



**CONDITIONAL USE PERMIT & MINOR USE PERMIT
APPLICATION GUIDE**

INTRODUCTION

This is your guide to land use permits including use permits and minor use permits. It is designed to help answer your questions about the process, including:

- Where do I begin, if I need to obtain a land use permit approval?
- What information must I provide to be sure my application is complete?
- How much will the process cost?
- After I submit my application, what will happen before my permit can be approved or denied?
- What considerations are reviewed before a decision is made to approve or deny a land use permit?
- How long will the process take?

WHAT IS A LAND USE PERMIT?

There are certain uses of land or types of businesses that may have an impact on their community. They may or may not be suitable in a given zone; therefore, these uses are carefully reviewed through the land use permit process. Land use permits authorize a use and set conditions for its establishment and operation, and are required in some instances in addition to Building Permits.

Minor Use Permit approval, required for projects that may have the potential to cause neighborhood concerns, is heard by the Zoning Administrator (the Director or a designee). Decisions of the Zoning Administrator may be appealed to the Planning Commission.

Conditional Use Permit approval, required for larger projects or other land uses that may have the potential to affect the neighborhood or community, is heard by the Planning Commission. Decisions of the Planning Commission may be appealed to the Board of Supervisors.

POINTS TO CONSIDER

There are a number of issues you should consider when designing your project and preparing your application, including:

- What is the current zoning and does it allow my proposed project?

- Are there specific standards in the Zoning Ordinance and/or Area Plan document that apply to my property?
- What are the permit fees?
- What different kinds of permits may be required?
- Will the project raise environmental concerns?
- Is the site near any hazards? (creeks, rivers, airports, earthquake faults)
- What is the availability of utilities? (water, sewer, etc.)
- Are the roads adequate?
- Are the fire safety provisions adequate?
- Are setbacks from adjacent agricultural uses required?

LAND DEVELOPMENT IN THE COUNTY

Land use regulations are important to any person considering land development because the regulations determine:

- Where particular uses are allowed; and
- What requirements and permit procedures must be completed before a particular use is allowed.

Most regulations for the use and development of land are found in the following documents: (1) the General Plan; (2) Butte County Code (BCC) Chapter 24 (the zoning ordinance); (3) BCC Chapter 41A Noise Control, and (4) Specific Plan or area plan applicable to the proposed project.

WHERE DO I BEGIN?

In an initial meeting with a planner, you will be given an overview of the process and a checklist of the information and materials you will need to provide for a complete land use permit application. In certain cases, you may want to schedule a pre-development conference in place of, or after, your initial meeting. A pre-development conference is an opportunity to meet with a project planner, an environmental specialist, as well as staff from Public Works, Environmental Health, Fire, Building, and the Agricultural Commissioner's Office, to have an in-depth discussion about your project. At this meeting, additional submittal requirements (such as special reports or studies) and concerns and/or design considerations for the project will be discussed.

For job generating projects, an Economic Development Assistance Committee (EDAC) is also available. It includes all the parties listed above for a pre-development conference, plus staff assigned to promoting economic development in the County.

These meetings (initial meeting or pre-development conference) can be scheduled by calling 530-538-5359 or emailing dsplanning@buttecodunty.net

WHAT INFORMATION MUST I PROVIDE AND HOW MUCH WILL THE PROCESS COST?

An application for a land use permit must include the following information:

- A. Application.** A standardized application or Project Information form (DPL-1), which provides general information about the applicant, the property owner, the property and the project. This includes an optional Agent Authorization form (DPL-2) authorizing an agent to act for the landowner.
- B. Project Narrative.** The written narrative must describe the proposed use or project, including the services to be provided, activities occurring on the property, square footage of structures and outdoor areas, estimated number of customers or occupants, hours and days of operations, number of employees, and other applicable information.
- C. Environmental Health Pre-Authorization Clearance.** Complete a Pre-Application Review with the Environmental Health Division and provide evidence of meeting their requirements for sewage disposal and water supply in one of the following ways:
- A pre-application completion letter from Environmental Health;
 - A Willing and Able to Serve Letter from the appropriate utility district;
 - A completed cooperative agreement for annexation into a utility district.
- D. Site Plan.** Two copies of a site plan drawn to scale (i.e. 1"=20'), with scale noted. All site maps shall be drawn on uniform size sheets no greater than 11"x17". The site plan shall include the following information:
- Vicinity Map.** Show north arrow, the location and boundary of the project site, major cross streets and the existing street pattern in the vicinity.
 - Information Table.** Include the following information:
 - Name of property owner
 - Location of the subject property, including Assessor Parcel Numbers and site address (if assigned)
 - Name of site plan preparer and date
 - General Plan and Zoning designations
 - Size of property including gross & net lot area (square feet and acres)
 - Property Boundaries.** Show existing property lines with property line direction and lengths; right-of-ways and easements with the noted size, type and sufficient recording data to identify the conveyance (book and page of official records).
 - Buildings and Setbacks.** Location, dimensions and use of all existing and proposed buildings and structures, including homes, decks, carports, wells, septic systems and leach fields. Show the distance of the structures from property lines

