

- 1. [] a. preliminary review and application processing fees as explained on the following page;
 - [] b. a use permit and variance application form;
 - [] c. site plan drawing(s) including all of the following:
- Application Submittal - Applicant submits two copies of all items necessary to make a complete application package to the City Clerk. Forms and requirements for a complete application package are attached. All items must be in complete and legible form for the application to be accepted for processing.

The following process is developed consistent with state laws to guide applications for conditional use permits and variances through required levels of review and to the City Council for approval, conditional approval or denial. The following guidelines and time frames are advisory only and may be modified or exceeded for some projects within the limits of state and local law.

Variances may be granted for building construction in instances where the physical characteristics of an approved city lot or building site create practical difficulties, unnecessary hardships and results inconsistent with the general purposes of the zoning ordinance.

Conditional Use Permits may be granted to allow uses in zones from which they are normally prohibited, where such conditional uses requiring a use permit are specified in the zoning ordinance.

The City zoning ordinance divides the City into different zoning districts and specifies all uses that may be allowed in each district. The uses allowed on any lot or parcel of land in the City is governed by the rules of the zoning district in which it is located.

APPLICATION REQUIREMENTS AND PROCESS

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| <p>2 copies of accepted application package received by City Clerk for processing</p> <p><u> </u> Date <u> </u> Initial</p> | <p>2 copies of application package received by City Clerk for preliminary review</p> <p><u> </u> Date <u> </u> Initial</p> |
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USE PERMIT AND VARIANCE



1. the location of all existing and proposed structures on the property together with their dimensions, distance between structures and setback distances from property lines; approximate location of all streams, drainage channels, and/or bodies of water and an approximate indication of slope and elevations of the property;
 3. names and locations, of all existing and proposed streets including their width, composition, and associated improvements such as sidewalks, curbs, and gutters. Location of all rights-of-way located on or near the property known to the owner and any proposed street dedications;
 4. proposed type, dimensions and location of driveways, parking areas, sidewalks, fences, shrubs, landscaping, etc.;
 5. the relation to the existing buildings and structures in the general vicinity and area;
- The following items (6 through 10) may not be needed for variance applications.
6. design of proposed buildings and other improvements;
 7. height and area of buildings;
 8. type and pitch of roofs;
 9. exterior elevations showing detailed design of all 4 sides of proposed buildings;
 10. exterior building materials and colors to be used.

- d. [] an environmental information form (not required for variance applications);
- e. [] a surrounding properties address list form; and
- f. [] if the applicant is not the owner of the property involved, a letter bearing the original signature(s) of the persons(s) owning record title to the land for which the use permit or variance is requested indicating full awareness of the project and specifying one person as authorized to serve as his/her representative and applicant for the project.

Explanation of preliminary review and application processing fees:

- a. The preliminary review deposit per the City's fee ordinance shall be submitted together with two copies of items a through f listed above (one copy of item #f shall contain original signatures).

b. When the City Clerk has determined that the application package is complete for processing pursuant to step #7 below, the applicant shall submit 14 more copies of items a through d. In addition, the applicant shall submit the non-refundable administrative fee and, by signing the required application form, agree to pay the City for City Engineer's, Planner's, and Attorney's hourly rates as established for time spent directly involved in review and consultation to the City concerning the subject application and the monitoring of conditions and mitigation measures if the application is approved.

2. Transmittal to Planner - City Clerk transmits one copy of the entire application package to the City Planner for review.

Date Achieved

Day 5

3. Planner's Review - City Planner reviews the application package and determines if the application package is complete or not complete for processing.

Date Achieved

Day 15

4. Incomplete Application - The City will notify the applicant in writing if the application package is incomplete and state specifically those parts of the application that are incomplete and the manner in which they may be made complete.

Date Achieved

Day 30

NOTE: The applicant is under no time limit for resubmittal of the application after it is determined to be incomplete. If, or when, the application is resubmitted, steps 1 through 4 are repeated. Each time an application is resubmitted the deposit for preliminary review shall be paid to the City and the 30 day period required for determination of completeness will start over. The application will not proceed past step 4 until it is determined to be complete for processing. The applicant is hereby cautioned not to submit 14 copies of the application package until the City's written acceptance is received.

5. Appeal of Planner's Determinations - If the application is resubmitted more than one time and the Planner determines in each instance that the application is not complete, the applicant may appeal the Planner's decision in writing to the City Council. There shall be a written determination by the City Council within thirty (30) calendar days after receipt of the applicant's written appeal. If the written determination is not made within the 30 day period, the application will be deemed complete for processing.

