



**NEVADA  
COUNTY**  
CALIFORNIA

**Community  
Development  
Agency**

## **PLANNING APPLICATION INFORMATIONAL PACKET**

### What Is a Planning Application?

A Planning (PLN) Application is the means by which the Planning Department collects the information required for analysis of discretionary and administrative projects.

### Application Guidelines

To assist you in the preparation of your project, general information and guidelines for common land use applications are provided below. If you have questions about the applications, please visit the Planning Department on the first floor of the Eric Rood Administrative Center at 950 Maidu Avenue in Nevada City.

- **Discretionary Permits:** A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued. Discretionary projects are typically brought before a hearing body within 84 days of the project being received by the Planning Department. However, the identification and resolution of issues with the project can extend this timeline.
- **Administrative Permits:** Those permits that can be reviewed by staff without a public hearing and without environmental review. These permits should be processed within 30-45-days of complete application determination and include: Home occupation permits, boundary line adjustments, setback easements, voluntary mergers, zoning consistency letters, outdoor event permits, and management plans. Application information, filling instructions, and processing time frames of each of these permits is listed in the applications.
- **Building Permits:** Planning assistance is often required by Building Department staff for the issuance of building permits. Planning review may include a site plan review for zoning consistency, setbacks, permitted uses, and Conditions of Approval.

### Research Request or Pre-Application Review

Many complicated or policy-related types of development permits may require discussion with staff prior to formal application submittal. For those developers who want to consult

with a Planner for more than a twenty-minute counter discussion, they should request one of the following:

- A Planner Consultation: The County Planner spends additional time researching and discussing the proposed project. A Planner Consultation does not result in written comments about the project or include comments from other departments.
- Formal Pre-Application Review: A request for input from all agencies that would be notified during project review, followed by a formal meeting with applicable agencies to discuss their comments provided in the pre-application letter.
- Procedure for Pre-Application Review:
  1. Applicant completes an application form, attaching pertinent plans and/or project information.
  2. Deposit Fees are collected and an Agreement to Pay Form is submitted.
  3. Depending on the nature of the request, the project description and any submitted information will be distributed to those agencies that have permitting authority or are determined by the Planning Department to have an interest in potentially impacted resources.
  4. Follow-up letters are prepared to clarify discussions and recommendations.
  5. A planning file containing the comment letters and pre-application materials is created for future reference.

### What Makes an Application Complete?

In order for the Planning Department to determine that an application is complete, it must contain all of the required information listed in the Planning Application checklist. All forms must be completed, signed, and submitted as a hard copy with an electronic copy of a flash drive to the Planning Department. The application must be accompanied by all required supporting materials (architectural plan sets, photographs, etc.), and all required application fees must be paid.

In addition, the application must include adequate information necessary for project analysis including environmental review and demonstration of compliance with all applicable ordinances and codes. The County will not act on an application until it has been determined to be complete by all County and Responsible Agencies reviewing the application and environmental review is completed.

### What Is a Supplemental Application?

Supplemental Applications collect additional information required for the review of specific projects such as Communication Towers or Comprehensive Master Plans and are a required component of a complete application. Supplemental Application forms must be submitted as an attachment to the Planning Application and not as a stand-alone submittal.

### Can I Appeal the Completeness Determination?

Yes, if the application along with the submitted materials are determined to be incomplete the applicant can appeal that decision in writing along with a filing fee.

### Can I Make Changes After I Submit?

Yes, however once an application is determined to be complete, changes that will increase the number of units, add uses that were not previously listed, substantially change the site plan, or other changes that trigger the need for additional discretionary approvals may require a new application or restart the review "clock."

## What Is the Discretionary Project Review Process?

### **1. Submit an Optional Pre-Application**

Pre-Application review provides information from Planning staff or other County departments that should be considered before formally submitting an application. It is optional but recommended on complex development to discover potential hurdles and identify the approvals needed.

### **2. Submit a Planning Application**

Once you are ready for project approval, submit your Planning Application. The project will be assigned to a planner who reviews the application materials, conducts the environmental review, and makes a staff recommendation. Within 30 days, you will receive a determination in writing if the application is determined to be complete.

### **3. Go to Development Review Committee Meeting**

The Development Review Committee Meeting is an optional discussion to receive any clarification on comments made by reviewing agencies or to find guidance on the next steps.

### **4. Decision-Maker Determination**

A duly noticed public hearing will be held after the application is determined to be complete and the environmental review is done. The public hearing will be posted in the local newspaper and property owners near the project site will be notified. If the determination is not appealed, the original decision stands; otherwise, the appellant body hears the appeal before rendering a final decision.

### **5. Map Check**

For subdivisions, the Planning Department and the Department of Public Works will review the map to ensure that the map addresses all conditions and mitigation measures prior to recordation.

### **6. Submit a Building Permit Application**

Following all discretionary approvals, you are ready to submit for a Building Permit or a Public Works permit, if required. The plans will be checked by your assigned planner and by other County departments to verify that the project is consistent with the approved design and is in compliance with all Conditions of Approval and Mitigation Measures. At the successful completion of this review process, permits will be issued for the project and construction may commence.

