



# City of Hemet

PLANNING DIVISION  
445 E. Florida Avenue, Hemet, CA 92543  
(951) 765-2375  
[www.cityofhemet.org](http://www.cityofhemet.org)

Application No.:	_____
Date Received:	_____
Received By:	_____
Planner Assigned:	_____
Concurrent Projects:	_____

## PLANNING APPLICATION

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Administrative Adjustment | <input type="checkbox"/> Administrative Use Permit      | <input type="checkbox"/> Annexation                        |
| <input type="checkbox"/> Appeal                    | <input type="checkbox"/> Conditional Use Permit         | <input type="checkbox"/> Development Agreement / Amendment |
| <input type="checkbox"/> Downtown Project Review   | <input type="checkbox"/> Extension of Time (for: _____) | <input type="checkbox"/> General Plan Amendment            |
| <input type="checkbox"/> Planned Unit Development  | <input type="checkbox"/> Pre-Application Review         | <input type="checkbox"/> Sign Program / Amendment          |
| <input type="checkbox"/> Site Development Review   | <input type="checkbox"/> Specific Plan                  | <input type="checkbox"/> Specific Plan Amendment           |
| <input type="checkbox"/> Tentative Parcel Map      | <input type="checkbox"/> Tentative Tract Map            | <input type="checkbox"/> Variance                          |
| <input type="checkbox"/> Zone Change - Map         | <input type="checkbox"/> Zoning Ordinance Amendment     | <input type="checkbox"/> Other _____                       |

### Project Description

General Description of Proposed Project: \_\_\_\_\_  
\_\_\_\_\_

Has this project received Pre-Application Review Comments?  Yes  No PR No. \_\_\_\_\_  
Other Related Cases: \_\_\_\_\_

### Property Information

Project Address or Location: \_\_\_\_\_  
Assessor Parcel Number(s): \_\_\_\_\_  
Total Site Acreage: \_\_\_\_\_  
Current Land Use: \_\_\_\_\_ Proposed Lane Use: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_  
Current General Plan: \_\_\_\_\_ Proposed General Plan: \_\_\_\_\_

### Contact Information

#### Applicant Information –The applicant is the designated contact to receive materials from the City.

Applicant Name: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_  
Applicant's Interest in Property:  Own  Rent Other: \_\_\_\_\_

**Owner Information (Consent Affidavit required if Applicant is not the Property Owner)**

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Architect Information**

Architect Name: \_\_\_\_\_

Architect Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Engineer Information**

Engineer Name: \_\_\_\_\_

Engineer Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Notifications**

1. Appointments are recommended for submittals. Call the Case Planner or 951-765-2375 for scheduling.
2. Applications will be initiated within 24 hours of submittal. Applications submitted after noon on Thursday will be initiated the next City Hall business day.
3. Acceptance of the application at the counter **does not** represent a complete application. Government Code Section 65943 provides 30 days in which the City can review the application and determine completeness. The applicant will be sent a letter during this time period with either a statement of completeness or a list of additional items that are necessary to complete the application.
4. If projects include a legislative item required to be heard by the City Council, all other concurrent applications for the project will also be heard by the City Council.

**Authorizations**

Print Applicant Name \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Attachments**

1. Property Owner Consent Affidavit (Not required for Pre-Application Review applications).



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## CONDITIONAL USE PERMIT/ MODIFICATION SUBMITTAL REQUIREMENTS

The following instructions are intended to provide the necessary information and procedures to facilitate the processing of a Conditional Use Permit and CUP Modification application. Your cooperation with these instructions will ensure that your application can be processed in the most expeditious manner possible.

