

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME	EMAIL ADDRESS	
2. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
3. APPLICANT'S NAME	EMAIL ADDRESS	
4. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
4. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO.	SIZE OF PROPERTY (in acres or square foot)	ZONING (existing)
7. PROPERTY (site) ADDRESS		
8. GENERAL LOCATION (i.e. city, town, cross street)		
9. LEGAL DESCRIPTION		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	
11. DESCRIBE CURRENT USE OF PROPERTY	
12. DESCRIBE PROPOSED SEWER SYSTEM	
13. DESCRIBE PROPOSED WATER SYSTEM	
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	
15. IS PROPOSED USE A BUSINESS? <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE?

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Print Name _____	Date _____
Signature _____	
Print Name _____	Date _____
Signature _____	

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY: _____	DATE _____	REVIEW / APPROVAL BY OTHER DEPT'S required. <input type="checkbox"/> P.W. <input type="checkbox"/> E.H.S. <input type="checkbox"/> A.P.C.D. <input type="checkbox"/> O.E.S. <input type="checkbox"/> _____ <input type="checkbox"/> _____
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	
APPLICATION REJECTED BY: _____	DATE _____	
TENTATIVE HEARING BY: _____	DATE _____	
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	

CUP #

SITE PLAN REQUIREMENTS

PLAN MUST:

- a. Be drawn to scale upon substantial paper, 11" x 14" (min.) – (20 copies must be submitted.)
- b. Show name of owner, legal description and Assessor's Parcel Number.
- c. Show existing property dimensions, size, adjacent roads, canals, right-of-ways, easements, etc.
- d. Show all existing and proposed structures (both above and below ground) location of sewer and water systems.
- e. Show adjacent property uses and approximate distances to nearest structures.
- f. Indicate name of person preparing site plan.
- g. Show North orientation.
- h. Show sufficient dimensions and information for proper evaluation to be done.

CAUTION: Incomplete or inaccurate applications, plans will cause the entire application to be rejected.

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at _____ California on _____, 201 _____

APPLICANT

REAL PARTY IN INTEREST

(If different from Applicant)

Name: _____

Name _____

By _____

By _____

Title _____

Title _____

Mailing Address:

Mailing Address:

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____ - _____ - _____



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

NOTICE TO APPLICANT

SUBJECT: PAYMENT OF FEES

Dear Applicant:

Pursuant to County Codified Ordinance Division 9, Chapter 1, Section 90901.02, all Land Use Applications must be submitted with their appropriate application fee. Failure to comply will cause application to be rejected.

Please note that once the Department application is received and accepted, a "time track" billing will commence immediately. Therefore, should you decide to cancel or withdraw your project at any time, the amount of time incurred against your project will be billed and deducted from your payment. As a consequence, if you request a refund pursuant to County Ordinance, your refund, if any, will be the actual amount paid minus all costs incurred against the project.

Please note there will be no exceptions to this policy. Thank you for your attention.

Sincerely yours,

Jim Minnick, Director
Planning & Development Services

RECEIVED BY: _____ DATE: _____



IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

Planning Land Use Fee Schedule

Effective October 1, 2023

Jim Minnick, Planning Director

Mailing Address: 801 Main St., El Centro, CA 92243

Phone Number: (442) 265-1736
Email: planninginfo@co.imperial.ca.us

Imperial County Planning and Development Services Planning fees are based on a *Cost of Services User Fee Study* conducted by Wohlford Consulting. Fees were approved by the Board of Supervisors on June 14, 2022 and are effective October 1, 2023. Fees include annual CPI adjustment.

Disclaimer

This handout is designed to provide the user with an overview of the new Planning & Development Services Department processing fees.

Please refer to the Imperial County Codified Ordinance Title 9, Division 9, Sections 90901.00 through 90904.05 for complete details.

Planning Land Use Fee Schedule
Effective 10/01/2023

§ 90901.03 GENERAL PLANNING (Footnotes refer to definitions & explanations at the end of this section)						
APPLICATION/PROCESS TYPE:	C.E.Q.A.	General Fee		General Plan		Fee
		Flat Rate P/B	Deposit (T/M2)	Flat Rate (3%)**	Deposit (T/M1)	
Administrative Permitting/Hearing			\$ 1,000.00		\$ 250.00	\$ 1,250.00
Appeal		\$ 970.00		\$ 30.00		\$ 1,000.00
Development Agreement*		\$ 2,000.00				\$ 2,000.00
ZONING						
ABC License		\$ 242.50		\$ 7.50		\$ 250.00
Address Verification		\$ 145.50		\$ 4.50		\$ 150.00
Zoning Information Letter (per parcel)		\$ 242.50		\$ 7.50		\$ 250.00
Zoning Review- Building Permit		\$ 242.50		\$ 7.50		\$ 250.00
TIME EXTENSIONS						
CUP Extension by Dir. (Every three years)		\$ 582.00		\$ 18.00		\$ 600.00
CUP Extension by Dir. (Every Five years)		\$ 970.00		\$ 30.00		\$ 1,000.00
CUP Extension by PC B/S (Fifteen year re-entitlement)-Minor CUP		\$ 1,164.00		\$ 36.00		\$ 1,200.00
CUP Extension by PC B/S (Fifteen year re-entitlement)- Intermediate CUP		\$ 1,940.00		\$ 60.00		\$ 2,000.00
CUP Extension by PC B/S (Fifteen year re-entitlement)- Major CUP		\$ 2,910.00		\$ 90.00		\$ 3,000.00
CUP Extension by PC B/S (Thirty year re-entitlement)- Major CUP		\$ 4,850.00		\$ 150.00		\$ 5,000.00
PM/TR Extension by Dir- (Yearly)- Minor		\$ 582.00		\$ 18.00		\$ 600.00
PM/TR Extension by PC B/S-(Yearly)- Major		\$ 1,164.00		\$ 36.00		\$ 1,200.00
DESIGN REVIEW (Per Parcel)						
Design Review - Residential - base (1 unit)		\$ 582.00		\$ 18.00		\$ 600.00
Design Review- Residential Subdivision 4 or less		\$ 485.00		\$ 15.00		\$ 500.00
Design Review- Residential Subdivision 5 or more		\$ 970.00		\$ 30.00		\$ 1,000.00
Design Review- Residential Multi-Family 2-4 Units		\$ 485.00		\$ 15.00		\$ 500.00
Design Review- Residential Multi Family 5-29 Units		\$ 727.50		\$ 22.50		\$ 750.00
Design Review- Residential Multi Family 30+ Units		\$ 970.00		\$ 30.00		\$ 1,000.00
Design Review – Commercial <20K sq. ft. (Includes all non-residential uses)		\$ 1,455.00		\$ 45.00		\$ 1,500.00
Design Review – Commercial >20K sq. ft. (Includes all non-residential uses)		\$ 1,940.00		\$ 60.00		\$ 2,000.00
SPECIFIC PLANNING						
CEQA Review Only (Major)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
CEQA Review Only (Minor)		\$ 3,395.00		\$ 105.00		\$ 3,500.00
General Plan Amendment	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Notice of Exemption		\$ 727.50		\$ 22.50		\$ 750.00
Specific Plan Review / Amendment	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Variance - Commercial/Industrial		\$ 2,910.00		\$ 90.00		\$ 3,000.00
Variance- Residential		\$ 1,455.00		\$ 45.00		\$ 1,500.00
Zone Change	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
SUBDIVISIONS						
Minor Subdivision Administrative (SB9 Urban Lot Split) Not more than 2 Lots		\$ 2,910.00		\$ 90.00		\$ 3,000.00
Minor Subdivision (Up to 4 lots) Parcel Map	T/M2		\$ 6,500.00		\$ 1,000.00	\$ 7,500.00
Major Subdivision (5 lots or more) Tract Map	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Lot Line Adjustment (Up to 4 lots)		\$ 4,365.00		\$ 135.00		\$ 4,500.00
Lot Merger (4 or less lots)		\$ 4,365.00		\$ 135.00		\$ 4,500.00
Lot Merger (5 or more lots)		\$ 5,335.00		\$ 165.00		\$ 5,500.00
Reversion to Acreage	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Certificate of Compliance		\$ 1,697.50		\$ 52.50		\$ 1,750.00
CONDITIONAL USE PERMITS						
CUP (2nd dwelling 1200 s.f or greater)		\$ 1,940.00		\$ 60.00		\$ 2,000.00
CUP (Minor)		\$ 4,365.00		\$ 135.00		\$ 4,500.00
CUP (Intermediate)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
CUP (Major)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
MINING/RECLAMATION						
Mining (CUP)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Mining (Exploratory)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Reclamation Plan	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
GEOHERMAL						
Intermediate Exploration (6 Wells or less)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Major Exploration (More than 6 wells)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Intermediate Production(up to 50 Megawatts)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Major Production (Greater than 50 Megawatts)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00
Test Facility (existing well not to exceed 24 mths)	T/M2		\$ 5,000.00		\$ 500.00	\$ 5,500.00
Intermediate Mineral Extraction-(Not to exceed 25,000 metric tons annually)	T/M2		\$ 7,000.00		\$ 500.00	\$ 7,500.00
Major Mineral Extraction- (More than 25,000 metric tons annually)	T/M2		\$ 12,000.00		\$ 3,000.00	\$ 15,000.00