5.

tion and the environmental review record are available for public review at City Hall during normal working hours. When a project may directly affect any state agency. The City Planner will provide immediate, proper notification of the State Clearinghouse pursuant to Section 15106 of CEQA guidelines.

10.

Planner's Staff Report - The City Planner will have a staff report prepared and delivered to the City Clerk for transmittal to the applicant and City Council members at least 7 days prior to the scheduled public hearing. The staff report will summarize the main steps and issues that have been involved in processing the application, it will reference laws or regulations which the Council should consider and it will include the environmental documents.

11.

Council Hearing and Action - Upon completion of the public review period and the public hearing, the City Council will finalize and approve the environmental documents. It will then take action on the project. In preparing for their action the Council will review and consider:

- a. the project application and the staff report including proposed findings and conditions,
- b. the notice of exemption or initial environmental study and negative declaration or EIR, and
- c. all public comments submitted in writing before or during the public review period or presented orally during the public hearing.

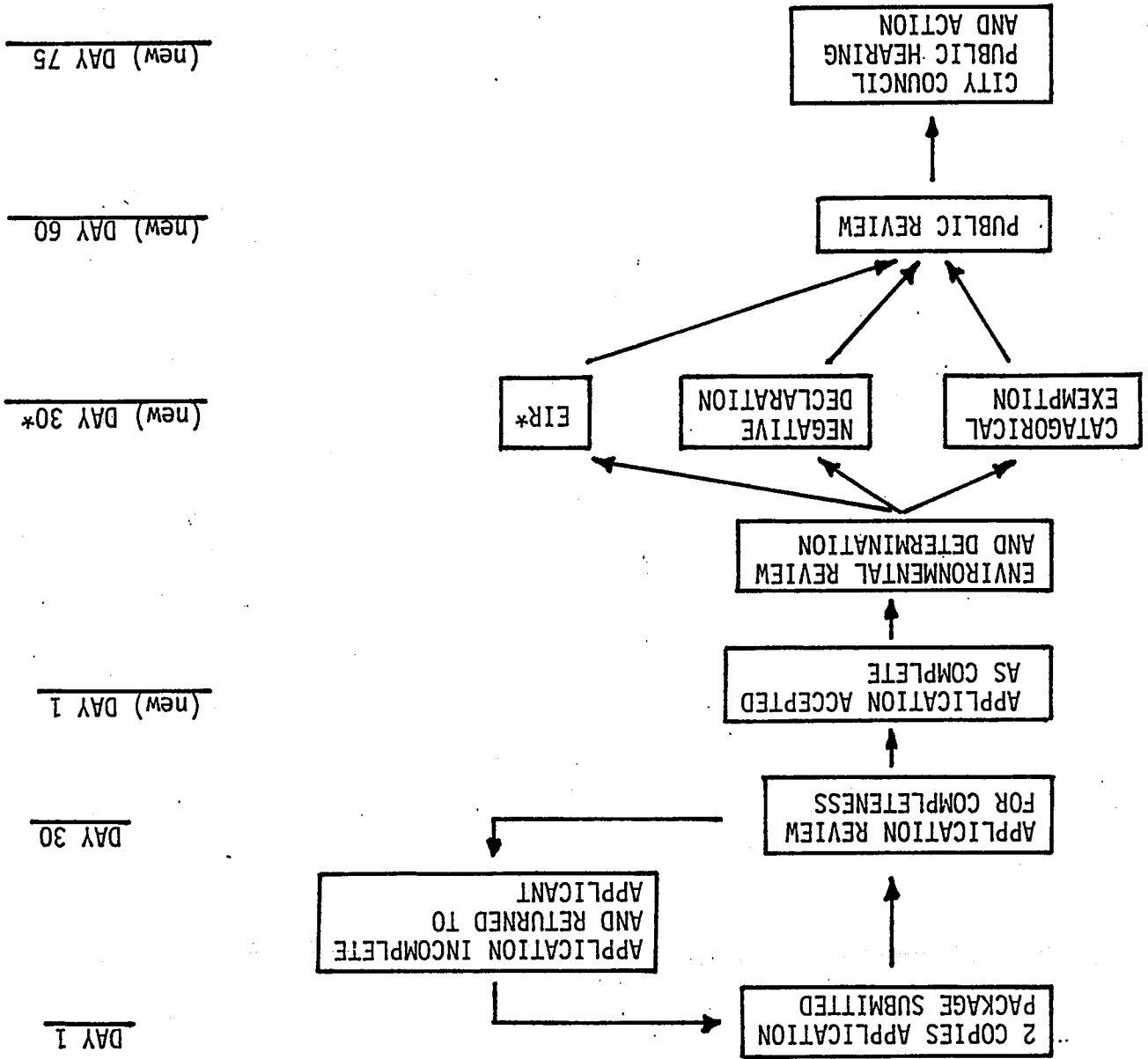
In approving or denying the application the City Council will state clear reasons (findings of fact) to support their action. When the Council denies a project it need not adopt a negative declaration or an EIR. When the Council intends to approve a project for which a negative declaration or EIR has been prepared, it will first adopt the negative declaration or EIR.

Following approval of any project that may have had the potential to adversely affect fish and/or wildlife the applicant shall be required to pay fees for review of the project by the California Department of Fish and Game pursuant to State law. This fee shall be paid directly to the Clerk of Amador County. No action by the Amador City Council shall be deemed final until such fees are paid and a receipt from the County Clerk is presented by the applicant to the City Clerk indicating said fees have been paid.

AMADOR CITY

PLANNING APPLICATION PROCESS

DIAGRAM



*IF THE CITY DETERMINES THAT AN EIR SHOULD BE PREPARED, APPLICATION PROCESSING STOPS UNTIL THE DRAFT EIR IS COMPLETED (NEW DAY 245) IN ACCORDANCE WITH THE CITY'S SEPERATE "EIR PROCESS".

2 copies of application package received by City Clerk for preliminary review
 Date _____ Initial _____
 3 copies of accepted application package received by City Clerk for processing
 Date _____ Initial _____

CITY OF AMADOR CITY
 USE PERMIT AND VARIANCE
 APPLICATION FORM

INSTRUCTIONS TO APPLICANT: Type or print legibly. Use additional sheets as necessary. Attach plans, diagrams, etc. as appropriate.

1. Owner(s):

 (Name)

 (Mailing Address)

2. Agent or Representative (if not owner):

 (Name)

 (Mailing Address)

 (Phone)

3. Project Location:

 a. Assessor Parcel Number

b. Address

 c. General description of location (cross street, name of existing business, etc.)

4. Zoning District:

5. Present General Plan Land Use Designation:

6. Complete the following for conditional use permits only:

a. I am requesting a use permit in order to allow the following use which is not specifically allowed in the above zoning district to be conducted on the above referenced property according to an attached site plan.

b. I believe the above requested use and the attached site plan is essential and desirable to the public convenience or welfare and is in conformance with the City's General Plan because

7. Complete the following for variances only:

a. I am requesting a variance in order to allow me to construct the facility shown on the attached site plan. This facility does not comply with requirements of the referenced zoning district. Explain:

b.* What are the special circumstances applicable to the subject property, including size, shape, topography, location of surroundings, that would make the strict application of the provisions of the City's zoning ordinance deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications? Explain:

c.* Would a variance granted per this request constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated? Explain:

Name

Signature

Date

8. Applicant signature and agreement to pay application processing costs. I hereby certify that I own or am the authorized representative of the owner of the land hereby requesting a use permit or variance and that I am aware of and do agree to pay the hourly rates as established by resolution of the City of Amador for the time spent by the City engineer, the City Planner and the City Attorney as necessary to process, review and provide consultation to the City concerning this application. I am also aware that said hourly charges are in addition to set fees required for preliminary review and administration and may also include charges to monitor compliance with conditions of approval if my request is approved.

*NOTE: The law requires that the conditions set forth in Sections b,c,d&e must be established before a variance CAN be granted. Answers to these Sections must be complete and full.

d.* Would the granting of such variance adversely affect the general plan of the City? Explain:

d.* Would the granting of the variance be materially detrimental to the public health, safety, convenience and welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated? Explain:

CITY OF AMADOR CITY
ENVIRONMENTAL INFORMATION FORM

INSTRUCTIONS TO APPLICANT: Type or print legibly. Use additional sheets as necessary. Attach plans, diagrams, etc. as appropriate.

