MODOC COUNTY PLANNING DEPARTMENT
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USE PERMIT
Application Packet

This packet provides detailed information for the obtaining of Use Permits, which may be granted for any of the uses allowed with such permit by the Title 18 Modoc County Zoning Ordinance, as provided in Chapter 18.128

Included in this packet:	A.	Application Filing
	B.	Application Processing

➢ ***Please note that incomplete applications will not be accepted*** ➢

A. APPLICATION FILING

After consulting with the Planning Department, submit all the following documents **concurrently:**		
✓	**Item**	**Description**
	Completed Use Permit Application	1) Planning Application 2) Supplemental Information - The property owner must sign the application or provide other written authorization
	Fees (payable to ***Modoc County Planning Department***)	Minor - $700 + ER* / R† (see description below) Intermediate - $1000 + ER* / R† (see description below) Major / Complex - $2000 + ER* / TM** / R† (see description below) *Environmental Review = $600; **Time & Materials = actual cost; †R = recording fees
	Description of Current Uses	A clear and concise description of the existing uses and accompanying activities
	Description of Proposed Project	A clear and concise description of the type of operation and how it functions, including: hours of operation; estimated number of employees, if any; types of hazardous materials or vapors; solid waste, sewer and water needs; any special or unusual features of the proposed use
	Representation	Plans, maps or other documents, reproducible and drawn to scale, showing the project location and details of the proposed use, buildings and facilities

	Compliance	Information demonstrating compliance with provisions applicable to the proposed uses and Title 18 Zoning Ordinance

The following items are required before the project will be recorded:		
✓	**Item**	**Description**
	Fish and Game Filing Fees	Fees apply to all projects subject to CEQA; exemptions may only be granted by the Department of Fish and Game (SB1535). ❑ $2044.00 (payable to the **Modoc County)** ❑ $50.00 (payable to the **Modoc County Clerk**)

➢ ***Please note that additional information or steps may be required after a decision is made on the project*** ➢

B. APPLICATION PROCESSING INFORMATION

18.128.020 Application.

B. **Completeness.**

No application shall be accepted as complete until all fees, the application form and all required information are filed with and accepted as complete by the Planning Department. Within thirty days after receiving an application, the Planning Department shall provide the applicant with written notice of any deficiencies. Each re-submittal shall again commence the review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any written notice that the application is incomplete or to any request to amplify, clarify, correct or otherwise supplement the application, shall be deemed to be an abandonment of the application and no further action shall be taken on it. Within ten days of receiving a notice of deficiency, the applicant may appeal the determination to the Planning Commission and subsequently the Board of Supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060.

18.128.030 Planning Director Action.

A. Public Hearing.

The Planning Commission shall hold a public hearing on each application for a use permit as provided in Chapter 18.140 after the application is accepted as complete. Notice of public hearing shall be given by the Planning Director as provided in Section 18.140.050.

B. Action.

After the hearing, the Planning Commission may approve, approve subject to conditions or deny the application for a use permit. The approval shall clearly describe the uses permitted, set forth all conditions and identify which conditions, if any, must be met prior to use of the use permit. In approving the use permit, the Commission may extend the one year time period for commencement of the uses or activities for an additional year.

C. Findings.

No use permit shall be granted unless written findings are made that the establishment, maintenance or operation of the proposed use, buildings or facilities

(1) will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the vicinity of the proposed use,
(2) will not be detrimental or injurious to property in the vicinity or to the general welfare of the County,
(3) the purposes of this title would not be better achieved by changing the zone rather than by issuing the use permit, and
(4) the proposed use at the location proposed is consistent with the purpose of the zone in which it is located. Findings shall additionally be made as required by other provisions of this title when applicable to the proposed uses.

D. Conditions.

The granting of any use permit may be conditioned upon

(1) terms, conditions or modifications to the proposal for the purpose of assuring that the proposal complies with criteria applicable to the proposed uses and this title,
(2) dedication of land or posting of a bond to guarantee the installation of public improvements which are reasonably related to the use for which the use permit is granted,
(3) the recording of a document, on a form prescribed by the Planning Director and approved by County Counsel, in the Office of the County Recorder, providing notice of the terms and/or conditions of granting the use permit,
(4) security, fess, agreements or other assurances deemed necessary to insure continued compliance with any conditions imposed, or
(5) a limitation on the administrative or permitted uses listed in the zone in which the use is located.

18.128.040 Appeals.

Any interested person may appeal the decision of the Planning Commission as provided in Chapter 18.144. Notice of public hearing shall be given as provided in Section 18.140.050.