### THE CONDITIONAL USE PERMIT FILING PACKAGE CONSISTS OF THE FOLLOWING:

#### A. APPLICATION SUBMITTAL REQUIREMENTS

- 1. Completed application form.
  - a. Property Owner Consent Affidavit or Corporate Resolution, if owner is different from applicant.
- 2. Processing fees:
  - a. Application processing fee pursuant to the latest adopted fee schedule.
  - b. CEQA fees
    - (1) Initial Study or Categorical Exemption fee (paid with submittal).
    - (2) Additional Environmental fees (if applicable).
  - c. Fish & Game fees (if applicable).
  - d. Notice of Determination recordation fee (paid when the application is scheduled for public hearing).
  - e. Public hearing notice fees (paid when the application is scheduled for public hearing).
  - f. Airport Influence Area Review fee (if applicable).
  - g. Technical Study Review fees (if applicable).
  - h. Adult Business Permit fee (if applicable).
- 3. Completed environmental assessment form.
- 4. Preliminary title report completed by a licensed title company and prepared less than 6 months of the application submittal date.
- 5. Proof of ownership (i.e., grant deed).
- 6. A letter signed and dated by the applicant that addresses each of the following:
  - a. Detailed description of proposed use and activities including hours of operation, number of employees, type of equipment and materials used, time and location of deliveries.
  - b. Compatibility with surrounding uses pertaining to noise, lighting, parking, storage, aesthetics, hazardous materials, and operations.
  - c. Site design and elevations including parking and access, architecture and materials, landscaping, and fencing. If a drive-through is part of the project, describe the reason for its location, stacking capacity, and how it will be screened.
  - d. Consistency with design guidelines.
  - e. Compliance with General Plan and zoning land use designations.
  - f. If the proposed use engages in the on-sale or off-sale of alcoholic beverages include:
    - i. Distance in feet from any existing school, park, place of worship, residential use, residentially zoned land, parolee-probationer homes, emergency shelter, supportive housing, or transitional housing.
    - ii. Mechanisms to ensure the use will not be detrimental to or adversely impact surrounding uses and properties.
    - iii. Finding of Public Convenience and Necessity (separate permit), if applicable.
  - g. For Adult Business Permit include:
    - i. Compliance with the provisions of HMC Secs. 18-351 et seq and 18-401 et seq.
    - ii. Compliance with the provisions of HMC Sec. 90-18.

- 
- 7. Ten (10) full-size (24"x36" folded to 9"x12") copies of the following development plan sheets prepared per City standards (as determined applicable by staff).
    - a. Site plan including parking and circulation.
    - b. Floor plans.
    - c. Building elevations. (north, south, east, west).
    - d. Roof plans including sections showing how HVAC equipment will be screened.
    - e. Preliminary landscape plan including fencing and exterior lighting. Show location, materials, and height of plants, fences, and light standards.
    - f. Preliminary grading plan including existing and proposed utilities.
    - g. Sign program details.
    - h. Any additional items requested by staff to process the application.
  - 8. One (1) 11"x17" **color** copy of each of the following, placed in sets, and folded to 8½"x11".
    - a. Building elevations with materials and colors keyed to a materials board consistent with the City's approved color palette.
    - b. Materials board (photo).
    - c. Preliminary landscape plan.
  - 9. Photo documentation
    - a. Photos of the site including any existing buildings, landscaping, and site features labeled and keyed to a sitemap.
    - b. Photos of the surrounding properties (north, south, east, west) labeled and keyed to a site map.
  - 10. Materials board with samples of the materials depicted on the building elevation sheets.
  - 11. Any technical studies or reports requested by Development Review Committee (e.g., Preliminary Water Quality Management Plan, traffic study, airport land use compatibility study, view analysis, cultural resources review).
  - 12. One (1) electronic copy on CD/DVD of all submission materials including development plan sheets in PDF format, environmental documentation, technical studies, landscape plans and color renderings.

**WHEN THE APPLICATION IS DEEMED COMPLETE BY STAFF, THE FOLLOWING ITEMS ARE REQUIRED PRIOR TO SCHEDULING FOR PUBLIC HEARING:**

- 13. Ten (10) full-size (24"x36" folded to 9"x12") and one (1) 11"x17" (folded to 8½" x 11") copies of the **revised** development plan sheets as determined applicable in Item 7, drawn to scale, and placed in sets.
  - a. Any additional items requested by staff to process the application.
  - b. If the staff determines appropriate, 11"x17" sheets may be substituted for the full-size plans.
- 14. One (1) 11"x17" **revised color** copy of each of the following, placed in sets, and folded to 8½"x11".
  - a. Building elevations with materials and colors keyed to a materials board.
  - b. Materials board (photo).
  - c. Preliminary landscape plan.
- 15. One (1) set of 8½" x 11" reduction of all **revised** development plan sheets (including color renderings).
- 16. One (1) electronic copy on CD/DVD of all submission materials including **revised** development plan sheets in PDF format, environmental documentation, photo documentation, technical studies, landscape plans and color renderings.
- 17. Public hearing notice fees (newspaper publication, mailing, posting).
- 18. Notification package prepared and certified by a licensed Title Company with data updated less than six months from the submission date and includes:

- a. One (1) 8½" x 11" radius map that shows the boundaries of the subject property, the 500 foot radius line, and the boundaries of all assessor parcels within the 500-foot radius boundary. The radius boundary line may be amended by the Director.
- b. A list of assessor parcel numbers within the 500-foot radius boundary and the mailing addresses of all property owners and property occupants when the owner mailing address is different than the property address.
- c. Two (2) sets of property owner and property occupant (when the owner mailing address is different than the property address) mailing labels for all parcels located within the 500-foot radius boundary and one (1) electronic version in Microsoft Word.
  - i. Labels shall be 1" x 2.5", self-adhesive, on 8 ½ " x 11" sheets.
  - ii. Each mailing label shall include the assessor parcel number.
  - iii. The data shall be from the latest County Assessor's information.
- d. A notarized public notice mailing affidavit signed by the applicant or preparer.

**B. MODIFICATION SUBMITTAL REQUIREMENTS**

- 1. Completed application form.
  - a. Property Owner Consent Affidavit or Corporate Resolution, if owner is different from applicant.
- 2. Application processing fees.
- 3. A letter signed and dated by the applicant that addresses each of the following:
  - a. Detailed description of proposed modification.
  - b. Explanation of how the proposed modification conforms to the original approval.
- 4. Any items determined by the Director as necessary to process the modification request such as development plan sheets or elevations.
- 5. One (1) electronic copy on CD/DVD of all submission materials.
- 6. Refer to Item No. 18 for public hearing notification package submittal requirements.

**C. APPLICANT NOTIFICATIONS**

1. Prior to submittal of a Conditional Use Permit application, all proposed projects must receive formal preliminary review by the Development Review Committee. Applications for Pre-Application Review are available at the Planning Division counter or on the Planning Division webpage.
2. A streamlined review option is available for projects that meet the criteria outlined in Section 90-42.1(b) on the Hemet Municipal Code.
3. Receipt of the application at the Planning Division counter **does not** indicate acceptance of a complete application. Government Code Section 65943 provides 30 days in which the City can review the application and determine completeness. The applicant will be sent a letter during this time period with either a statement of completeness or a list of additional items that are necessary to complete the application.
4. It is recommended that the applicant and/or representative be present at all hearings.
5. All correspondence and reports will be sent electronically (e-mailed) only to the project applicant as designated on the application form.
6. Please direct all questions to the Case Planner or contact the Planning Division at 951-765-2375.

**C. ATTACHMENTS**

1. Hemet Municipal Code Section 90-42.
2. Public notice mailing affidavit.



# City of Hemet

**Property Owner  
Consent  
Affidavit**

445 E. FLORIDA AVENUE, HEMET, CA 92543 (951) 765-2375

**\*\*THIS FORM MUST BE NOTARIZED\*\***

**PROJECT NO(s).** \_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) SS DATE:  
CITY OF HEMET )

I/We, \_\_\_\_\_, \_\_\_\_\_, the **OWNER(s)** of the Real Property involved in this application, do hereby consent to the filing of this application. I/We do hereby appoint the following person(s) as my agent(s) to act on my behalf on the foregoing application:

**AGENT:** \_\_\_\_\_ Phone No: (\_\_\_\_) \_\_\_\_\_  
(Printed Name of Agent)

**Address of Agent:** \_\_\_\_\_  
(Number) (Street) (City) (State) (Zip)

**OWNER:** \_\_\_\_\_ **OWNER:** \_\_\_\_\_  
(Signature) (Signature)

**Address:** \_\_\_\_\_ **Address:** \_\_\_\_\_  
(Number) (Street) (Number) (Street)  
(City) (State) (Zip) (City) (State) (Zip)

**NOTE:** A NOTARIZED OWNER'S AFFIDAVIT IS REQUIRED AS PART OF ALL APPLICATIONS. IF OWNERSHIP IS HELD OTHER THAN BY AN INDIVIDUAL, PROOF, IN THE FORM OF A SPECIAL POWER OF ATTORNEY, AUTHORIZED CORPORATE RESOLUTION, PARTNERSHIP AGREEMENT OR OTHER ACCEPTABLE DOCUMENT(S) SHALL BE SUBMITTED TO THE CITY ALONG WITH THE NOTARIZED SIGNATURES OF THOSE OFFICERS AUTHORIZED TO SIGN ON BEHALF OF CORPORATION OR PARTNERSHIP. PLEASE NOTE THAT YOUR APPLICATION MAY NOT BE DETERMINED TO BE COMPLETE UNLESS AND UNTIL OWNERSHIP CAN BE VERIFIED.

## FOR OFFICIAL USE ONLY

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

BY \_\_\_\_\_, BY \_\_\_\_\_  
(Printed Name of Owner As Signed Above) (Printed Name of Owner As Signed Above)

Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

\_\_\_\_\_  
NOTARY PUBLIC SEAL



# City of Hemet

## Property Owner Mailing List Affidavit

445 E. FLORIDA AVENUE, HEMET, CA 92543 (951) 765-2375

(THIS FORM MUST BE NOTARIZED)

PROJECT NO(s). \_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF HEMET )

SS

DATE: \_\_\_\_\_

I, \_\_\_\_\_, certify that on \_\_\_\_\_, the attached property owners list was prepared by \_\_\_\_\_ pursuant to application requirements furnished by the City of Hemet Planning Department. Said list is a complete and true compilation of owner(s) of the subject property and all other property owners within 500 feet of the property involved in the application and is based upon the latest equalized assessment rolls. I further certify that the information may be grounds for rejection or denial of the application.

Owner/Authorized Agent \_\_\_\_\_  
(Signature)

Owner/Authorized Agent \_\_\_\_\_ Phone No.: (\_\_\_\_) \_\_\_\_\_  
(Printed Name)

Address: \_\_\_\_\_  
(Number) (Street) (City) (State) (Zip)

### FOR NOTARY PUBLIC USE ONLY

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

BY \_\_\_\_\_  
(Printed Name of Owner As Signed Above)

BY \_\_\_\_\_  
(Printed Name of Owner As Signed Above)

\_\_\_\_\_  
NOTARY PUBLIC SEAL



# City of Hemet

## Environmental Assessment

445 E. FLORIDA AVENUE, HEMET, CA 92543 (951) 765-2375

DATE FILED: \_\_\_\_\_, 20\_\_\_\_

PROJECT NO: \_\_\_\_\_

### General Information

List the applicant's name and address: \_\_\_\_\_  
\_\_\_\_\_

1. List the site address and/or assessor parcel number(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Land Development Information

3. Current zoning: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_

4. Current General Plan designation: \_\_\_\_\_ Proposed General Plan designation: \_\_\_\_\_

5. Describe any building(s) currently on the site and for what the site is being used: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Describe the area surrounding the property and any unique topographic features on the site (i.e. agricultural lands, drainage areas, slopes, plants, wildlife, etc.). Attach a copy of the RCIP Habitat Assessment Report for each APN # included in project site: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Describe the type and number of equipment to be used on the site, both during construction and as part of the operation of the proposed use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Please fill in the appropriate blanks that apply to your project.

Residential

Commercial

Industrial

No. of units: \_\_\_\_\_

Building size (sf): \_\_\_\_\_

Building size (sf): \_\_\_\_\_

Sales range: \_\_\_\_\_

No. of employees: \_\_\_\_\_

No. of employees: \_\_\_\_\_

Rental range: \_\_\_\_\_

Hours of operation: \_\_\_\_\_

Hours of operation: \_\_\_\_\_

Days open: \_\_\_\_\_

Days open: \_\_\_\_\_

Please indicate, by checking "yes" or "no" if the following items apply to your project. For each item checked with a "yes" please explain why and how it applies, use additional sheets as necessary. Additional information may be requested at the time of submittal of your application. Please feel free to the Planning Department should you have any questions.

9. Will the project alter the existing feature of any lake shore, creek, river, or stream, or alter the ground to eliminate major topographic features. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Will the project change existing scenic views or vistas from existing residential areas or public lands or roads. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Will the project change the pattern, scale, or character of the area around the project. Yes \_\_\_\_ No \_\_\_\_  
If yes, please explain.

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12. Will the project generate significant numbers of school age children. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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13. Will the project generate large amounts of solid waste or litter beyond what would be normally expected. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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14. Will the project generate large amounts of dust, ash, smoke, fumes, or odors in the area. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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15. Is the project expected to retain drainage waters on-site, or alter the existing drainage patterns. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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16. Will the project generate unexpected or unanticipated noise when complete, which would be considered to be above and beyond the existing (ambient) noise in the area. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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17. Will the project use and/or dispose of potentially hazardous materials, such as toxic substances, flammables, or explosives. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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18. Will the project cause an increase, beyond what would normally be expected, in demand for municipal services such as police, fire, water, sewage, etc. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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19. Will the project cause an increase, beyond what would normally be expected in fossil fuel consumption. Yes \_\_\_\_ No \_\_\_\_ If yes, please explain.

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**Certification**

**I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental assessment, to the best of my knowledge and belief.**

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

HEMENT MUNICIPAL CODE, CHAPTER 90 (ZONING ORDINANCE)

**SEC. 90-42. - CONDITIONAL USE PERMIT (CUP) APPLICATIONS.**

- (a) *Purpose.* Certain types of land uses require special consideration in a particular zone or in the city as a whole, and possess unique or special characteristics which make automatic inclusion as permitted uses either impractical or undesirable. For such uses, certain safeguards and conditions may be required to protect the public health, safety, convenience and general welfare and assure compatibility with adjacent uses.
- (b) *Applicability.* A conditional use permit shall be required for any use designated as requiring a conditional use permit in the city's land use matrix for the zone in which the project is located.
- (c) *New applications.* An application for a conditional use permit shall be filed with the director or the director's designee by the property owner or an authorized agent on a form(s) prescribed by the director, and shall include information and/or maps which are deemed by the director to be necessary to enable the approving authority to make the required findings. The director or the director's designee shall make available, in writing, a listing of the information and/or maps which are required to be submitted. Concurrent applications may be filed and processed.

**Sec. 90-42.1. - Application fees and refunds.**

- (a) An application fee for a conditional use permit shall accompany the application submittal requirements which are filed with the director. The fee(s) shall cover the costs of processing the applications in accordance with a schedule adopted from time to time by city council resolution.
- (b) A streamlined conditional use permit with a reduced application fee may be considered in certain circumstances in which the amount of staff time required to process an application is less if the applicant can demonstrate to the satisfaction of the director that:
  - (1) The use is proposed to occupy an existing building or tenant space in a legally constructed building and tenant improvements or additions do not increase the existing square footage by more than 30 percent;
  - (2) The use meets all development standards of the zone, including providing for adequate parking;
  - (3) The use is not detrimental to public health and safety;
  - (4) The use does not include any uses determined to have a community sensitivity such as an adult business, alcohol sales, live entertainment, pawn shop, smoke shop, massage parlor, or tattoo/piercing shop;
  - (5) The use is not specifically listed in other chapters of the code as requiring a conditional use permit with additional application submittal requirements or findings;
  - (6) The environmental effects of the use do not require the preparation of a mitigated negative declaration or environmental impact report
- (c) Applications which are deemed incomplete and with no activity to complete the application for a period of 12 months from the filing date are considered automatically withdrawn and may be subject to a refund in accordance with this section. Applications which have been

withdrawn will require a new application and fee to be submitted in order to process the application.

- (d) Application fee refunds shall be authorized by the director for applications that are withdrawn upon written request and proof of payment by the applicant, in accordance with a refund schedule based upon staff time spent on the project. Requests for application fee refunds shall be valid for a period of up to six months from the date of withdrawal.
- (e) Portions of application fees paid to another jurisdiction or agency for services to be rendered in connection with the application shall not be refunded by the city. Nothing contained in this section shall prohibit another jurisdiction or agency from refunding fees directly to the applicant. If fees have been paid out to another jurisdiction or agency, the administrative fee related to coordinating the review of applications by other jurisdictions or agencies is non-refundable.

**Sec. 90-42.2. - Investigation.**

The director shall investigate and prepare a written report on all applications. Copies of the report shall be provided to the approving authority and the applicant at least three calendar days prior to a hearing on the application.

**Sec. 90-42.3. - Hearing and notice procedure required.**

- (a) *Hearing Date.* The director in the case of the planning commission, and the city clerk in the case of the city council shall set the time and place of the required public hearings. The hearing body, i.e., the commission, or council may change the time or place of their hearing, or may continue their hearing from time to time.
- (b) *Public hearing notice.* Notice of public hearings shall contain the time and place of the hearing and the location and proposed use of the subject property.
- (c) *Publication.* Notice of public hearing shall be published once in a newspaper of general circulation in the city not less than ten days prior to the date of the hearing.
- (d) *Mailing.* Notice of public hearing shall be mailed not less than 10 days prior to the date of the hearing of owners of property within a radius of 500 feet of the exterior boundaries of the subject property. If the director deems the proposal to have a greater effect than the required notification radius, the director may increase the notification radius appropriately.
- (e) *Testimony.* A summary of all pertinent testimony offered at the public hearing, the names and addresses of the persons testifying, copies of all notices affidavits of posting and publication, and records of action taken shall be a part of the permanent files of the project.