1. Project name _____

2. Property owner/applicant _____

3. Assessor Parcel No.(s) _____

4. General location _____

5. Deed references (book and page) _____

6. Type of request: _____

Subdivision of land: proposed/probable use: _____

total acreage _____ no. & size of parcels _____

Rezoning from _____ to _____

Use Permit for _____

General Plan revision from _____ to _____

Other (explain) _____

7. Existing use of property _____

8. Will grading occur on slopes of 10% or more? _____

9. Will any springs or wet areas be affected as a result of project? _____

10. Estimated length of proposed roads and driveways _____

11. Estimated type and amount (acreage or number) of vegetation to be

disturbed for grading, roads, driveways, building sites, or other

alterations. (Examples: approx. 1 acre of manzanita and other brush to

be cleared for building pads; over 100 small shrubs and oak trees to be

cleared, etc.) _____

12. Project description: Use space below and/or attach additional sheets giving project description in sufficient detail to allow adequate evaluation of potential effects.

If a land division or subdivision, the tentative map application form will be sufficient unless you think it appropriate to provide additional information or the City requests further details.

If a commercial/industrial/recreational/residential development, include proposed project details as appropriate and attach plot plans or sketch in sufficient detail to show proposed project.

- a. proposed facilities _____
- b. building sizes _____
- c. access _____
- d. parking _____
- e. source of water _____
- f. estimated water consumption _____
- g. method of sewage disposal _____
- h. nature of business _____
- i. estimated daily volume of traffic _____
- j. estimated number of employees _____
- k. estimated energy consumption _____
- l. percentage of lot to be covered by buildings, paving _____
- m. percentage of lot to be covered by paving _____
- n. construction schedule _____
- o. any historical/archaeological features on property _____
- p. other _____

13. Describe special circumstances of the project or project site which may result in problems or adverse environmental effects. (Example: steep slopes, drainages, noisy equipment, hazardous access, lack of services.)

14. Indicate mitigation measures which may lessen problems or adverse environmental effects (including energy conservation) to be incorporated into project to eliminate or reduce adverse effects.

15. Describe most logical alternatives to project and how these alternatives would change the problems or effects discussed in items 13 and 14 above (include the alternative of "no project").

CERTIFICATION: I hereby certify that the statements furnished herein and on any attached pages present the data required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

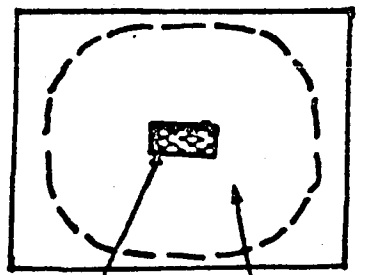
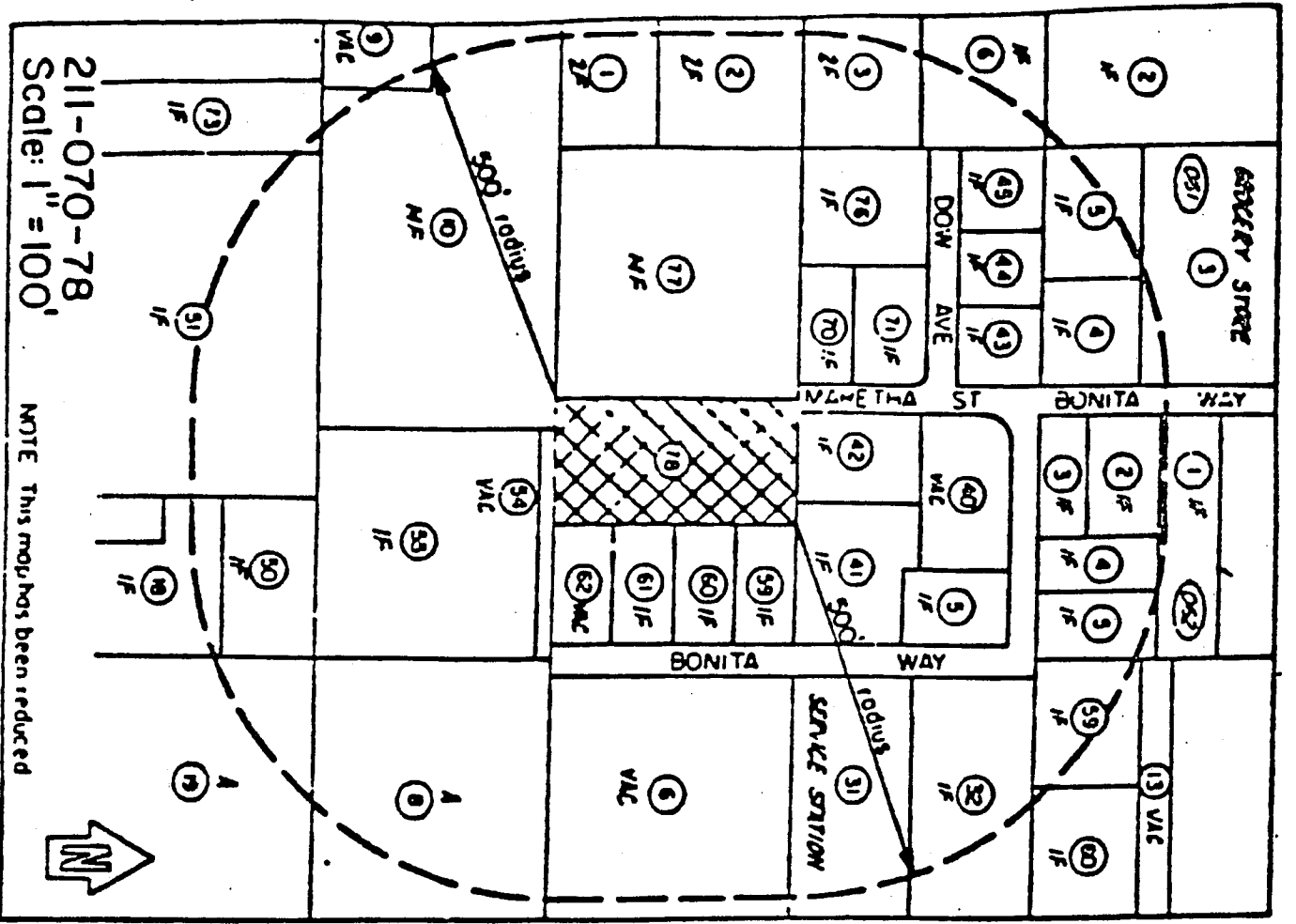
Signature of applicant

Date

CITY OF AMADOR CITY SURROUNDING PROPERTIES ADDRESS LIST FORM

The purpose of this form is to provide the City with the names, addresses and assessor's parcel number of all property owners who own lands within 300 feet of a project. This is needed because state law requires all surrounding property owners to be notified of the public hearing needed to consider your application. It is an applicant's responsibility to contact the assessor's office and type each separate name, address and assessor's parcel number clearly in the boxes shown below. Include the applicant's and project site property owners names and addresses as well. A copy of the assessor's parcel page(s) must also be attached. Further clarification is shown on the attached page.

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AREA WITHIN 300 FEET OF
SUBJECT PROPERTY
PROPERTY PROPOSED TO BE
SUBDIVIDED OR REZONED, OR
AREA OF PROPERTY FOR USE
PERMIT OR VARIANCE

This sample map is prepared by the City as a guide to assist you in preparing the "List of Surrounding Property Owners" required for a complete planning application wherein a public hearing is required.

The parcel map numbers, owners and addresses may be obtained in the County Assessor's Office which is in the County Courthouse, 108 Court Street, Jackson.

Page, block and parcel numbers will be indicated on the Assessor's map(s) like this sample. The applicant must use a scale to clearly identify the 300 foot radius surrounding the exterior boundary of the project site. The applicant must then identify the parcel numbers assigned to each parcel within the required 300 foot radius. These numbers should be shown on the property owner's list, and must correspond to the owner's name and address.

EXAMPLE SITE PLAN

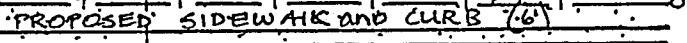
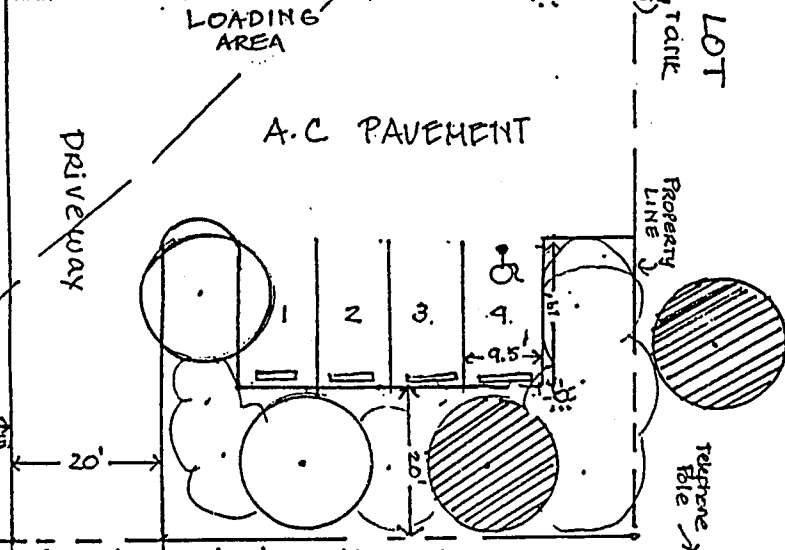
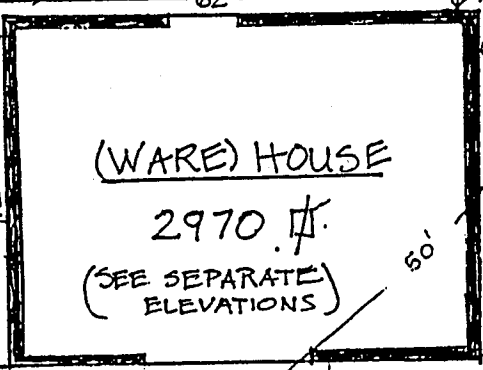
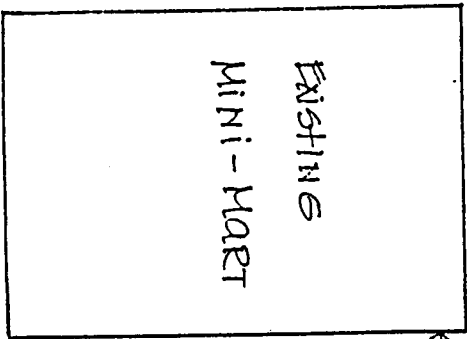
APPLICANT/OWNER
 DOROTHY PARKER
 111 SOUTH ST.
 CITY, CA 93666

AGENT
 XYZ ENGINEERING
 32 MAPLE ST.
 CITY, CA 93236

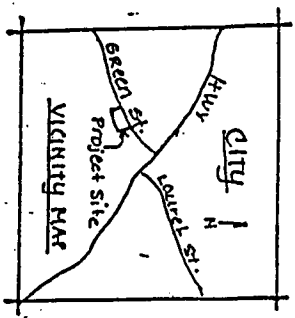
AP # 53-016-23
 ZONING/GENERAL PLAN : C, Commercial

- SEWER, WATER AND P.U.E LINES LOCATED WITHIN 10' P.U.E. ON-SITE (5'-STORM DRAINAGE (12" RISID 5'-SHOOTH PIPE) OUTDOOR LIGHTING PROPOSED TREE * EXISTING TREE * PROPOSED GRASSCOVER 51 HANDICAPPED PARKING 51 FINISHED GRADE 51 EXISTING GRADE CONCRETE FF - 2000 G.P.M. @ 20 PSI

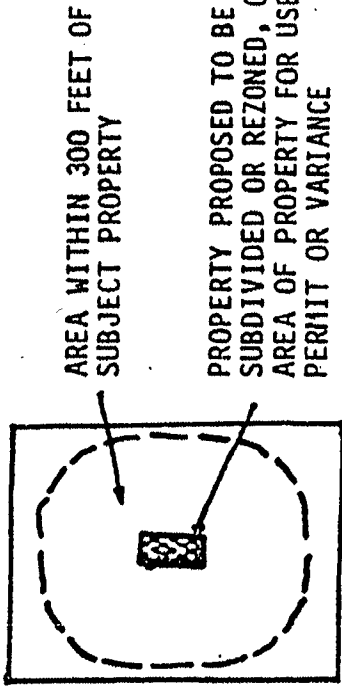
*see separate landscape plan)



GREEN ST.