and from other structures. Indicate whether any structures are proposed to be removed.

- Traffic and Circulation.** Location and dimensions for all existing access roads and driveways to the site.
 - Natural Features.** Location of all natural features such as creeks, ponds, drainage swales, wetlands, adjacent riparian vegetation, etc.
- E. Property Ownership Verification.** To verify ownership of the subject property, a current Grant Deed or deed of sale of the property must be provided. A Preliminary Title Report (less than 6 months old) prepared for the current property owners may be provided in-lieu of a deed.
- F. Project Setting Description Instructions Form.** This form provides pertinent information about the physical characteristics of the site. The information will be used to complete the environmental review of the requested project, as required by the California Environmental Quality Act (CEQA).
- G. Building Elevations – Preliminary Design Review.** Plans for any proposed buildings or structures that will be constructed as a part of the project shall be included with the application. Plans shall be drawn by a licensed architect or engineer at 1/8" = 1' minimum scale. The plans shall include:
- Fully dimensioned elevation of all four side of the proposed building or structure with vertical dimensions from the average finish grade level to the highest point of the structure.
 - Identify the materials, colors and styles of the proposed buildings major architectural components such as the roof and siding.
- E. Floor Plans.** If the proposed project includes the construction of new structures or the indoor use of existing structures, floor plans of the structures shall be included with the application. Floor plans shall be drawn to scale at 1/8" = 1' or a larger scale. The proposed uses of each room or structure shall be noted on the plan.
- H. Filing Fees.** Please contact Planning staff at (530) 538-5359 for more information about the application fee.

WHAT HAPPENS NEXT?

Once you have your completed application and materials ready for submittal, the following steps are completed.

- A. Application Submittal.** You will meet with a planner who will check your application to make sure the form is filled out correctly and determine if you have the submitted all required information, e.g. plans, maps, etc.

The planner will answer questions you may have regarding your application, but may not be the planner processing your application. More specific questions about your project should be directed to your project planner, who will be assigned following your submittal.

- B. First 30 days.** The initial 30 days after you submit your application and pay your application fees is for staff to prepare a file, send out referrals to interested agencies (i.e., Public Works, Environmental Health) and possibly conduct a site visit. At the end of 30 days, the project planner will send a letter informing you (or the agent, if one is named on the application) that the project is accepted as complete for processing, or that there is additional information required before it can be processed (also known as the “incomplete letter”).

Submitting complete information with your initial application will speed this review process.

- C. Incomplete Letter.** If you receive an incomplete letter, the items listed in that letter need to be submitted to your project planner before your project can move forward for processing. When all information is received, the project is ready for processing, or “complete.”

It should be noted, that if your project is accepted for processing, it is not approved. The proposal must still undergo environmental review, a detailed staff analysis, and public hearings. If problems are identified, the project may be denied, or may be subject to conditions of approval or mitigation measures as part of its approval.

- D. Environmental Review.** Once your project is accepted for processing, an environmental determination must be completed in accordance with the California Environmental Quality Act (CEQA). CEQA requires the county to determine if significant environmental impacts could result from the proposed project.

There are four determinations that may be made on your project:

Exempt - This means that there are no impacts associated with a project based on its size and scope (as defined by CEQA)

Negative Declaration (ND) - This means that the proposed project would produce no significant environmental impacts but does not fall into one of the defined exemptions.

Mitigated ND - This means that the proposed project would produce no significant environmental impacts if certain conditions (mitigations) are met. These conditions need to be agreed upon by you and staff in order for the project to move forward for approval. If an agreement cannot be reached, the project cannot be approved and may be placed on an agenda recommended for denial.

Environmental Impact Report (EIR) - This means the project has the potential to produce significant environmental impacts. It thoroughly analyzes those potential environmental impacts and recommends specific mitigation measures designed to address each impact. When an EIR is recommended by staff, an applicant may request that the Board of Supervisors decide whether or not to require an EIR.