**Planning Land Use Fee Schedule
Effective 10/01/2023**

ENVIRONMENTAL IMPACT REPORT (EIR)						
Administrative Processing Fee (10% total contract) (max of \$20,000)						10%
COMMERCIAL CANNABIS ACTIVITY- CCA						
First Application- Each (Plus CUP fee if required)						\$ 4,000.00
Each additional application						\$ 1,000.00
Security Plan Review- Each						\$ 1,000.00
Annual License						\$ 1,500.00
Additional or Extraordinary work (after 30 hours of billed staff time)						T/M2
DOCUMENT CHARGES						
Xerox (Color 8 1/2 " x 11')						\$2.00/page 1 + \$.25/page after first page
Xerox (8 1/2" x 11')						\$2.00/Page 1 + \$.10/page after first page
Xerox (large)						\$1.50/square foot
Printed Documents						Cost + 25%
MISCELLANEOUS						
Notary Fee - Each Signature						\$ 15.00
Expert Witness	T/M2					\$ 1,000.00 \$ 1,000.00
Airport Land Use Commission (Add-on to Projects that involve ALUC)	T/M2					\$ 2,500.00 \$ 2,500.00
Home Occupancy Permit- Actual Time at Staff hourly Rates (2 hours)			\$ 250.00			\$ 250.00
Similarity of Use	T/M2	\$ 1,164.00		\$ 36.00		\$ 1,200.00
Compliance Monitoring (CUP Minor & Intermediate)	T/M2					
Compliance Monitoring (CUP Major)	T/M2					\$ 5,000.00 \$ 5,000.00
Projects Not Specified <i>Hourly</i>			\$ 148.00			\$ 148.00

* If additional or extraordinary work is required, agreement will become T/M2 and deposit will be required.

A. Valuation

- The Valuation of a project shall be the ultimate (build out) value of the proposed project and shall include cost of land plus cost of improvements, as determined by the Director.
- Projects that cannot be clearly shown as having a "build out" value, (for example: a new landfill, a new mining operation) will be valued for the purpose of computation of specific fees other than T&M by the Director. The Director's determination may be appealed to the Planning Commission, but not the Board of Supervisors.

B. Conditional Use Permits

- Second Dwelling Only- Process to allow one additional dwelling to be placed on a parcel with an existing dwelling.
- Minor- This classification shall include and be limited to the following uses:
 - Domestic Water Well
 - Home Occupation
 - Day Care or Nursery
 - Schools
 - Temporary offices at project site for project duration
 - Temporary real estate offices within housing tract.

C. **Intermediate** - Any Conditional Use Permit with a project value of less than \$5,000,000 unless determined by the Director that the project requires a major CUP.

D. **Major** - Any Conditional Use Permit with a project value greater than \$5,000,000 and/or not considered an intermediate.

The category of the CUP type (minor, intermediate, major) shall be as determined by the Department. There shall be no appeal from this decision.

2. T/M- TIME & MATERIAL

All projects shown to have a T/M2 billing rate shall deposit the amount specified within this Division at the time of the application and shall be billed by the department on a quarterly basis.

Deposit is to be maintained throughout the course of the project. If the Department has not received payment within 30 days of billing, the Department shall cease processing the application until the funds are provided to maintain the initial deposit limit.

The T/M deposit schedule is as follows:

T/M1** - General Plan Charge will be 3% of the total cost of the project - not to be refunded.

T/M2 - Initial Deposit as shown in each category. Please note this fee is not used as part of any T&M billing.

3. T&M- Time & Materials

Under this billing system, the County Planning/Building Department, as well as any County Department that has a function in the permit review process and an adopted Ordinance Schedule of fees is authorized to charge for all salary and benefit costs and actual expenses, including but not limited to office and field cost; mileage; County overhead; and special consultants. All billing, however, shall be by and through the Planning/Building department only. Any Department that does not provide a billing statement to the Planning/Building Department by the 10th of the month shall not be entitled to collect.

The Department shall add 15 % to the total cost of all materials, including advertising, to offset the cost of the following: permit tracking system, monitoring program, file storage costs; and office space/maintenance costs.

4. Hourly Rate

The maximum hourly rate for Planning/Building Department cost shall be set at actual salary rate as calculated by Cost of Services User Fee Study as the "fully burdened" rate, which includes overhead, benefits and shall not exceed \$300/hour. This rate includes labor and County overhead, but does not include material or other direct expenses.

5. Auditing/Account

The Applicant has the opportunity to review the accounting of any Department related to the project. If the Applicant feels the accounting is in error, the applicant may file a written request for a review with the Director. In the event the Applicant and Director cannot reach an agreement, this matter shall be brought to the Planning Commission for arbitration, and to the Board of Supervisors for all other Departments.

Staff Rates Per Hour

Account Clerks	\$ 111.56
Accountant/ Accountant Auditor	\$ 125.81
Administrative Secretary	\$ 113.24
Asst Dir of Planning & Building	\$ 205.37
Auto CAED/GIS Tech	\$ 132.34
Dir of Planning & Building	\$ 266.10
Office Assistant III/ Office Tech	\$ 105.24
Office Supervisor II	\$ 132.31
Permit Specialist	\$ 141.08
Planner I	\$ 118.49
Planner II/III	\$ 138.52
Planner IV	\$ 170.54
Planning Division Manager	\$ 172.06

SITE PLAN

I.C. PLANNING & DEVELOPMENT SERVICES DEPT
801 Main Street, El Centro, CA 92243 (442) 265-1736

READ INSTRUCTIONS ON THE BACK ! USE PEN TO DRAW – DO NOT USE PENCIL!

DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!

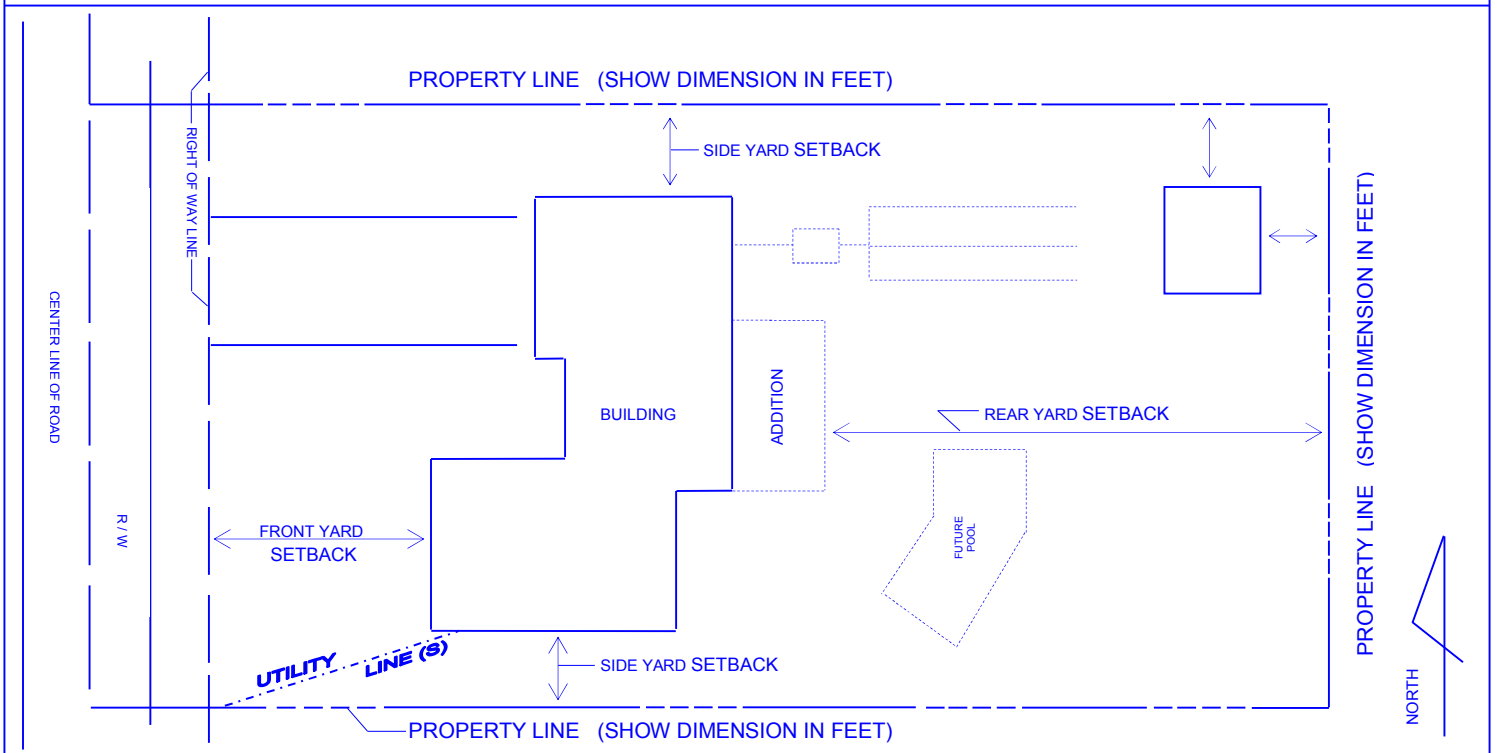
DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!

1

2 NAME OF APPLICANT	3 APPLICANT PHONE NO.	4 SIZE OF PARCEL
5 PROJECT SITE ADDRESS		6 ASSESSORS PARCEL NO.

WHITE - OFFICE MASTER / YELLOW - ASSESSORS / PINK - APPLICANT

EXAMPLE SITE PLAN



READ INSTRUCTIONS ON REQUIRED INFORMATION!

The following information and detail must be shown on the site Plan. Please read the information, view the example and prepare a site plan for your project to accurately and correctly depict the necessary information.

- Show the property lines including their dimensions.
- Show the location of all existing and/or proposed structures, both above and below ground.
- Show the location of the utility lines (electrical, water, sewer, gas, phone, etc.). Show whether they are above or below ground.
- Show the north orientation.
- Show the scale of the drawing, (i.e. $\frac{1}{4}'' = 1'0''$ or $\frac{1}{8}'' = 1'0''$, etc.).
- Show all dimensions of the structure(s).
- Show all distances from the property line(s) to the structures.
- Show distances between structures.
- Show the adjacent streets, and all entrances to the property from the street.
- Provide 3 copies of the SITE PLAN along with the application. (if you are not using the County's Site Plan form)
- Provide the information in all of the numbered spaces at the bottom of the form.
- Landscaping is required for certain projects. Please check with the Staff to verify what and if it will be required for your proposed project.

NOTE: You may submit a site plan in a larger format, or on a blue line or on another format, however it must include all the information shown above, and must be drawn on substantial paper with a non-erasable medium, i.e. not in pencil.

TITLE 9

DIVISION 2: GENERAL PROVISIONS

CHAPTER 3: LAND USE PERMIT (CONDITIONAL USE PERMIT)

§ 90203.00	PURPOSE
§ 90203.01	CONDITIONAL USE PERMIT DEFINED
§ 90203.02	CONDITIONAL USE PERMIT LIMITATIONS
§ 90203.03	APPLICATION
§ 90203.04	AUTHORITY OF THE PLANNING DIRECTOR
§ 90203.05	ADMINISTRATIVE PROCESS BY DIRECTOR
§ 90203.06	AUTHORITY OF THE PLANNING COMMISSION
§ 90203.07	AUTHORITY OF THE BOARD OF SUPERVISORS
§ 90203.08	NOTICE OF HEARING
§ 90203.09	ACTION ON A CONDITIONAL USE PERMIT
§ 90203.10	SIMILARITY IN USE(S)
§ 90203.11	TERMS/CONDITIONS
§ 90203.12	EFFECTIVE DATE
§ 90203.13	TIME LIMIT/EXTENSIONS
§ 90203.14	MONITORING/COMPLIANCE
§ 90203.15	MODIFICATIONS/AMENDMENTS
§ 90203.16	REVOCAION/SUSPENSION

§ 90203.00 PURPOSE

The purpose of this Chapter is to define and establish guidelines for the processing of a Conditional Use Permit application.

§ 90203.01 CONDITIONAL USE PERMIT DEFINED

A Conditional Use Permit (CUP) is a permit issued to a landowner allowing a particular use or activity not allowed as a matter of right within a particular zone. A Conditional Use Permit requires the exercise of judgment and the review of factual issues to determine if the application and resulting limited entitlement will conform to the provisions of this Title and is consistent with the General Plan. Generally, a Conditional Use Permit consists of a limited entitlement that requires a decision making body to approve a use subject to conditions or disapprove a particular use, and is in the best interest of public convenience and necessity. A Conditional Use Permit runs with the land for the period of time specified in the permit.

Conditional Use Permits shall be further classified and defined as follows:

A. Minor Conditional Use Permit: (CUP-1)

Minor Conditional Use Permits typically allow for the following specific uses.

1. A second dwelling unit (one additional unit) (as required under Section 90405.00)
2. A domestic water well (less than 1.5 acre feet/year), upon and for the use by a single parcel, and for domestic use only
3. A pre-school with less than 14 children
4. A day care facility with less than 14 children (under the age of 6 years)
5. A limited care facility for the handicapped or elderly not to exceed 5 users
6. Facilities for abused men/women/children provided it does not exceed 5 users
7. Temporary Real Estate, temporary construction and other temporary offices
8. Limited term special events for limited use

B. Intermediate Conditional Use Permit: (CUP-2)

An Intermediate Conditional Use Permit shall be a permit issued for a project whose total developed value is greater than \$100,001, but less than \$1,000,000, including land cost.

In addition, the following specific projects shall also be considered as Intermediate Conditional Use Permit.

1. Churches or other places dedicated exclusively to religious worship
2. Educational Institutions, including schools (except preschools under "A")
3. Hospitals, sanitariums and rest homes, including limited care facilities for handicapped or elderly with a capacity in excess of 5 people
4. Facilities for abused men/women/children in excess of 5 users
5. Facilities owned or operated by non-profit service organizations for their own use.

C. Major Conditional Use Permit: (CUP-3)

A Major Conditional Use Permit shall be a permit for a project whose total developed value is greater than \$1,000,000.00.

It further includes any project that does not fall within Section 90203.01 A. or B.

D. Each Conditional Use Permit listed within the specified zone indicates the level, (i.e. CUP-1 (minor); CUP-2 (intermediate) and CUP-3 (major)).

§ 90203.02 CONDITIONAL USE PERMIT LIMITATIONS

A Conditional Use Permit may only be processed for a use specifically identified within each zone or sub-zone, and only if the proposed use conforms to the General Plan.

Where a specific use is not listed as an outright use or a use that could be allowed by the Conditional Use Permit, within a zone, that use shall be strictly prohibited except as provided by Section 90203.10. Where a proposed use is in conflict with, or does not conform to the County's General Plan, it shall be denied.

If in the determination of staff a proposed use is not consistent with the General Plan, staff shall inform the applicant prior to an application being deemed complete. If the applicant withdraws the application at this point (prior to the hearing), the applicant shall be entitled to a full refund of all application fees paid to the Department, less the actual cost to notice, advertise and staff costs incurred up to the time a withdrawal request is made.

If the applicant does not withdraw and the project proceeds to the Commission, the applicant shall not be entitled to any refund.

§ 90203.03 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a Conditional Use Permit shall be filed with the Planning & Development Services Department, accompanied by all information identified under Section 90104.00, along with requisite fee(s) and any other information the Department deems necessary.

