

ADMINISTRATIVE USE PERMIT GENERAL INFORMATION & APPLICATION

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
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General Information and Instructions:

The attached application package contains all the necessary information and materials needed to submit an application requesting an Administrative 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 an Administrative Use Permit Application. This office strongly encourages the applicant to review all materials included in this application package.

Uses that may occur under an Administrative Use Permit are those that are more intensive and more frequent than permitted uses, yet less intensive and less frequent than those uses that require a Conditional Use Permit. Depending on the particular development request, it would be advisable to discuss any such proposal with Planning Department staff to determine which Use Permit (Administrative or Conditional) is best for your particular situation.

The Planning Director may approve, deny or conditionally approve an Administrative Use Permit Application and the Director may impose conditions necessary to secure compliance with zoning regulations, General Plan policies or other County regulations. The Director may impose requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the Administrative Use Permit and any other conditions as deemed 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.

When preparing the Administrative 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 an Administrative Use Permit Application:

Mariposa County Public Works Department (209) 966-5356
(for road encroachments, road improvements, and engineering issues)

Mariposa County Health Department (209) 966-2220
(for water systems, septic systems, and food facility issues)

Mariposa County Fire Chief (209) 966-4330
(for local fire standards)

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Mariposa County Building Department (209) 966-3934
(for Building Code compliance, and for inspections)

California Department of Forestry (209) 966-3622
(for state fire standards)

California Department of Transportation (CalTrans), District 10 (209) 576-6299
(for state highway encroachments)

Purpose:

The purpose of an Administrative Use Permit is to allow the development of a use that is not permitted as a matter of right within that zone. An Administrative Use is permitted within a particular zoning district only by approval of such use by the Planning Director. This would allow for the proper integration of the use or uses into the surrounding area. The Planning Director will review the proposed use to determine whether the establishment, maintenance, or operation of the administrative use as applied for is consistent with the general plan, zoning ordinance, area plan and any other applicable county codes and regulations and whether the project will have a significant adverse effect on environment and whether it will be detrimental to the public health safety and welfare. Any conditions of approval established by the Planning Director for an Administrative Use Permit are in effect for the life of the project. Violation of the conditions of the Administrative 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. Payment of applications fees as determined by Mariposa Planning.

Planning staff will review the application to determine which County departments are required to review the project. The Planning fees associated with an Administrative Use Permit request are a deposit based on the average amount of time that Mariposa Planning spend on such a request. If an application is more complex, additional fund will be required the process the Administrative Use Permit request. Conversely, if an Administrative Use Permit request is straight forward and there are few issues associated with the application, an applicant may receive a refund at the end of the permitting process. The fees for processing an Administrative Use Permit Application are subject to change and may not be the fees that are reflected on this sheet at the time the application is submitted. Planning staff will review the application and complete a fee estimate based on the County fees that are currently in effect at the time the application is submitted.

Please be advised that there may be other additional fees collected by other County departments or state agencies that are not collected by the Planning Department as part of the Administrative Use Permit Application process. Also, depending on the scope of the Administrative Use Permit request, compliance with the California Environmental Quality Act, or CEQA, may require additional staff hours to process the necessary paperwork for any and all environmental documentation. The project applicant shall be responsible for paying the costs of any special studies, including, but not limited to biological and cultural resource studies and for any permits, and any 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 Director will prepare a determination for the project. This determination will be noticed in the newspaper.

In order to for the Planning Director to approve an Administrative Use Permit Application the following findings must be made:

1. That the proposed use is consistent with polices and development standards of the general plan, the zoning ordinance, other county codes, any applicable area plan, and any other applicable code and regulations.
2. That there is no substantial evidence that the project as approved will have significant adverse effect on the environment, and will not be detrimental to the public, health, and safety welfare.
3. The Planning Director shall impose any conditions and /or requirements necessary to guarantee compliance with the findings.

An approved Administrative Use Permit would become null and void if the project is not completed within three (3) years from the date of approval, unless the Planning Director finds and stipulates in his original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or, unless and extension of time has been approved. One time extension on an approved Administrative Use Permit may be granted by the Planning Director for up to eighteen (18) additional months after notice is given in the same manner as the original approval, if it is found that such extension is necessary and not detrimental to the public health, safety and welfare.

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 have 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 administrative use permit.

The Planning Director may revoke an Administrative Use Permit for one or more of the following grounds:

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

Processing Time:

The time to process an Administrative Use Permit is generally six to twelve (6-12) weeks from the date a complete application is received. An incomplete application will delay the processing time.