18.128.050 Effect of Action/Appeal Waiting Period.

A. No building permit, mobile home installation permit or other entitlement issued by the County for a use requiring a use permit shall be issued until the appeal period has expired and any appeal results in the granting of the use permit.

B. Executed use permit: After the appeal period has expired or affirmation of approval on appeal, the Planning Director shall mail the applicant a copy of the executed use permit authorizing the conduct of the uses and activities described, provided any precedent conditions imposed by Subsection D of Section 18.128.030 or on appeal, have been met.

18.128.060 Expiration by Inaction.

Every use permit expires and is null and void without further action by Modoc County if the activity for which the permit was granted has not been actively and substantially commenced within one year from the date of approval or affirmation of approval on appeal, unless an extension of time is granted as provided in this

chapter. The Planning Director has the authority to declare, based on length of time and operation of law, the use permit abandoned and therefore null and void.

18.128.070 Extension of Time for Commencement.

In addition to the provisions in this section, the requirements in Sections 18.128.050 shall apply to an application for an extension made subsequent to approval.

A. The Planning Director may extend the time for commencement of the use or activity for an initial one year period if an application for an extension of time is made prior to expiration of the use permit, substantiating that circumstances beyond the permittee's control have prevented the permittee from taking sufficient action. An extension granted under this subsection is determined to be an administrative action and does not require public notice and hearing. Within ten days of the decision, the applicant may appeal the decision to the Planning Commission as provided in Section 18.140.060.

B. When the criteria under Subsection A is not met or the extension exceeds one year, the Planning Commission may extend the time for commencement of the use or activity if an application for an extension of time is made to the Planning Director prior to expiration of the use permit. The Commission shall hold a public hearing. Notice of public hearing shall be given as provided in Section 18.140.050.

C. The Planning Commission may approve or deny the extension. In lieu of denying an extension, the Commission may amend existing conditions of approval or impose additional conditions, if the grounds which justify denial can be corrected or cured by such modifications. Any extension(s) of time that does not extend in total more than three years from the date the use permit is approved or affirmed on appeal shall be approved without modification of conditions, except as required for health or safety, if the permittee shows that circumstances beyond the permittee's control have prevented the permitted form taking sufficient action.

D. The decision by the Commission relating to the request for an extension of time may be appealed to the Board of Supervisors as provided in Chapter 18.144. Notice of public hearing shall be given as provided in Section 18.140.050.

18.128.080 Amendment of Use Permit

Any use permit may be amended. The provisions of Sections 18.128.020 through 18.128.060 shall apply to any application to amend a use permit.

18.128.090 Revocation

Every use permit issued under this chapter is revocable as provided in this section.

A. Whenever the Planning Director or Planning Commission determines that one or more grounds exists for revocation of a use permit, the Planning Commission may pursue the matter by holding a public hearing, noticed as provided in Section 18.140.050, for the purpose of revoking the use permit. The grounds for revocation include but are not limited to:

1. Non-compliance with permit conditions.
2. Violation of any law relating to the permit.

3. Expansion of the use that is the subject of the permit without an amendment or new permit.
4. Exercising or conducting the use in a manner that threatens or is injurious to public health or safety or constitutes a nuisance.
5. False or erroneous information in the record as to a material matter or significant issue regarding the use.

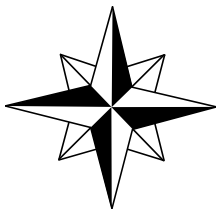
B. The Planning Commission may revoke or decline to revoke the use permit. In lieu of revocation, the Commission may amend existing conditions of approval or impose additional conditions if the grounds which justify revocation can be corrected or cured by such modifications.

C. The decision of the Commission in the matter of the revocation may be appealed to the Board of Supervisors as provided in Chapter 18.144. Notice of public hearing shall be given as provided in Section 18.140.050.

18.128.100 Surrender of Permit

The holder of a use permit may surrender it to the Planning Department at any time and thereafter shall cease to engage in, operate or maintain the use.

USE PERMITS MUST BE SIGNED BY THE PROPERTY OWNER AND/OR APPLICANT BEFORE RECORDING



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SUPPLEMENTAL INFORMATION

The following is required, in addition to the Planning Application, in order to evaluate your project. Answer all questions to the best of your ability. If more space is required, please use a separate sheet of paper.