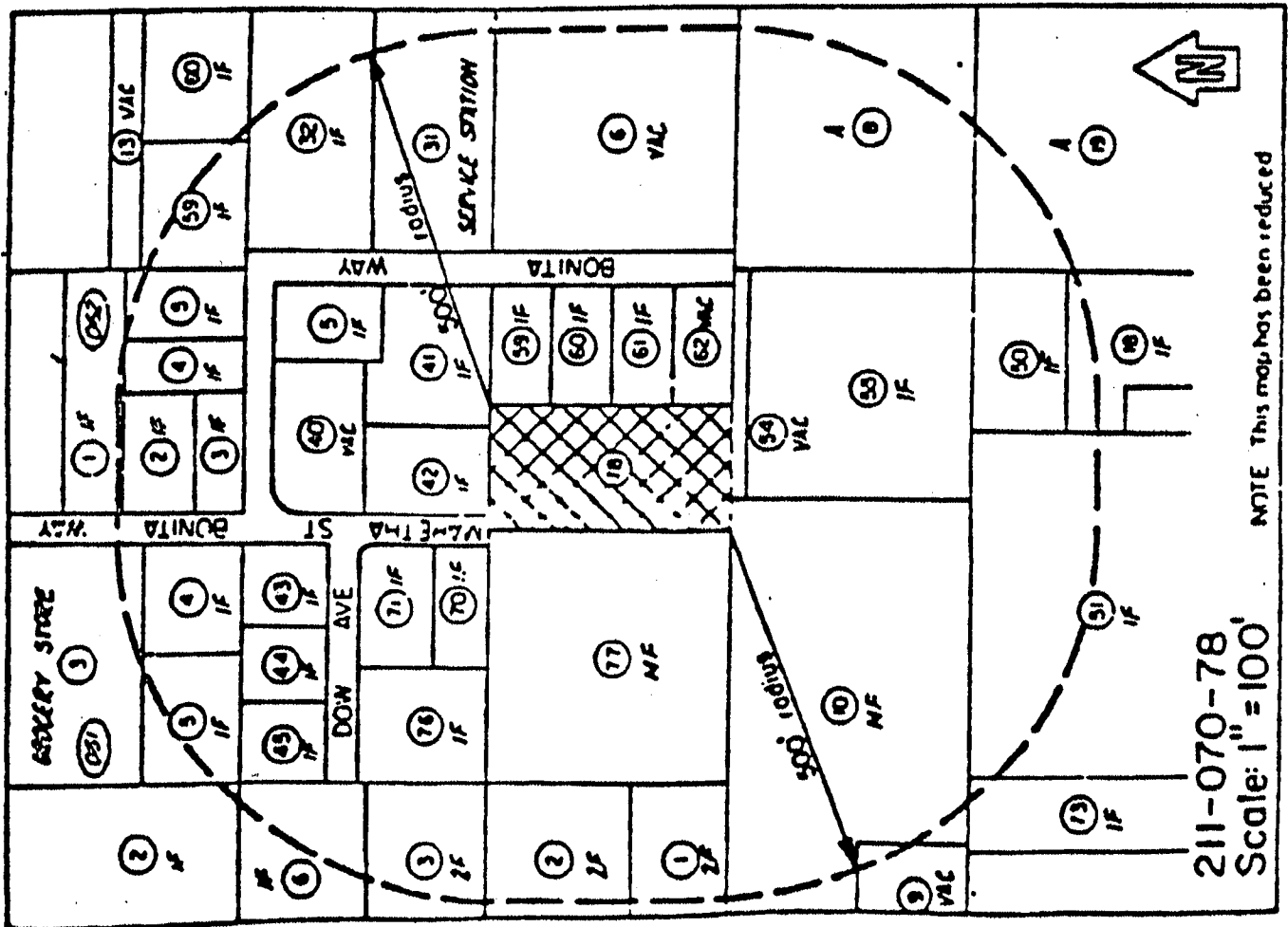
SCALE = 1" = 2.5' 0"



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§ 10.3.25 VARIANCE.

(A) Purpose. A variance is issued to allow a property owner to deviate from development standards otherwise applicable to the property. A variance is issued when the owner would otherwise suffer unique hardship under the general zoning regulations because its particular parcel is different from other parcels to which the regulations apply. However, the difference from the parcels need not be a physical difference. *Craig v. County of Santa Cruz (Odenweller)*, 81 Cal. App. 4th 880, 96 Cal. Rptr. 2d 538 (2000). Use variances (a variance to permit a use not otherwise permitted in a zone) are prohibited. Cal. Gov't Code § 65906.

(B) Procedures.

(1) Standards. Variances may be granted only when the strict application of the zoning ordinance would deprive a property owner of privileges enjoyed by other property owners in the vicinity under the same zoning classification because of special circumstances applicable to the property including size, shape, topography, location or surroundings. Cal. Gov't Code § 65906.

(2) Local Ordinances. Except for charter cities, the criteria in Cal. Gov't Code § 65906 prevail over any inconsistent local provisions. A variance can be sustained only if all applicable requirements are met. *Topanga Association for Scenic Community v. County of Los Angeles*, 11 Cal. 3d 506, 113 Cal. Rptr. 836 (1974).

