

CITY OF ORLAND  
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**INSTRUCTIONS FOR FILING APPLICATION FOR VARIANCE**

This list is intended to meet the requirements of the State of California Government Code Section 65940. The law requires that the Planning Commission make affirmative findings of **fact** in each of the following if your application is to be granted:

- A) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class or use in the same zone in the vicinity;
- B) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- C) That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district; and
- D) That granting the Variance, or its modification, will not be materially detrimental to the public health, safety, or welfare.

**PROCEDURE FOR FILING APPLICATION FOR VARIANCE**

1. File one copy of the application form properly filled out and signed by applicant(s) and owner(s). Either all property owners must sign (husband and wife) or a Power-of-Attorney must be submitted specifically authorizing a designated person to sign this application. If a corporation is the property owner, a resolution from the corporation authorizing this application shall be submitted.
2. Along with the application, fifteen (15) copies of the plot plan must be submitted.
3. File one copy of the current County Assessor's Map with the property of the proposed use delineated.

4. The attached Environmental Information Form must be properly filled out and signed. Based on the information submitted by the applicant, an evaluation will be made as to whether the project is either exempt from the California Environmental Quality Act (CEQA) or whether it is necessary to prepare an Initial Study. A \$50.00 environmental filing fee is required for a CEQA Exemption. The Initial Study will determine whether the project requires either an Environmental Impact Report (EIR) or whether a Negative Declaration is sufficient. If an Initial Study and Negative Declaration are prepared, an environmental filing fee for State Fish and Game of \$1,800 will be required. This fee is due five (5) days after approval of a project by the reviewing body.

The cost for preparation of an EIR will be the consultant's fee plus five (5) percent. If an EIR is required, the Fish and Game fees are \$2,500.00. This fee is due five (5) days after approval of a project by the reviewing body.

5. Planning Staff, the Technical Advisory Committee, the Planning Commission and/or the City Council, during the course of processing the application, may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
6. It takes approximately three (3) months to process a Variance application from the date the application is deemed complete.
7. The Planning Commission must hold at least one (1) Public Hearing on the request for a Variance. Legal notice of said hearing shall be provided at least ten (10) calendar days prior to the Planning Commission meeting.
8. Applicant will be notified of the date of the Planning Commission hearing, at which time, applicant should be present/
9. Applicant will be notified of the date of the Planning Commission hearing, at which time applicant