PART 1: GENERAL INFORMATION

A. **Project Location**

_____

Assessor's Parcel Number

_____

Subdivision _____ **Block** _____ **Lots** _____

B. **Project Site: Total Area:** _____ **Access Road(s):** _____

C. Existing use of property:

_____

D. **Provide a summary of the proposed project, including the size, purpose, phasing and uses.**

_____

_____

_____

E. **Do the owners presently own other contiguous property? Yes** _____ **No** _____

If so, Assessor's Parcel Number(s): _____

PART 2: SERVICES / IMPROVEMENTS

A. Improvements**:**

Existing

_____

_____

_____

Proposed

_____

_____

_____

_____

B. Access:

Existing

_____

_____

Proposed

_____

_____

C. Water:

Existing uses of water on project site

_____

Proposed water uses

_____

Existing water source

_____

Proposed water source

_____

D. Sewage / Wastewater:

Existing uses that generate sewage / wastewater

_____

_____

Proposed uses that generate sewage / wastewater

_____

_____

Existing sewage disposal method

_____

Proposed sewage disposal method

_____

List any unusual wastewater characteristics of the existing / proposed uses. What special treatment processes are necessary?

_____

_____

E. **Is electricity extended to the project site? Yes _____ No _____**

F. **Is telephone service extended to the project site? Yes _____ No _____**

G. Name of agency that presently provides, will provide or could provide service to the project, if required:

(Please complete for all projects)

Elementary School _____

High School _____

Electricity _____

Telephone _____
Fire Protection _____
Hospital / Other Emergency _____
Water Supply _____
Sewage Disposal _____

PART 3: ENVIRONMENTAL ASSESSMENT

A. **Do any of the following items apply to or affect the project?**
Discuss all items checked "yes" below (attach additional sheets as necessary).

YES	NO	
_____	_____	**Change in existing features of any lakes or hills or substantial alteration of ground contours.**
_____	_____	**Change in scenic views or vistas from existing residential areas or public lands or roads.**
_____	_____	**Significant amounts of solid waste or litter.**
_____	_____	**Change in dust, ash, smoke, fumes or odors in the vicinity.**
_____	_____	**Change in any surface or ground water quality or quantity or alteration of existing drainage patterns.**
_____	_____	**Construction or placement of any structures or uses affecting any watercourse.**
_____	_____	**Substantial change in existing noise or vibration levels in the vicinity.**
_____	_____	**Site on filled land or on slope of 10% or more.**
_____	_____	**Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.**
_____	_____	**Substantial change in demand for services (police, fire, water, sewage, etc.)**
_____	_____	**Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)**
_____	_____	**Portion of a larger project or series of projects.**
_____	_____	**On-site or off-site grading, fill or excavation in connection with the project.**

Discuss:

_____
_____
_____

B. Topography / General Setting **(Check all that apply)**

_____Valley Bottom **_____Near Stream** **_____Hillside** **_____Near Lake**
_____Foothill **_____Canyon** **_____Flat** **_____Rolling**
_____Steep **_____Other – Specify:** _____

C. Cover **(Check items that best describe type available)**

_____Tree Covered **_____Brush Covered** **_____Dryland Cultivated**
_____Barren **_____Open** **_____Built up**
_____Irrigated cropland **_____Logged (within 10 years)** **_____2nd growth timber**

D. Plants **(Check all that are present on project site)**

_____Pines **_____Firs** **_____Junipers** **_____Cottonwoods**
_____Sagebrush **_____Bitterbrush** **_____Rabbitbrush** **_____Greasewood**
_____Meadow grasses **_____Other grasses** **_____Other –**
Specify:_____
Endangered Plants

_____

Others

_____

_____

Is timber presently, historically (within 10 years), or proposed to be harvested on adjacent lands?

_____

_____

E. Fire Hazard

Is the project located in a High fire hazard area (hillside with moderate to dense vegetation, area with dense vegetation)? Yes_____ No_____ (Check with Planning Department to confirm your fire hazard area)

Nearest source of water for fire protection

_____

Fire hazard / fire protection needs created

_____

F. Soils / Geology

Check terms that best describe the soil factors found within and around the project area. Attach soil descriptions and maps from Soil Conservation Service or other sources if you desire.

_____Deep **_____Shallow** **_____Wet** **_____Sandy**
_____Loamy **_____Clay** **_____Rocky** **_____Gravelly**
_____Hardpan **_____Salty or Alkali**

Describe building or soil setting, landslides, slumps, faults, rock falls or other natural geologic hazards observed on the property or immediate vicinity.

_____

_____

_____

Will the project result in the direct or indirect discharge of sediments into any water body? _____ If so, state source and name of water body

_____

How much of the site will be disturbed by grading, fill or excavation?

_____

Maximum proposed depth / slope of any excavation

_____

Type of grading (roads, lots, building, etc.)

_____

Number cubic yards material for grading

_____

Will there be any blasting during project construction?

_____

Name any known economic resources on the property such as sand, gravel, road base rock, mineral deposits

_____

_____

G. Watercourses / Drainage **(Check all that apply)**

_____Stream _____River _____Creek _____Irrigation Ditch
_____Slough _____Wetland _____Pond _____Springs
_____Wells _____Other Drainage – Specify _____

Names of above, if known:

_____

Will any land with an adjudicated water right or land now or recently in irrigated production, be subdivided into parcels less than 80 acres or otherwise be developed? _____Yes _____No
Specify any areas subject to flooding

_____

H. Animals **(Check those found on the project site or in the vicinity)**

_____Deer _____Antelope _____Sandhill Crane _____Bald Eagle
_____Swainson's Hawk _____Lost River Sucker _____Modoc Sucker
_____Migratory Birds _____Other – Specify _____

I. Historic / Cultural / Archaeological Resources **(Check all that apply)**

_____Historic Buildings _____Historic points of interest / monument _____Cemeteries
_____Artifacts _____Other
Specify_____

J. Noise

Name any major noise sources near project site

_____

Name any major noise sources during project construction / operation

_____

_____

List major sources of noise after construction / during operation or build out

_____

_____

K. Other

List major sources of air pollution (odors, particulate, fumes, etc.) in project area

_____

_____

Type / quantity of air pollutants created by project construction / operation / build out

_____

_____

Aesthetic impacts that might result from the project during construction / operation / build out

_____

_____

What energy-conserving design or materials will be used?

_____

_____

L. Mitigation Measures

With regard to the above environmental factors, discuss impacts that have been checked above. What measures are proposed to reduce environmental impacts? (Attach separate sheets as necessary)

_____

_____

_____

_____

PART 4: PLANS AND PERMITS

Application: Use Permit

A. **Current Zoning**

_____

Current General Plan designation

_____

B. **Will development occur in phases? Explain**

_____

_____

C. Are there plans for future expansion that are not included under this request? Explain

_____

_____

_____

D. Why are you undertaking this project at this time?

_____

_____

_____

_____

E. Other county applications pending or approved for same project

_____

_____

_____

Permits approved or pending from agencies other than the county in connection with the proposed project

_____

_____

Other permits that are required

_____

Previous land use applications made to the county involving this project site (1963-present)

_____

_____

_____

_____

_____

PART 5: NOTIFICATIONS TO APPLICANT / CERTIFICATIONS

Pursuant to Government Code Section 65945, do you request to receive notice from the county of proposal types 1, 2, 3 and or 4 below, which may come before the county during the processing of this permit (you will only be notified of proposals that the county determines are reasonably related to your permit request):

1. **Adopt or amend the general plan.**
2. **Adopt or amend a specific zone.**
3. **Adopt or amend the zoning ordinance.**
4. **Adopt or amend an ordinance affecting building or grading permits.**

_____ Yes, notices for _____ (Specify 1, 2, 3 and/or 4). If yes, you must add $5.00 to your application fee.

_____ No, I do not wish to receive notices for 1, 2, 3 or 4.

Pursuant to Government Code Section 65962.5, I have examined the Hazardous Wastes and Substances Sites List on file with the Planning Department, compiled by the State Office of Planning and Research, and certify:

_____ The site that is the subject of any project under this application is located on the list titled _____ in the above publication.

_____ The site that is the subject of any project under this application is not located on any list in the above publication.

Pursuant to Government Code Section 65943, this is an application for a development permit.

_____ Yes _____ No

PART 6: ITEMS TO BE SUBMITTED WITH GENERAL APLICATION

The items to be submitted with this general application are listed in the "Detailed Application Packet" for the specific project type.
Package – All Land Use Permits must be submitted as part of this application.
(All items must be completed for this application to be considered a complete application.)

PART 7: CERTIFICATION, AUTHORIZATION AND SIGNATURES

By signing this application, Modoc County Planning Department staff is authorized to enter your property for the purpose of project review. This authorization is valid from the date signed until the end of the project review period unless ongoing monitoring or maintenance are required.

I hereby certify under penalty of perjury that the information provided in this application is true, accurate and complete to the best of my / our knowledge. I also certify that I have read and understand the applicable application requirements pertaining to my project.

Owner(s) _____ Date _____

_____ Date _____

Applicant /_____ Date_____
Authorized Agent