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## Chapter 9.66 Land Use Compliance Review

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### Sections:

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### 9.66.010 – Applicability

- A. A Land Use Compliance review is required for proposed expansions of existing developed properties pursuant to Table 4.4:

TABLE 4.4  
LAND USE COMPLIANCE  
EXPANSION THRESHOLDS

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	40%
10,001 +	2500 sq ft	25%

Proposed total expansions through Land Use Compliance Review applications shall not exceed the maximum square footage threshold or exceed the maximum percentage threshold identified in table 4.4.

- B. Expansions which exceed the thresholds specified in Table 4.4 shall follow the procedures in Chapter 9.63 *Conditional Use Permit Review Criteria* or Chapter 9.68 *Site Plan and Design Review Permit* as required by the specific Land Use District in which the property is located.
- C. Projects are reviewed and acted upon by the Director and notice is not required.
- D. Projects which fall within the thresholds of the Land Use Compliance Review shall comply with the following:
1. Commercial Design Guidelines
  2. Outdoor Lighting regulations
  3. Parking and screening requirements

4. Sign regulations
  5. Dedication of easements for drainage facilities, streets, trails, avigation easements as required by this code and any adopted plans.
  6. All other applicable Development Code regulations
- E. Projects which fall within the thresholds of the Land Use Compliance Review shall not be required the following:
1. Half-width (½) street Improvements (curb, gutter, sidewalk, street lights, pavement) on all streets fronting the project
  2. Onsite water retention of incremental increase
  3. Improvements to drainage facilities, except as defined by the parameters of the Council policies regarding drainage facilities
  4. Assessment Districts formation (including Landscape and Lighting, Street and Drainage and Public Safety)
  5. Utility Undergrounding, pursuant to adopted standards
  6. Additional Landscaping

**9.66.020 – Minor Modification of Previously Approved Land Use Compliance Review**

An approved Land Use Compliance Review may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by the Director if it is determined that the changes would not affect the findings prescribed in Section 9.83.050, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modification of the phasing schedule for the project.

**9.66.030 – Lapse of Permits/Permit Expiration**

- A. **Expiration.** Land Use Compliance Review approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
1. A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Land Use Compliance Review application. In addition, if after construction is commenced, work is discontinued for a period of two (2) years, then the Land Use Compliance Review shall become null and void; or
  2. A certificate of occupancy is issued for the structure which was the subject of the Land Use Compliance Review.

**B. Phased Projects.** Projects may be built in phases if so approved by the Director or as modified by the Director

1. After a Land Use Compliance Review has been approved and the expansion project is constructed and has received a Certificate of Occupancy by the Building and Safety Division, a subsequent Land Use Compliance Review shall not be approved by the Town for a period of three (3) years. Should an additional expansion be necessary during the three (3) years following final inspection the applicant or project owner shall present to the Commission those circumstances, facts and issues for special consideration of additional construction within that 3 year time period. If not so approved by the Planning Commission the project will require a Conditional Use Permit or Site Plan and Design Review, consistent with the use classification charts for the appropriate land use district.

A maximum of two (2) LUCR applications may be approved for a site. Should additional expansions be necessary, the project shall reviewed through a Site Plan and Design Review or Conditional Use Permit as required by this Code.

#### **9.66.040 – Extension of Time**

The Director may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Director shall review the previously approved project to ensure it is consistent with all current provisions of the General Plan, Development Code and other Town Ordinances. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

The Director may grant additional extensions of time provided that the project is consistent with the General Plan, Development Code, Master Plans and Specific Plans.

#### **9.66.050 – Amendment**

Refer to Article 5, Chapter 9.83 Permit Amendments.

#### **9.66.060 – Revocation**

Refer to Article 5, Chapter 9.84 Permit Revocations.

#### **9.66.070 – Fees**

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter