

# CITY OF LAKEPORT

## GUIDE TO USE PERMIT PROCEDURES

The City of Lakeport Zoning Ordinance provides that in each individual zoning district certain uses are permitted as a matter of right, while other uses require the issuance of a use permit by the Planning Commission. This permit is required to be approved by the Commission before the specific use can be established or operated. The purpose of the use permit is to allow special consideration of those types or aspects of a development which, under certain circumstances, are compatible with other uses or development permitted in the particular zoning district.

The City Community Development Department can assist you in determining the specific zoning district and zoning regulations as they apply to your property. The staff can tell you whether or not a use permit is required in conjunction with your request to develop your property. In some cases, there may also be a requirement that an environmental review be conducted in conjunction with your application for a use permit. Please review the City's environmental review guide for additional information regarding compliance with the California Environmental Quality Act.

Should it be determined that a use permit is required in order for you to develop your property, an application for a use permit must be submitted to the Community Development Department for consideration by the Planning Commission at a public hearing at a later date.

The applicant must submit a completed application form along with a plot plan detailing the property and the proposed activity which requires the use permit. The plot plan should identify property lines, dimensions of buildings and other uses with respect to their distance from property lines, and other features such as curbs, gutters, sidewalks, access points, trees, topography, and other vegetation or landscaped areas.

The applicant must also submit a formal burden of proof statement which details the proposal and addresses the use permit criteria outlined within the City's Zoning Ordinance. It is the applicant's responsibility to justify that the proposal will comply with the specific use permit criteria. This justification statement can take the form of a letter, and it must state facts which relate to the conformance with the use permit criteria rather than just stating that the applicant believes there will be conformance.

Any application for a use permit should be reviewed with the City Community Development Department staff prior to formally submitting the proposal. Formal submission of the application/proposal requires that fourteen (14) copies of the application and all related materials be submitted to the Community Development Department.

Once the application for a use permit has been submitted, the Community Development Department office staff will review it and circulate it to other City departments and affected agencies for their review and comment. The application is scheduled for a public hearing before the Planning Commission and a letter will be sent to you indicating the time, date, and place of that hearing.

A notice of the hearing is published in the local newspaper, and all property owners within 300 feet of your property are directly notified by first class mail. The notice indicates the nature of the application and invites all of the surrounding property owners to review the application file and to submit comments regarding your proposal.

Once the application has been reviewed, accepted, circulated, and the hearing scheduled, the City Community Development Department staff will review the proposal and write a staff report. If there is an environmental review required, staff will write an Initial Study identifying the potential environmental impacts. The staff report and Initial Study are contained in a single document. The report details the proposed project, how it will function, what the surrounding property uses are, and how the proposal relates to the use permit criteria. The report will set forth a recommendation to the Planning Commission for

approval, conditional approval, or denial. The recommendation and a copy of the staff report is sent to the applicant prior to the Planning Commission meeting.

When considering a use permit, the City Municipal Code states that the Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular use, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of the proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

The Planning Commission at the public hearing will consider the application including the burden of proof statement submitted by the applicant, the site plan or plot plan information, the staff report, any additional information that has been submitted by you or others pursuant to the public notice, any public testimony received at the hearing, and any other information received regarding the request.

At the conclusion of the hearing, the Commission may deny, approve, or conditionally approve the application. The applicant, or any dissatisfied party, may appeal the decision of the Planning Commission to the Lakeport City Council. The appeal must be filed within five working days of the decision of the Planning Commission and is subject to a fee determined by the City Council.

The Planning Commission typically approves use permit applications on a conditional basis and imposes restrictions deemed reasonable and necessary under the circumstances to ensure compliance with the Municipal Code. Such conditions, without limiting the discretion or authority of the Commission, may include time limitations, architectural and site design limitations, street dedications, street and drainage improvements, or other improvements as required or recommended by City staff.

The City Zoning Ordinance indicates that the use permit can be revoked after a hearing if the authorized use is conducted in violation of the conditions of approval or a particular law, or if the permit was issued on the basis of false or misleading information. Use permits may also be automatically revoked if not established within a one-year period from the date of approval unless an extension is granted by either the City Planning Commission or Lakeport City Council.

The time frame for processing a use permit application is four to six weeks. However, the Community Development Director has 30 days in which to find an application complete, and the Planning Commission must act upon the project within a one-year time frame.

When a public hearing is necessary, it must be held at least 60 days before the expiration of the one-year time limit. If an Environmental Impact Report (EIR) is required, action must be taken within 90 days of the certification of the EIR in terms of making a decision on the project. These time limits can be extended for up to 90 days with the applicant's consent.

It is important that the applicant, or a representative of the applicant, attend the Planning Commission meeting and be prepared to address the Commission regarding the application.

Questions about use permits can be addressed to the Lakeport Community Development Department at (707) 263-5613 and/or 225 Park Street, Lakeport.