



CITY OF WHEATLAND

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CONDITIONAL USE PERMIT APPLICATION PROCESS

APPLICABILITY

Conditional use permits are required for certain land used described in the Zoning Ordinance (Title 18 of the Wheatland Municipal Code). The condition use permit process is described in Chapter 18.76 of the Zoning Ordinance.

PURPOSE

Conditional use permits are required for land uses which, given intensity of use or other factors make them worthy of special attention by the Planning Commission at a public hearing. The public hearing allows the public to provide comments on the proposed use. The purpose of the conditional use permit process is to ensure consistency of a proposed land use with City regulations and compatibility of the use with surrounding properties.

The Planning Commission may impose whatever conditions it deems appropriate in approving a conditional use permit and may periodically review a use which was granted a use permit to ensure that the use continues to operate in accordance with conditions of approval. Furthermore, use permits may be granted for a limited time period.

PROCESS

1. Pre-application Review (optional)

This is an optional step recommended by staff. This step can include a review of a preliminary plans and/or a meeting with City staff. Staff may provide feedback in verbal and/or written form. Any feedback provided at this time is preliminary only, and subject to further refinement or change in the formal review process.

A cash deposit is required to cover City consult staff time which will be billed to the prospective applicant at prevailing hourly labor rates.

2. Application Completeness Check

- a. Applicant submits all material as required by the Zoning Ordinance, Universal Planning Application Form, Application Form, Environmental Assessment Form, plans, other written materials, and all required fees and deposits. Two (2) copies of all materials are required.
- b. Within 30 days of submission at City Hall, the Planning Director reviews application materials in order to determine whether the application includes all information required by the Zoning Ordinance. At his discretion, the Planning Director may refer application materials to the City Engineer, or other staff, to obtain opinions regarding application completeness.

- c. If the application is deemed to be incomplete, the Planning Director will provide a written explanation to the applicant with the 30-day review period.
- d. Following notification of the applicant, incomplete applications are held without processing until such time as all deficiencies are corrected. (All administrative decisions are subject to appeal, as set forth herein and the Wheatland Municipal Code.)

3. Application Processing

- a. Once the application is deemed complete, the applicant is contacted and requested to provide additional copies of application materials. A total of 10 completed sets of materials are required.
- b. In accordance with Planning Director direction, City Hall Staff distributes materials to selected staff with a transmittal memorandum from the Planning Director which specifies the date by which response is needed and any other relevant information.
- c. Each staff member provided a set of application materials evaluates the application in accordance with his area of responsibility, in accordance with standards contained in the Zoning Ordinance.
- d. Staff members provide written comments and recommendation to the Planning Director within the time frame specified in the transmittal memorandum.
- e. In the most instances, meeting of pertinent City staff will be convened for the purpose of discussing the application. The applicant may also be invite to attend.
- f. Unless the application is categorically exempt from requirements of the California Environmental Quality Act (CEQA), the Planning Director prepares and Initial Study, as required by CEQA.
- g. Planning Director prepares Public Hearing notice for distribution by City Hall staff. The hearing notice includes the recommended environmental determination (e.g. Negative Declaration). City Hall Staff is responsible for posting notice, newspaper publication of notice, and mailing of notices as may be required by the Wheatland Municipal Code or California Government Code.
- h. Planning Director prepares a memorandum to the Planning Commission which includes, at a minimum, the following information:
 - Background Information
 - Draft Resolution, including findings and conditions.
 - Analysis of Application
 - Environmental issues
 - Ordinance and Policy issues
 - Recommendations and comments from other City staff and outside agencies.
 - Recommendations for action
 - Environmental determination
 - Approval (may include conditions) or denial
- i. Planning Director distributes staff report to applicable City staff and applicant.

- j. City Hall Staff is responsible for reproduction and inclusion of staff report in Planning Commissioners' agenda packet.

4. Formal Consideration By Planning Commission

- a. Planning Commission considers application, including staff recommendations and public testimony, at a notices public hearing.
- b. Planning Director makes note of any changes to recommended conditions which may occur at the meeting and provides written notification of Planning Commission action to the application. Actions are generally by resolution.

IMPORTANT: The applicant of an authorized representative MUST be present at the public hearing to represent the application.

5. Relationship to Building Permit Process

Where a building permit requires a conditional use permit in order to be approved, it is strongly recommended that applicants not prepare and submit building permit plans until such times as a conditional use permit is granted and the appeal period has expired.

APPEALS

The decision of the Planning Commission is final unless appealed by the applicant or other affected party to the City Council. Appeals must be made within ten (10) calendar days of the date of Planning Commission action, as set forth in Zoning Ordinance Chapter 18.82.

Administrative decisions, including determination relative to application completeness, may be appealed to the City Council within ten (10) days of staff's determination

SUBMITTAL REQUIREMENTS

A complete application consists of the required application form, plans, documentation and required fees and deposits, as described below.

1. Forms:

Universal Planning Application Form with Environmental Assessment Form

2. Plans:

Accurate plans are required in all instances, unless waived by the Planning Director. Plans shall be accurately drawn and to scale, and must depict all information which in the opinions of the Planning Director is necessary for the Planning Commission to have a clear understanding of the proposal. Plans must be depict both the existing condition and the proposed construction. Following are minimum submittal requirements:

- a. Elevations showing the exterior appearance of all sides of the building(s).
- b. Color/material samples showing the actual colors or a range of possible color choices.

- c. Landscaping plans (commercial, industrial and multifamily residential projects only)
- d. Details, such as outdoor lighting and signs.
- e. Site plans must include the following information:
 - Name and address of applicant/owner
 - Date, north, scale
 - Entire parcel boundary with dimensions
 - Adjacent public and private streets, and driveways
 - All existing and proposed buildings and site features (Significant trees and topographic features must be included.
 - Existing easements.

Note: All plans must be folded by the applicant to size of 8 ½ x 11". Two (2) sets are submitted initially. When deemed complete, a total of 10 sets are required.

3. Required Fees and Deposits

Consult City Hall for current fees and deposit requirements.

TIME REQUIRED FOR PROCESSING

Following are processing time limits established by state law:

- Maximum time to determine application completeness: 30 days
- Maximum time to either approve or deny application: 105 days (Negative Declaration)
- Maximum time to either approve or deny application: 1 year (Environmental Impact Report)

Note: The preceding time limits are the maximum allowable as specified by state law, unless waived in writing by the applicant. In some instances, applications may be processed in less time than described above. In all instances, applications will be processed as quickly as possible.

FEES

City of Wheatland processing fees are intended to cover all costs typically incurred by the City in processing of applications. Fees are based on estimates of the City's administrative costs. A cash deposit is required to cover City consultant staff time which will be billed to the applicant at prevailing hourly labor rates. Applicants may be required to make additional deposits in instances where processing costs exceed initial deposit amounts.

ADDITIONAL INFORMATION

For additional information concerning planning application requirements and procedures, contact Wheatland City Hall at 530-633-2761 or Tim Raney, Community Development Director at 916-372-6100.