

Existing Chapter 17.40, Use Permits

Chapter 17.40
USE PERMITS

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17.40.010 Generally.

- A. Use permits, which may be revocable, conditional or valid for a term period, may be issued by the Planning Commission in the case of a minor or major use permit, or by the Director of Planning and Building in the case of an administrative use permit, for any of the uses or purposes for which such permits are required or permitted by the terms of this title.
- B. Use permits shall be governed by the provisions of this title.

17.40.020 Application required.

- A. Submittal of requests for administrative, minor and major use permits shall be accompanied by a completed application on application forms provided by the City and appropriate filing fees as set by Council resolution.
- B. Within 30 days of receipt of an application for a use permit, the City shall notify the developer in writing as to whether such application is complete. If the application is determined to be incomplete, the City shall inform the applicant of additional information required or the procedure by which such application can be made complete. Upon receipt of such additional materials a new 30-day period shall begin during which the City shall determine the completeness of the application.
- C. Only an application for a use permit which has been determined or deemed to be complete shall be filed and processed pursuant to the requirements of this title.
- D. The filing of the application for a use permit shall not preclude the securing of additional information from the developer necessary for the proper consideration of a use permit nor does it insure that the use permit request complies with the law and with the requirements of this title.

17.40.030 Information requirements.

Applications for administrative, minor or major use permits shall conform to the information requirements adopted by resolution of the Planning Commission in effect at the time the application is filed.

17.40.040 Transmittal and review.

The Planning and Building Department shall transmit copies of the use permit application to the following City departments and public agencies, when applicable, for review:

- A. City Engineer/Public Works Department;
- B. Fire Department;
- C. Police Department;
- D. Calistoga Joint Unified School District;
- E. State Department of Transportation (Cal-Trans);
- F. County Environmental Health Department;
- G. County Conservation, Planning and Development;
- H. County Airport Land Use Commission;
- I. Agencies as appropriate.

17.40.050 Action – Administrative use permits.

Administrative use permits shall be required for uses that are limited in scope or of a temporary nature. An administrative use permit shall be required for the following uses:

- A. Holiday or other seasonal events and sales lots for a duration of seven or more consecutive days, such as Christmas trees, pumpkin patches and the like;
- B. Outdoor bicycle rentals in conjunction with an established retail sales operation;
- C. Outdoor dining in conjunction with an established restaurant operation;
- D. Live entertainment, outdoor with non-amplified instruments in conjunction with an established business operation;
- E. Other temporary uses conducted on private property and not subject to provisions provided in Chapter 5.18 CMC, Special Events, as determined by the Director of Planning and Building.

17.40.060 Action – Minor and major use permits.

After a noticed public hearing, held within applicable time limits, the Planning Commission shall adopt findings and approve, conditionally approve or deny the minor or major use permit.

17.40.070 Findings.

- A. In approving or conditionally approving a use permit, the following findings shall be made:

1. That the proposed development, together with any provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan and other applicable provisions of this code including the finding that the use as proposed is consistent with the historic, rural, small-town atmosphere of Calistoga;
 2. That the site is physically suitable for the type and density of development;
 3. That the proposed development has been reviewed in compliance with the California Environmental Quality Act (CEQA) and that the project will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare;
 4. Approval of the use permit application will not cause adverse impacts to maintaining an adequate supply of public water and an adequate capacity at the wastewater treatment facility;
 5. Approval of the use permit application shall not cause the extension of service mains greater than 500 feet;
 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC (Resource Management System) shall be made prior to project approval. Said allocation shall be valid for one year and shall not be subject to renewal;
 7. That the proposed development presents a scale and design which are in harmony with the historical and small-town character of Calistoga;
 8. That the proposed development be consistent with and enhance Calistoga's history of independent, unique, and single location businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy;
 9. That the proposed development complements and enhances the architectural integrity and eclectic combination of architectural styles of Calistoga; and
 10. To receive a use permit, a finding shall be made that the proposed development or use would be resident serving. This finding shall only apply to formula businesses.
- B. The Director of Planning and Building, in the case of an administrative use permit, or the Planning Commission, in the case of a minor or major use permit, may deny a use permit on any grounds provided by law, including failure to meet all the findings listed in subsection (A) of this section.

17.40.080 Expiration.

- A. If a use permit has either not been used within one year after the date of granting thereof, or construction has not begun for a one-year period, then, without further action by the City, the use permit shall expire and become null and void.
- B. Where applicable, a use permit shall remain valid as long as there is a valid building permit for construction of the use or the use is maintained in continuous operation. If the building permit expires or the use ceases to operate for 180 days, the use permit

shall become null and void. In no case shall a use permit be extended for more than six months by building permit issuance or extension.

- C. Projects for which a use permit has been issued, which involve construction of any nature, shall be completed within one year after the issuance of the use permit, subject to the exception created by subsection (B) of this section. Where the project, by its terms, calls for distinct breaks in development (phased development plan) additional time may be granted by the Planning Commission pursuant to CMC 17.40.090.

17.40.090 Use permit extension.

The Planning Commission may consider an extension of a use permit for a period of time beyond the one-year time limitation with the following provisions:

- A. Submittal of a request for use permit extension shall be made no later than one month prior to the expiration date of the use permit and shall be accompanied by a completed application on application forms provided by the City and appropriate filing fees set by Council resolution.
- B. The Planning Commission shall hold advertised public hearings on all applications for use permit extensions.
- C. The Planning Commission, after adopting appropriate findings pursuant to CMC 17.40.040, may extend the use permit for up to one year, may amend the conditions thereto as it deems advisable, or may deny the request.

17.40.100 Permit amendment and revocation.

- A. If the conditions to the granting of a minor or major use permit have not been or are not complied with, or the use which is established by use permit has become detrimental to the public health, safety or general welfare, then the Director of Planning and Building shall schedule a public hearing before the Planning Commission and give notice to the permittee of the City's intention to amend or revoke such permit at least 10 days prior to a hearing thereon.
- B. After completion of a noticed public hearing held within applicable time limits, the Planning Commission may revoke a minor or major use permit.
- C. If the conditions to the granting of an administrative use permit have not been or are not complied with, or the use which is established by use permit has become detrimental to the public health, safety or general welfare, then the Director of Planning and Building may revoke such permit.