

**Attachment 5**  
**Planning Division Draft Informational Handouts**

## Land Use Requirements

Building Permit applications meeting all the following criteria will usually qualify for Planning Division clearance:

No.	Criterion	Primary Consistency	Conditional Consistency
1	Parcel Status	An unconditional certificate of (subdivision) compliance exists for the parcel or lot	Department records do not indicate any uncertainty over legal parcel creation
2	Land Use	The building to be legitimized is a principally permitted use in the zone and complies with any zone qualification, where applicable	A Conditional Use Permit (CUP) or Special Permit (SP) has been secured; for “qualified” zones, all conditions precedent to the initiation of use have been satisfied
3	Development Standards	The building to be legitimized complies with development standards of the zone (yard setbacks, lot coverage, development area, height, parking, etc.).	A variance or exception has been secured
4	Coastal Zone Compliance	The property is located outside of the Coastal Zone	A Coastal Development Permit or CDP Waiver has been secured
5	Design Review Consistency	The building to be legitimized is not located in a Design Review combining zone	DR approval from the Design Review Committee or Planning Director has been secured
6	Fire Safe Compliance	If the property is located in the State Responsibility Area (SRA), access, setbacks and signage meet the minimum requirements of the County Alternative Fire Safe Regulations, or all structures and roads were existing on January 1, 1992	An exemption from the requirements of the County Alternative Fire Safe Regulations has been secured from CDF
7	Water Withdrawals	The source of the domestic water supply for the building is from a community system or private utility	If the source of the domestic water supply for the building to be legitimized is from a stream, or from a spring or well that is hydraulically connected to a stream, the system, including water intake and storage, has been approved by the DFG
8	Streamside Management Area Ordinance	The building to be legitimized and the driveway, leachfields and other appurtenant structures are sited outside of Streamside Management Area (SMA) or Other Wet Area (OWA) buffer per the County General Plan and SMAO, or all development existed on April 25, 1995	A Special Permit (SP) for development within an SMA or OWA has been secured
9	Demonstrated compliance with other agency requirements	Complies with: <ul style="list-style-type: none"> <li>Public Works – road easement and encroachments and standards; Airport Land Use Compatibility Plan (ALUCP)</li> <li>Public Health – sewage disposal and domestic water supply</li> <li>Building Division – building site suitability, building standards, and grading</li> </ul>	Exceptions or waivers from other agency requirements have been secured
10	Timberland Conversion	No timber harvest is needed to create the building site	If the building site required or requires the harvesting and removal of timber subject to the Forest Practices Act, a less than 3 acre Conversion Exemption (from a THP) has been secured from CalFire
11	Williamson Act Consistency	The building to be legitimized is not located on lands under Land Conservation Contract (LCC)	The Planning Director has determined the building essential for agriculture and consistent with the County’s Williamson Act Program
12	Other Code Violations	There is no other code violation to which the property is subject	If such other violation(s) do exist, the Department finds that there 1) is no nexus between the proposed Building and the violation or 2) that one or more of the provisions of HCC Section 312-2.4.1.3 apply