

CITY OF ORLAND
815 Fourth Street
Orland, CA 95963
530.865.1600
530.865.1632 (fax)

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

Date Filed _____

Variance No: _____

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(530) 865-1601

APPLICATION FOR VARIANCE (Failure to answer applicable questions and to provide required attachments could delay the processing of your application.)

1. APPLICANT:

Name: _____

Address: _____

Phone:(Bus.) _____ (Home) _____

2. LANDOWNER:

Name: _____

Address: _____

Phone:(Bus.) _____ (Home) _____

3. Request: _____

4. Address of the Variance: _____

5. Current Assessor's Parcel No. _____

6. Existing Zoning: _____

7. Existing Use of Property: _____

8. Considering the four findings of fact that must be made by the Planning Commission, this application is supported by the following relevant facts:
(Describe in detail using separate pages if necessary.)

It is understood that any permit issued pursuant to this application will not grant any right or privilege to use any building or land contrary to the provisions of law or of any provision of the Orland Municipal Code. All provisions of law and of ordinance governing the use of the aforesaid building or land will be complied with whether specified herein or not.

DECLARATION UNDER PENALTY OF PERJURY
(Must be signed by the applicant and the property owner)

I am (we are) the owner (s) and/or applicant (s) of property involved in this Variance application, and I (we) have completed this application and all other documents required.

I am (we are) the owner (s) and/or applicant (s) of the property consenting to the preparation and submission of this application.

I (we) also shall agree to abide by the conditions of approval as issued by the Planning Commission.

I (we) declare under penalty of perjury that the foregoing is true and correct.

The property owner (s) and/or applicant (s) by signing this application, shall be deemed to have agreed to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void, or null the approval of this development entitlement or approval or certification of the environmental document which accompanies it, or to obtain damages relating to such action(s). This indemnification agreement shall

include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of the entitlement, whether or not there is concurrent passive or active negligence on the part of the City.

Signature of Property Owner(s): _____

Mailing Address: _____

Date: _____ Phone: _____

Signature of Applicant (s): _____

Mailing Address: _____

Date: _____ Phone: _____

VARIANCE

The procedure for granting a Variance is established by California State Law and implemented by the ORLAND Zoning Ordinance. A Variance application may only be granted for a minor variation from the Zoning ordinance if there are unique special circumstances with the property and the specific findings required by Law can be made by the Planning Commission.

In order to grant a Variance, the Planning Commission must make affirmative findings of fact in each of the following, that:

- There are either 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.
- Strict or literal interpretation and enforcement of the specified regulation would result in either 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.
- Granting the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district.
- Granting the Variance or its modification will not be materially detrimental to the public health, safety, or welfare.

Step by Step Processing:

1. A Variance application (with all required information, maps, environmental information, and fee of \$120) is initially submitted to the City of Orland, 815 Fourth Street, Orland (contact person: City Manager) .
2. The City staff will review the Variance application to ensure that all of the required information is submitted. Additional information may be required.
3. Based on the information provided by the applicant, an evaluation will be made as to whether the project is exempt from CEQA or whether it is necessary to prepare an Initial Study. The Initial Study will determine whether the project either requires an Environmental Impact Report or whether a Negative Declaration is sufficient. The cost associated with the environmental evaluation process will be the consultant's fee plus 5 percent.

4. It takes approximately six (6) weeks to process a Variance application from the date the submittal is deemed complete.
5. Upon completion of the application and necessary environmental documents, the City staff will notify affected agencies. Upon completion of the environmental review period, the City staff will prepare a draft staff report and recommendation on the proposed Variance.
6. The Planning Commission must hold at least one public hearing on the application for a variance. A legal notice will be sent to a newspaper for publication, and the adjacent landowners (all properties within a 300-foot radius) will be notified of the public hearing at least ten (10) calendar days prior to the Planning Commission hearing.
7. Prior to the Planning Commission meeting, the applicant or the designated agent will be notified of the Commission's meeting date and receive a copy of the proposed conditions of approval.
8. The Planning Commission will consider the application, the staff report, and the conditions of approval and will accept comments from the applicant and other interested persons at the public hearing. The Planning Commission will make a determination as required by CEQA and will make a decision on the application.
9. The Applicant will be notified of the Planning Commission's action and the conditions of approval if the Variance application is approved.
10. If there is an appeal (which must be made in writing within ten (10) days of the date of the Planning Commission decision), the City Council must hold an advertised public hearing on the appeal. At the conclusion of the hearing, the Council will make a determination on the appeal.
11. When the Planning Commission approves a Variance, the applicant must commence construction of the approved project within one year from the date of approval. If not, the application shall be void at the end of one year. However, the applicant may request an extension of time.
12. If the Planning Commission or the City Council on appeal deny the application, a new application may be submitted at a later date.