§ 90203.04 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to investigate, consider, approve and/or deny any Minor Conditional Use Permit application. The Director acting as a hearing officer shall conduct a duly noticed public hearing and consider all relevant facts, and hear all proponents and opponents. Notice for said hearing shall be provided in accordance with Section 90104.03 A.

The Planning Director may administratively, without holding a public hearing, forward a Conditional Use Permit application to the Planning Commission for hearing.

The Planning Director shall not have the authority to approve or deny any intermediate or Major Conditional Use Permit.

§ 90203.05 ADMINISTRATIVE PROCESS BY DIRECTOR

In order to clearly define the administrative process, the following procedures shall be followed by the Department/Director. This process and its time limits are only applicable to projects that are exempt from CEQA. Any project that requires compliance with CEQA will be processed within the applicable time limits provided by statute.

- A. Within ten (10) working days from the receipt of an application, the Department shall determine whether the application is complete or incomplete and if found incomplete or inconsistent with the General Plan shall return the application to applicant.
- B. The Department shall within ten (10) working days after deeming the application complete issue a standardized public notice of the proposed project to all property owners as specific in 90104.03.
- C. Within the ten (10) working days specified under (B) above, the Department shall consult with the applicable departments as necessary.
- D. An administrative hearing shall be held within 30 working days from the date the application was deemed complete. This hearing shall be open to the public.
- E. At the conclusion of the hearing, the Director shall approve, conditionally approve or deny the Conditional Use Permit.
- F. The Director may approve a Conditional Use Permit only if:
 - 1. Findings can be made that the proposed project is consistent with the General Plan.
 - 2. Findings can be made that this project is consistent with this Title.
 - 3. The Director of Public Works, the Director of APCD, the Director of EHS, the Director of Fire/OES, the Agriculture Commissioner, and the Sheriff have reviewed the proposed project and approved the project.
 - 4. Public opposition has been considered and all impacts have been mitigated by the imposition of conditions.
 - 5. Applicant agrees to all conditions and standards required for the project.

§ 90203.06 AUTHORITY OF THE PLANNING COMMISSION

The Planning Commission shall have the authority to investigate, review, and approve or deny any Conditional Use Permit application.

The Planning Commission's decision shall be final unless an appeal, (if so permitted by this Title) is made to the Board of Supervisors and is filed with the Clerk of the Board within 10 calendar days as provided under Section 90101.10.

§ 90203.07 AUTHORITY OF THE BOARD OF SUPERVISORS

The Board of Supervisors shall have the authority to investigate, review, and approve or deny any Conditional Use Permit application upon appeal from the Planning Commission's decision provided that the appeal is filed according to Section 90101.10. The Board of Supervisors shall not act upon any Conditional Use Permit that has not first been reviewed by the Planning Commission and/or that was appealed after the 10-day appeal

period. The Board of Supervisors' decision on any Conditional Use Permit shall be final and no reconsideration or rehearing shall be allowed unless such request meets the provisions of Section 90101.10.

§ 90203.08 NOTICE OF HEARING

After acceptance of a completed Conditional Use Permit application and the completion of a full staff report, the Commission shall conduct a public hearing on the request. The notice and scheduling of the public hearing shall be pursuant to Section 90104.03 C.

§ 90203.09 ACTION ON A CONDITIONAL USE PERMIT

An application for a Conditional Use Permit shall be reviewed, and approved, conditionally approved, or denied by the decision-making authority.

The authority may approve or conditionally approve an application only if it finds all of the following:

- A. The proposed use is consistent with the goals and policies of the adopted County General Plan.
- B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be located.
- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.
- D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.
- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.
- F. The proposed use does not violate any other law or ordinance.
- G. The proposed use is not granting a special privilege.

The decision-making authority shall deny an application if it cannot make all of the above findings.

§ 90203.10 SIMILARITY IN USE(S)

When an applicant proposes a use that is not specifically authorized or listed as a use or conditional use in the specific zone, he/she may apply for a determination of similar use to the Planning Commission through the following procedure. (The Planning Commission shall have final authority and no appeal to the Board on "similarity" shall be allowed).

A. FILING:

A request for a "similar use" determination shall be in writing to the Planning & Development Services Department and shall explain in detail the proposed use and its similarity to an existing approved use within that zone.

