



Overview of Conditional Use Permits

City of Bishop Planning Department

Purpose:

In each zoning classification of the City's Zoning Ordinance, the different uses which are permitted and prohibited for property in that zone are listed. Each zoning classification also lists various "conditional uses" which are permitted subject to a use permit. In addition, the Zoning Ordinance also lists certain activities requiring a "special use permit" which apply to all land use zoning districts. The process described in this guide applies to both conditional and special use permits.

The purpose of the use permit is to allow for special consideration of uses which are not specifically permitted or prohibited in the zoning classification. Since the Zoning Ordinance cannot be drafted to equitably deal with every circumstance, the use permit process is designed to provide the City sufficient flexibility to determine whether a specific land use on a certain site will be compatible with its environs, the General Plan and the zoning on adjacent parcels. In reviewing a use permit application, the staff and Planning Commission will evaluate such items as building placement and size, traffic generation, compatibility of use with adjoining properties and other related development impacts. Conditions may be imposed as necessary to insure that the proposed use will be compatible and not adversely affect their environs.

Process:

Step 1 - Project Consideration

Early in the consideration of a potential Use Permit, the applicant should carefully review what the General Plan calls for in the location or area affected. It is important that the proposed use is consistent with the City General Plan and Zoning Ordinance for the area and compatible with its environs. In addition, local utilities and other special agencies should be contacted regarding requirement for future development in the area if necessary.

Step 2 – Pre-application Conference

It is recommended that the applicant submit a preliminary proposal prior to submission of the formal application. This will allow the City planning and engineering staff to review the request and provide input to the applicant at a subsequent pre-application meeting with the applicant on conformity with the General Plan, possible environmental concerns, zoning and engineering requirements and specific traffic, siting, landscaping, and building design criteria. If construction is involved, this early review and input by staff should save the applicant possible delay and

expensive plan revision later in the process. At the pre-application conference staff will also review the history of other development proposals on the site and review the required data and procedures to be followed through the process.

Step 3 - Filing of Application

The applicant should submit the completed, signed application with fees. Staff will review the materials to make sure all the required information is provided and within 30 days determine if the application is accepted. Following completion of the environmental review process, the applicant shall be notified within 30 days as to whether the application is complete or of any additional information required.

Step 4 - Environmental Review

Nearly all use permit requests are required to have an environmental assessment to determine if it is necessary to prepare an Environmental Impact Report. Information on timing and sequence of this process is contained in the City of Bishop's "An Overview of Environmental Review" which will be provided to the applicant during the pre-application conference.

Step 5 – Review for Planning Commission

Following completion of the preliminary review, staff will study the application by reviewing the relationship of the request with the City's General Plan, and analyze the environmental, land use, traffic, site plan, and other impacts or concerns of the proposed development. A written staff report will be prepared for the Planning Commission which will analyze the development proposal and include staff recommendations. A copy of this report will be sent to the applicant prior to the Planning Commission hearing on the application.

Step 6 – Planning Commission Review

The Planning Commission is required to hold at least one public hearing on the use permit application. At least ten days prior to the meeting, property owners within 300 feet of the subject site will be notified by mail of the forthcoming hearing, and a notice of the public hearing may be posted in prominent locations around the site and published in the newspaper.

At the hearing, the staff will first present its report and recommendation. This presentation will be followed by testimony from the applicant and any interested persons who may wish to comment on the application. The Planning Commission may then close the public hearing and make a decision to (1) approve, (2) conditionally approve, (3) deny the request or postpone it to a later date; or (4) continue the public hearing to a specified time, date and place. The Planning Commission's decision will become final, unless a written appeal is made to the City Clerk within five days after the notice of the decision has been mailed to the applicant.

Appeal Procedure

1. In case the applicant or any other person is not satisfied with the action on any use permit or variance application, he may, within five days, appeal in writing to the City Council.
2. Upon receipt of such appeal the City Council shall set the matter or public hearing, notice thereof to be given as provided by law. Notice shall also be given to the Planning

Commission which shall submit a report to the City Council setting forth the reasons for the action taken by the Commission. Such report shall be submitted in writing or by representation at the hearing.

- 3. The City Council shall render its decision not more than forty-five days after the close of the hearing.

In addition to the above described appeal procedure, any member of the City Council shall have authority to request the full Council to review the decision of the Planning Commission by either making such request orally at the first Council meeting following the Commission's decision or by filing a written request with the City Clerk within 5 days after mailing of the decision to the applicant.

Estimated Time of Process:

The estimated time for the processing of a use permit application will vary depending upon the complexity and magnitude of the proposal and staff and Commission workload, but is generally estimated as follows:

	<u>ND</u>	<u>EIS</u>
A. From accepted application to staff review	4 weeks	10 weeks
B. From staff review to Planning Commission review	4 weeks	4 weeks
Total Estimated time of Process	8 weeks*	14 weeks*

*If submittal to State Clearinghouse is required, add 8 weeks.

City of Bishop

**Use Permit and Zoning Variance
Submittal Requirements**

1. A filing fee established by resolution of City Council is payable at the time of application.
2. File 12 copies of the following:
 - A. Application Form - completed and signed.
 - B. Letter to the Planning Director describing use in detail and giving reasons this application should be granted. Information should include the nature of the use, type of operation, potential traffic generation, why the project will benefit or not adversely affect the surrounding neighborhood and any other pertinent data.
 - C. The County Assessor Map outlining the project boundaries.
3. One copy of site photographs showing topography, vegetation and landscaping, existing and adjacent structures.
4. One copy of the names and addresses printed on labels of all property owners within 300 feet of the exterior boundary of the project as shown on the latest adopted tax role of Inyo County.
5. Twelve copies of project plans on 18 by 26 inch prints (unless a different size is determined appropriate by City) showing the following information unless waived by the City.
 - A. Exterior boundary lines of the property indicating easements, dimensions, lot size, and legal description.
 - B. Label all adjacent streets or right-of-ways indicating name, width and special features.
 - C. Location, elevations, size, height, dimensions, materials, and proposed use of all buildings and structures (including walls, fences, signs, lighting, trash enclosures, storage, pools, etc.) existing and intended to be on the site, indicating type of construction per the Uniform Building Code.
 - D. Distances between all structures and between all property lines or easements and structures.
 - E. Any nearby buildings which are relevant to this application.
 - F. All existing trees on the site over 18 inches in circumference, giving type and location and any other significant plant material.
 - G. Any existing significant natural features such as rock outcropping or water courses.
 - H. Location, number of spaces, and dimensions of off-street parking spaces, loading docks, and maneuvering areas, indicate internal circulation with computation of requirements.
 - I. Pedestrian, vehicular, and service points of ingress and egress, driveway widths, and distances between driveways.

- J. Proposed landscaping, include quantity, location, varieties, and container size.
- K. Proposed grading plan, showing direction and path of drainage on, through, and off-site; indicate any proposed drainage channels or facilities.
- L. Existing and required public dedications and improvements.
- M. Other such data as may be required to permit the Planning Commission to make the required findings for approval of the specific type of application.
- N Note the scale (1 inch equals 20 feet is common) and north direction on plans.
- O. Vicinity map indicating nearby cross streets in relation to site (need not be to scale).
- P. Name, address and phone number of Owner, Developer and person preparing plan.
- Q. Zoning designation and existing land use for parcel and surrounding properties.
- R. All existing and proposed public improvements including water, sewer, streets, curb and gutter and sidewalk, street lights, signals, power and telephone.
- S. All existing and proposed signs including area, location, height, illumination and mechanical movement.