Any action made by the Planning Director relating to the determination of the project application may be appealed to the Planning Commission. **The appeal period to appeal a Planning Director's determination on an Administrative Use Permit application is twenty (20) days from the date of the action.**

Appeals must be submitted on proper forms and further information regarding the appeal process 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 Administrative Use Permit is appealed and overturned, any work started must be halted, and any work completed may be required to be totally removed.

Attachments:

Required Materials and Items for a Complete Application, Application Form and Site Plan Requirements Checklist

Links for Mariposa County Zoning Ordinance, Chapters 17.40.010, 17.144, 17.148, 17.108.180, 17.114:

[https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.40.010_Agriculture_Exclusive_Zone_\(AEZ\)](https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.40.010_Agriculture_Exclusive_Zone_(AEZ))

https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.144_Enforcement

https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.148_Definitions

https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.108.180_Bed_And_Breakfast_And_Residential_Transient_Rentals

https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.108.220_Special_Event_Facilities

https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.114_Administrative_Use_Permits

**REQUIRED MATERIALS AND ITEMS FOR A
ADMINISTRATIVE USE PERMIT APPLICATION**

1. The attached Administrative 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.

2. 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 staff hour charge of \$123 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 consultant fees, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Administrative Use Permit Deposit		\$683.00
Document Conversion		\$31.00
Public Noticing		\$65.00
Agency Review Fees:		
	Public Works	\$277.00
	County Fire	\$100.00
	Health Department *	\$186.00
(Health fees are based on 1 hour. Any additional time will be billed directly from Health to the applicant)		
Total:		\$1,342.00

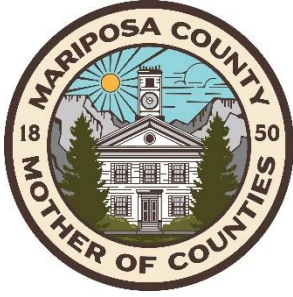
3. Ten (10) copies of an accurate site plan that indicates the affected parcel drawn to scale and containing the information listed on the Administrative Use Permit Site Plan Requirements Checklist. To ensure that all the required information is shown on the site plan, use the Conditional Use Permit 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:

Parcel Size

Less than 1 acre
 1 to 2.5 acres
 2.6 to 5 acres
 5.1 to 20 acres
 Over 20 acres

Scale

1 inch = 20 feet
 1 inch = 50 feet
 1 inch = 80 feet
 1 inch = 100 feet
 Please discuss with Planning staff



ADMINISTRATIVE 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 (use additional pages if necessary).

Is a new structure to be constructed? Yes No

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

Days of Operation _____ Hours of Operation _____

of Employees _____ # of Anticipated Customers _____

of Existing On-site Parking Spaces _____ # 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.

Permits: _____

To help expedite the permitting process, please provide information regarding any permits from state or local agencies that may be required to implement and operate the project, i.e.: sewage treatment system permitting from the California Department of Public Health.

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	_____	_____

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.

- | <u>Yes</u> | <u>Maybe</u> | <u>No</u> | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Would the project result in any change in the pattern, scale, or character of development in the general area of the project? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Would the project result in a change in the quantity or quality of ground and surface water supplies? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Would the project result in an increase in noise or light levels in noise or light levels in the vicinity of the project site? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Would the project result in the use of hazardous materials such as toxic substances, chemicals, flammables, or explosives? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Are there any historical or archaeological structures or sites located on the project site or in the surrounding area? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Would the project result in an increase of traffic on existing easement roads? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. Are there any known areas on the project site that contain habitat for any special status species and that may be |

impacted by project development?

Mandatory Findings:

In order to approve an Administrative Use Permit, the Planning Director must make the findings listed below. Please provide supporting information for each finding.

1. That the proposed use is consistent with the policies and development standards of the general plan, the zoning ordinance, other county codes, any applicant area plan, and any other applicable code and regulation.

2. That there is no substantial evidence that the project as approved will have significant adverse effect on the environment, and will not be detrimental to the public, health, and safety welfare.

(The Findings section [17.114.040] in Chapter 17.114 [Title 17] – Administrative Use Permits allows the planning director to impose any conditions and/or requirements necessary to guarantee compliance with the findings listed above.)

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

**ADMINISTRATIVE 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.
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.

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20. Show the location of any existing or proposed exterior lighting, security lighting, or building lighting.