(3) Parking Variances. Under statutorily prescribed circumstances, the parking requirements of a local zoning ordinance may be relaxed by variance to allow some parking spaces to be located off site or to allow payment of in lieu fees or facilities. Cal. Gov't Code § 65906.5.

(4) Findings. A decision to grant or deny a variance is a quasi-judicial act. Accordingly, such decisions must be accompanied by findings (supported by substantial evidence in the record) that are sufficiently detailed to "bridge the analytical gap" between raw evidence and the ultimate decision. *Craig v. County of Santa Cruz (Odenweller)*, 81 Cal. App. 4th 880, 96 Cal. Rptr. 2d 538 (2000); *Topanga Association for Scenic Community v. County of Los Angeles*, 11 Cal. 3d 506, 113 Cal. Rptr. 836 (1974).

(C) Notice and Hearing Requirements. Generally, a noticed public hearing must be held on any application for a variance from the requirements of a local zoning ordinance. Cal. Gov't Code § 65905. State law prescribes the acceptable methods of providing notice for a hearing on a variance application. Cal. Gov't Code §§ 65905(b), 65091.

(D) Rights Granted.

(1) Runs with the Land. A variance from the zoning ordinance, like a CUP, runs with the land. *County of Imperial v. McDougal*, 19 Cal. 3d 505, 138 Cal. Rptr. 472 (1977).

(2) **No Special Privileges.** A variance cannot constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. Cal. Gov't Code § 65906; *Orinda Association v. Board of Supervisors*, 182 Cal. App. 3d 1145, 227 Cal. Rptr. 688 (1986).

§ 10.3.30 NONCONFORMING USES AND STRUCTURES.

(A) **In General.** Generally, a zoning ordinance may not constitutionally operate to compel immediate discontinuance of an otherwise lawfully established use or business, unless that use or business constitutes a public nuisance. *Livingson Rock Co. v. County of Los Angeles*, 43 Cal. 2d 121, 272 P.2d 4 (1954); *City of Bakersfield v. Miller*, 64 Cal. 2d 93, 48 Cal. Rptr. 889 (1966). A legal nonconforming use is one that was valid when brought into existence, but became nonconforming by subsequent regulation. *City of Los Angeles v. Gage*, 127 Cal. App. 2d 442, 453, 274 P.2d 34 (1954).

(B) **Elimination/Expansion.** A city may provide for a period of time to eliminate nonconforming uses, provided the owner is given a reasonable opportunity to recoup his or her investment. *National Advertising Co. v. County of Monterey*, 1 Cal. 3d 875, 880, 83 Cal. Rptr. 577 (1970). The expansion or enlargement of a nonconforming use is generally prohibited. *County of San Diego v. McClurken*, 37 Cal. 2d 683, 686-87, 234 P.2d 972 (1951); *Manhattan Sepulveda Ltd. v. City of Manhattan Beach*, 22 Cal. App. 4th 865, 27 Cal. Rptr. 2d 565 (1994) (defining "value" for purposes of rebuilding nonconforming building).

§ 10.3.35 VESTED RIGHTS.

(A) **In General.** As a general rule, a developer must comply with the law in effect at the time a building permit is issued. *Hazon Iny Development, Inc. v. City of Santa Monica*, 128 Cal. App. 3d 1, 179 Cal. Rptr. 860 (1982). However, under certain circumstances, a property owner can obtain a vested right to use or develop the property in accordance with the regulations applicable at the time the right vests despite subsequent changes in the zoning or other regulations. Nonetheless, even vested rights may be impaired if the new regulations imposed are sufficiently necessary to the public welfare to justify the impairment. *Davidson v. County of San Diego*, 49 Cal. App. 4th 639, 56 Cal. Rptr. 2d 617 (1996).

(B) **Common Law.** A property owner, who has obtained a building permit, completed substantial work and incurred substantial liabilities in reliance on that permit obtains a vested right to finish the project within the scope of the permit notwithstanding changes in the applicable land use regulations. *Avco Community Developers, Inc. v. South Coast Regional Commission*, 17 Cal. 3d 785, 793, 132 Cal. Rptr. 386 (1976), cert. denied, 429 U.S. 1083, 97 S. Ct. 1089, 51 L. Ed. 2d 529 (1977). Soft costs incurred by a developer do not constitute "detrimental reliance" for purposes of determining whether a right to develop has vested. *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach (Windward Associates)*, 86 Cal. App. 4th 534, 103 Cal. Rptr. 2d 447 (2001).