

PROPOSED AMENDED CHAPTER 17.68**Chapter 17.68 - CONDITIONAL USE PERMITS****Sections:****17.68.010 - Purpose.****17.68.020 - Application.****17.68.030 - Decision-making authority.****17.68.040 - Public hearing date and notice.****17.68.050 - Public hearing conduct, findings, decision, notice, and appeal or review.****17.68.060 - Revisions to site plan approved as part of a conditional use permit.****17.68.070 - Modification.****17.68.080 - Expiration.****17.68.100 - Revocation.****17.68.010 - Purpose.**

The purpose of this chapter is to establish the process for the review of uses stated in this title that may be permitted subject to the approval of a conditional use permit. The conditional use permit is intended for those types of land uses which require special consideration in a particular zoning district or in the city as a whole to ensure that they can be designed, located, and operated in a manner that is not detrimental to the use and enjoyment of surrounding properties or the general health, safety, and welfare of the public.

17.68.020 - Application.

An application for a conditional use permit must be submitted and will be reviewed for completeness in accordance with the uniform procedures in Section 17.91.020 (Application submittal and review) of this title.

17.68.030 - Decision-making authority.

- A. Planning Commission. In general, the planning commission will have primary authority to act on an application for a conditional use permit except in the circumstances outlined in subsection (B).
- B. City Council. The city council will act on an application for a conditional use permit where: (1) there is an appeal of the planning commission decision; (2) the majority of the city council orders a review of the planning commission decision; or (3) there are multiple entitlements or approvals required for the proposed use, and at least one of which requires city council approval, in which case the planning commission will prepare a recommendation and findings for the city council.

17.68.040 - Public hearing date and notice.

- A. The department will set the hearing date (initially before the planning commission) following compliance with the California Environmental Quality Act.
- B. Notice of the public hearing will be provided in accordance with Chapter 17.92 (Public Hearing Notice Procedures) of this title.

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- A. Hearing Conduct. At the hearing, the reviewing body may consider all relevant evidence, including but not limited to applicable staff reports and public testimony. The hearing may be continued to a definite date and time without additional public notice.
- B. Findings. In issuing their decision, the reviewing body must consider and make findings on the following:
 - 1.. The proposed use at the location in the application is one for which a conditional use permit is authorized by this title and will comply with the provisions of this title.
 - 2.. The proposed use is consistent with the city's general plan.
 - 3. The subject parcel is physically suitable for the proposed use and can accommodate all applicable development standards.
 - 4. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.
 - 5. The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain.
 - 6. The proposed use is compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located which may include but not be limited to size, intensity, hours of operation, number of employees, or the nature of the operation.
 - 7. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project or a Statement of Overriding Considerations has been adopted.
 - 8.. That the conditions set forth as part of the approval of the conditional use permit are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include:
 - (a) Regulation of use.
 - (b) Special yards, spaces, and buffers.
 - (c) Fences and walls.
 - (d) Requiring street, service road or alley dedications and improvements.
 - (e) Regulation of points of vehicular ingress and egress.
 - (f) Regulation of signs.
 - (g) Landscaping and maintenance requirements.

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- (h) Regulation of noise, vibration, odors, etc.
- (i) Regulation of time or operating hours for certain activities.
- (j) Time period within which the proposed use may be developed.
- (k) Phasing of improvements.
- (l) Type of materials to be utilized in the construction.
- (m) Duration of use.
- (n) Personal, resident, and visitor security.
- (o) Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes of this title and the general plan.

C. Decision and Notice.

- 1. Failure to make all of the required findings under subsection (B) will require denial of the application.
- 2. The reviewing body will announce and give notice of its decision in accordance with uniform procedures in Section 17.91.060. (Announcement of decision and findings of fact) of this title. In addition, the decision and findings of the planning commission will be filed with city council within ten days after its announcement of a decision.

E. Appeal. The action of the planning commission is final unless appealed pursuant to the applicable procedures in Chapter 17.94 (Appeals) of this title.**F. City Council Review.** The city council, by majority vote of its total membership and at any time within 30 days of notice of the planning commission's decision may issue an order of review, de novo, relating to the approval of a conditional use permit.**G. Effective Date.**

- 1. Decisions of the planning commission will become effective after the expiration of the time limits for an appeal and a city council order of review.
- 2. Decisions of the city council will be effective upon the date specified in the decision.

17.68.060 - Revisions to site plan approved as part of a conditional use permit.

- A. Minor revisions to a commercial development plan approved as part of a conditional use permit may be made after review and approval by the director. Minor revisions as used in this chapter may in no way violate the intent of any of the standards or conditions of the permit.
- B. Revisions other than minor revisions, as defined in subsection (A) above, will be treated as a new application and may be made pursuant to the modification procedure in Section 17.68.070.

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- C. All copies of the approved revised commercial development plan must be dated and signed by the department and made a part of the record of the subject conditional use permit. One copy of the approved revised site plan will be mailed to the applicant.

17.68.070 - Modification.

A request for changes in any conditions of approval or major revisions to the approved development plans will be treated as a new application. The proposed modifications will be considered by the body which granted the conditional use permit at a public hearing noticed and conducted in the same manner as required for the initial granting of the permit. No such modification may be granted unless the granting body finds that such modification is necessary to protect the public health, safety, of general welfare, or that such action is necessary to permit reasonable operation under the conditional use permit as granted. The decision to modify a conditional use permit by the planning commission will be subject to appeal or city council review, taken in the time and manner set forth in this chapter.

17.68.080 - Expiration.

Any conditional use permit will be void if the use granted is not commenced within the time specified in the resolution approving such conditional use permit, or, if no time is so specified, if commencement does not occur within one year from the date the permit is granted. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this section for a period not to exceed one year; provided, that if litigation is filed prior to the exercise of such rights, attacking the validity of such permit, the time for exercising such rights will be automatically extended pending a final determination of such litigation. Notwithstanding the foregoing, any conditional use permit approved in conjunction with the approval of a tentative map or tentative parcel map will be extended for the same period of time that a tentative map or tentative parcel map may be extended pursuant to Chapter 16.04 (County Subdivision Code) of this code.

17.68.100 - Revocation.

A conditional use permit may be revoked or modified in accordance with the procedures set forth in Section 17.91.100. (Revocation/Modification) of this title.