically suited for the proposed development;
- C. That adequate provisions have been made for sewage disposal and handling of solid waste;
- D. That the proposed development will have adequate potable water for public use and fire protection;
- E. That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses;
- F. That appropriate access is available or is proposed to the development;
- G. That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan;
- H. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.
- I. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

The planning commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

17.112.050 Conditional use permit revisions.

The planning director may approve one or more revisions to an approved conditional use permit provided such revision does not result in a cumulative expansion of more than ten percent (10%) of the original site or use area or such revision, other than expansion, is deemed necessary and desirable for the best utilization of a site, and such revision will not result in creating a potential public nuisance or health and safety problem, will not create impacts which were not addressed by the original environmental determination for the project, and will not change the original intent of the conditional use permit. Notice of an approved conditional use permit revision shall be the same as specified by Section 17.08.120.D of this Title. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

17.112.060 Modification of use.

The planning director may approve one (1) or more modifications of use on an approved conditional use permit when it is determined that the CUP 200102 with CEQA Page 21 of 22

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proposed use is substantially similar to the originally approved use and that the proposed use will not create a public nuisance or health and safety problem, and that the proposed use will not create impacts which were not addressed by the original environmental determination for the project. Notice of an approved conditional use permit modification of use shall be the same as specified by Section 17.08.120.D. of this Title. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).