B. APPLICATION HEARING:

A request for similar use consideration shall not be heard concurrently with the hearing for allowing the use. At a minimum, the similar use hearing by the Planning Commission shall occur at least one hearing prior to the hearing to allow/deny the use.

C. SIMILAR USE CRITERIA:

In order for the Planning Commission to allow a use to be a "similar use" it shall first make the following findings:

1. The proposed use resembles or is of the same basic nature as an identified use or a conditional use in that zone.
2. The proposed use includes activities, equipment, or materials typically employed in the identified use.
3. The proposed use has equal to or less impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use.
4. All impacts identified could and would be mitigated through conditions.
5. The "similar" use, if allowed in the proposed zone, will not affect the health, safety and welfare of the public or impact the property and residents in the vicinity.

D. NON-COMPARISON OF SIMILAR USE:

An application for similar use shall be a comparison of the proposed use against that of an identified listed use in the Zone or Sub-Zone. The Commission shall not compare a proposed "similar use" against another previously approved "similar" use.

E. CONTINUED USE

Once a use has been found to be "similar" by the Commission, it shall be listed as such by the Department within the applicable zoning division of this Title and may be used by other applicants.

F. CEQA EXEMPTION:

The determination of similar use shall be a ministerial action and shall not require CEQA documentation.

§ 90203.11 TERMS/CONDITIONS

The Conditional Use Permit shall contain such terms and conditions that the decision-making authority determines necessary, and/or have conditions that mitigate specific impacts to make the appropriate findings.

Every permit approval shall contain both general, as well as, site specific conditions. Among the general conditions shall be:

- A. Compliance with all laws;
- B. Cost to offset on-going compliance mandates;
- C. Time limitations;
- D. Effective date(s).

§ 90203.12 EFFECTIVE DATE

The approved Conditional Use Permit shall not become effective until ten (10) calendar days after the decision of the Planning Director or Commission. Further the Conditional Use Permit shall not be effective until applicable conditions have been met, and the Conditional Use Permit is recorded with the County Recorder, with payment of recording fees being paid by applicant. In the case of a decision by the Board of Supervisors there is no 10-day appeal.

§ 90203.13 TIME LIMIT/EXTENSIONS

If the project for which a Conditional Use Permit has been approved has not commenced, or permits for said project have not been issued, within one (1) year from approval date the Conditional Use Permit shall be null and void. If a Conditional Use Permit has been unused, abandoned, discontinued, or ceased for one (1) year, the Conditional Use Permit shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by Department.

If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty (60) days prior to the end of the one (1) year period. The Director shall have the authority to extend the initial start up period of a Conditional Use Permit two times for a maximum of one (1) year each. No extension under this section shall be extended for more than two (2) years.

§ 90203.14 MONITORING/COMPLIANCE

Every Conditional Use Permit shall be monitored by the Planning & Development Services Department with assistance from other departments as necessary. The permittee shall be required to pay for such monitoring costs according to the "Time and Materials" fee schedule adopted by the Board of Supervisors or as otherwise provided by the terms of the Conditional Use Permit.

Permittee shall at all times be in compliance with all of the terms and conditions of the Conditional Use Permit. In the event non-compliance is found, the permittee shall be given notice to correct by the Planning & Development Services Department. Failure to comply shall constitute grounds for revocation.

§ 90203.15 MODIFICATIONS/AMENDMENTS

All terms/conditions of approval shall be final. A request to delete, modify or change one or more condition(s) shall constitute a new application unless specifically allowed within the CUP. Such a modification shall only be considered at a regularly-scheduled hearing of the decision-making authority.

§ 90203.16 REVOCATION/SUSPENSION

A Conditional Use Permit may be suspended or revoked by the Planning Director, Planning Commission or Board of Supervisors for any of the following causes:

- A. Any term or condition has not been complied with and the permittee has received at least one written correction order, via certified or return receipt mail or personal delivery.
- B. The property or portion thereof subject to the Conditional Use Permit is used or maintained in violation of the Conditional Use Permit and/or any State law or ordinance of the Imperial County and/or State of California.
- C. The use for which the Conditional Use Permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.
- D. Changes in technology in the type or amount of development in the area, or other condition warrants a modification of the conditions of operation, or warrants the imposition of additional conditions to assure that the use remains compatible with existing and potential uses within the vicinity.