**Sec. 90-42.4. - Review of applications and approving authority.**

- (a) *Planning commission.* The planning commission shall be responsible for the review and approval of conditional use permits.
- (b) *Conditions of approval.* The planning commission may impose conditions of approval which pertain to the development of the property and the operating conditions of the proposed use. Such conditions shall promote the safe and orderly use of the property and preserve the integrity and character of the surrounding land uses, as appropriate.

- (c) *Effective date.* The conditional use permit shall become effective 10 days following the date of approval by the applicable approving authority, unless otherwise appealed pursuant to section 90-42.6.
- (d) Action of the planning commission shall be final unless appealed in accordance with the procedures of section 90-42.6.

**Sec. 90-42.5. - Findings required.**

Upon approval of a conditional use permit the following findings shall be made by the approving authority:

- (a) That the proposed location of the conditional use is in accord with the objectives of this chapter and the purposes of the zone in which the site is located; and
- (b) That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and
- (c) That the use and operation is consistent with the general plan elements, goals, and policies; and
- (d) That the type, intensity, sensitivity and operating characteristics of the proposed use, and the manner in which they will be located on the site, are compatible with existing land uses, the character of established neighborhoods, or planned development in the vicinity.

**Sec. 90-42.6. - Appeals.**

An appeal of a planning commission decision may be made by an interested party to the city council. The appeal shall be filed within ten calendar days of the commission decision by filing a letter of appeal with the director. The director shall schedule the appeal for a hearing before the city council within 30 calendar days. The council may affirm, modify or reverse any planning commission decision, making findings required by this chapter and/or state law. The decision of the city council shall be final.

**Sec. 90-42.7. - New application following a denial.**

An application for a conditional use permit on the same property or substantially the same property following the same request, shall not be accepted within one calendar year of the date of denial unless the approving authority waives the resubmittal date at the time of project denial.

**Sec. 90-42.8. - Expiration and time extensions.**

A conditional use permit approval shall expire 24 months after final approval unless: construction has commenced and is being carried on diligently to completion, or an application for a time extension is filed prior to the expiration. If an application for extension is filed prior to the expiration, the approving authority may extend the time limit up to a maximum period of three additional years.

**Sec. 90-42.9. - Modifications and/or revisions.**

Modifications or revisions to an approved application shall require the submittal of a conditional use permit modification application and shall conform to all of the submittal requirements and fees in effect at the time of application. Only the approving authority shall approve modifications or revisions to approved applications and only after the hearings required

in this chapter. Modifications must be found in substantial conformance to the purpose and intent of the original approval. All copies of the revised conditional use permit including the site plan and conditions of approval shall be dated and signed by the director and made a part of the record.

**Sec. 90-42.10. - Applications to run with the land.**

Approved conditional use permit applications run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application provided that the use has not ceased for six months. All conditions of the application shall continue to apply to the new owner, and the change in ownership shall require a new business license and certificate of occupancy to be filed with the city.

**Sec. 90-42.11. - Suspension and/or revocation.**

- (a) *Suspension for violation.* Upon violation of any applicable provision of this article, or, if the application was granted subject to conditions, upon failure to comply with conditions, the application shall automatically be suspended. The planning commission shall, within 40 calendar days of the suspension of the conditional use permit, hold a hearing in accordance with the requirements of section 90-42.3 to consider revocation.
- (b) *Findings for Revocation.* A conditional use permit may be revoked if the planning commission finds:
  - (1) That the use is detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; or
  - (2) That the conditional use permit was obtained by fraud; or
  - (3) That the use for which the conditional use permit was granted is not being exercised; or
  - (4) That the use for which the conditional use permit was granted has ceased or been suspended for more than six months; or
  - (5) That a status of non-compliance exists with regards to any of the conditions of the conditional use permit.
- (c) *Revocation.* If after the hearing the planning commission is not satisfied that the regulation, general provision or condition for which compliance is required is being met the following actions shall be taken:
  - (1) The permit may be revoked and become null and void; or
  - (2) The planning commission may take such action as deemed necessary and appropriate to ensure compliance with the regulation, general provision or condition; or
  - (3) New requirements and/or conditions may be added.
- (d) Action of the planning commission shall be final within ten calendar days unless appealed in accordance with the procedures of section 90-42.6.