The environmental determination process can be short or lengthy based on the complexity of the issues and the number of applications currently in process.

- E. Hearing.** Once an environmental determination has been completed, the project can be scheduled for a public hearing. Most land use permits require a public hearing before a decision is made.

When a project is scheduled for hearing, there are certain noticing deadlines that are required depending on the type of environmental determination for the project (up to 30 days prior to the hearing date in some cases). All property owners within at least 300 feet will be receive notice of the hearing date and a project description.

Once the project is scheduled for a specific hearing date, the project planner will prepare the staff report based on their research, referral responses received from other agencies and, in some cases, meetings with interested parties.

A final staff report will be mailed the applicant or agent about 7 days prior to the hearing date. The staff report will tell you staff's recommendation as well as what conditions of approval will be required to be completed before the building permit can be issued or completed, the use established, etc. These conditions generally may not be changed once the Review Authority takes an action on the project, without going back to for a noticed public hearing before the original decision maker or going to the Board of Supervisors through an appeal. Contact your project planner if you have questions or concerns about the recommendation or conditions of approval in the staff report.

At the hearing, you will be given the opportunity to address the Zoning Administrator or Planning Commission if you choose. You should be prepared to answer questions about the proposal.

Your hearing date will depend on when your project's environmental review was completed, the necessary noticing deadlines, and the other applications ready for hearing.

- F. Approval / Denial.** Land Use Permits are subject to a discretionary review process. A discretionary permit requires the review and approval of the Zoning Administrator, the Planning Commission or the Board of Supervisors. A discretionary permit may be approved, approved with conditions or denied.

Application for a discretionary permit does not guarantee approval, whether a project complies with all applicable standards or has been recommended for approval.

If your project gets denied, or approved with conditions that are not agreeable to you, the decision can be appealed to the Planning Commission (if originally heard by the Zoning Administrator) or Board of Supervisors (if originally heard by the planning Commission) within ten (10) days following the decision. Project approvals can also be appealed by opponents of your project.

If your project gets approved, make sure that you understand the conditions of approval that were placed on the project. Any conditions that need to be met prior to issuance of a building permit need to be completed before staff can issue a building permit.

WHAT IS CONSIDERED IN APPROVING OR DENYING A PROPOSED PROJECT?

In requesting approval of a land use permit, applicants should keep in mind that the project will be carefully reviewed to determine how the proposal relates to the specific site, and how it may affect its neighborhood and the community. To put it another way, the decision-makers want to be sure that the development fits with the surrounding area and supports adopted community goals. The following concerns are likely to be considered before any decision is made on a project.

- A. General Plan Consistency.** A proposed project must be found to be substantially consistent with applicable goals, policies, and actions that are set forth in the adopted general plan.
- B. Area Plan & Land Use Ordinance Standards.** The foremost considerations are whether the project is an allowed use and whether it meets the standards set forth the Zoning Ordinance and applicable Specific Plan or Area Plan. Proposed projects must maintain the health and safety of the community and be compatible with the existing uses in the area. The site must also be able to accommodate the proposed use.
- C. Relationship to Community Goals.** A proposed project that furthers community planning goals is more likely to be approved than one that hinders them. Most communities have goals that encourage certain land uses or densities within the community. Projects should have the community's support and further those goals, such as avoiding "leapfrog" growth and achieving the community's desired mixture and type of land uses. Some communities have neighborhood groups or homeowners associations which provide comments to decision-makers about how the project does, or does not, further the community's goals.

- D. **Relationship to Surrounding Land Uses.** New uses on a site are evaluated to determine whether they are consistent with existing uses on surrounding properties.
- E. **Environmental Impacts.** Proposed projects are evaluated to determine whether they would adversely affect the environment. Proposed projects should be designed to avoid or minimize environmental impacts.
- F. **Land Capability and Service Availability.** Whether the land can support the types of development proposed will be evaluated. Topography, sensitive environmental resources, service availability, and access will all be considered.

HOW LONG WILL THE PROCESS TAKE?

Processing times vary depending upon the site, and the complexity and environmental impacts associated with the project. In most cases, a use permit, which requires a public hearing, takes six to twelve months to process.

You can help expedite the review process by making sure your application is complete, your proposal is clearly stated, all required information is provided and environmental impacts are avoided.

For more information about the process or to make an appointment for either an initial meeting or a pre- application meeting, call (530) 538-5359.