### **7. Inspection**

The County departments will inspect the site to verify the conditions have been met prior to final occupancy.

*For more information, see the attached Discretionary Land Use Entitlement Process Flowchart.*

## What Is the Administrative Project Review Process?

### **1. Submit a Planning Application**

Once you have compiled all the documents required by the application, submit the packet to the front counter of the Planning Department. The project will be assigned to a planner who will then route project to appropriate agencies or departments for review along with reviewing the project for compliance with County ordinances for consistency with the scope of a Program Environmental Impact Report.

### **2. Determination**

If any of the reviewing agencies determine the project is not in compliance with County code or if there is not adequate information about the project it will be determined to be incomplete. The applicant will receive a letter listing the items that are incomplete which need to be addressed in a resubmittal. All responses to department comments must be compiled into one resubmittal packet that is delivered to the Planning Department. After the application is determined to be complete and the project has been determined to meet all the required standards, a Conditional Approval will be sent. The Conditional Approval includes specific conditions that must be addressed based on the specified timing.

### **3. Submit a Building Permit Application**

After the administrative approval of the land use entitlement, you are ready to apply for a Building Permit. The plans will be checked by Planning and by other County departments. At the successful completion of the review process, permits will be issued for the project and construction may commence.

***For more information, see the attached Administrative Land Use Entitlement Process Flowchart.***

## Projects that Require Development Review

The following from the Nevada County Land Use and Development Code provides a summary of which County body reviews, recommends, and takes action on land use permits:

Review/Permit	Staff	Zoning Administrator	Planning Commission <sup>(1)</sup>	Board of Supervisors	LUDC Section
Zoning Compliance	●				L-II 5.4
Admin. Development Permit <sup>(4)</sup>	●				L-II 5.5.1
Development Permit <sup>(4)</sup>		● <sup>(2)</sup>	● <sup>(2)</sup>		L-II 5.5.2
Pre-Grading Development Permit	● <sup>(8)</sup>	● <sup>(8)</sup>			L-II 3.28
Use Permit		● <sup>(3)</sup>	● <sup>(3)</sup>		L-II 5.6
Design Review		● <sup>(4)</sup>	● <sup>(4)</sup>		L-II 5.3
Variance		●			L-II 5.7
General Plan/Zoning Amendment			● <sup>(5)</sup>	●	L-II 5.9
Boundary Line Adjustment	●				L-II 4.1.6
Parcel Map Subdivisions		●			L-IV
Final Map Subdivisions			●		L-IV

### Footnotes

1. Whenever multiple project applications required by this Section are processed concurrently for the same project, including one or more Administrative Development Permits and one or more Zoning Administrator Development/Planning Commission Development Permits, such applications shall be heard by the hearing body with authority for the permit requiring the higher level of review.
2. The Planning Commission shall consider commercial, industrial, and other nonresidential Development Permits of 10,000 square feet or more.
3. The Planning Commission shall consider Use Permits for mining and reclamation plans, mobilehome parks, campgrounds and camps, and commercial, industrial, and other nonresidential development of 10,000 square feet or more.
4. Design Review shall be conducted by the Planning Agency with permitting authority for the project as a whole; e.g., the Planning Commission shall conduct design review for all projects being considered by the Planning Commission, and the Zoning Administrator shall conduct design review for all projects being considered by the Zoning Administrator. Administrative permits subject to design review are reviewed by the Planning Agency at a staff level.
5. The Planning Commission recommends amendments to the Board of Supervisors for final decision.
6. The Zoning Administrator shall consider pre-grading projects that exceed one acre of disturbance and any pre-grading project that is not exempt from CEQA

# Public Hearing Information

## Scheduling Your Hearing

After County Planning staff have reviewed the application and determined it is ready for judicial review, it will be placed on the next available Planning Commission or Zoning Administrator Agenda. The project Planner will advise the applicant and/or representative of the available dates to confirm their availability to attend.

## Notice of Public Hearing

Once a date has been determined for a Public Hearing, a Notice of Public Hearing will be printed in the local newspaper, at least 10 days prior to the hearing, and be mailed to surrounding neighbors and other interested parties. The public will have the ability to provide written comments on the project prior to the public hearing. Those comments are received and presented to the hearing body.

An agenda containing the meeting date for the item will be mailed to the project applicant and/or representative prior to the hearing. Agendas are also available on the County's website and posted in the lobby of the Nevada County Eric Rood Administrative Center within 72 hours of the Public Hearing.

## Consent Items

Consent items are projects that require the decision of a hearing body but do not require a public hearing. These projects are placed on the agenda for approval without discussion. However, the hearing body, staff, the applicant or the public can remove any item from the Consent Calendar during the meeting for further discussion.

## Do I Need to Attend?

Yes, the applicant and/or their representative's presence is required at any Public Hearing. The applicant and/or representative will have the opportunity to speak to the hearing body, if they choose to.

## Public Hearing Order

In general, you can expect the order of the public hearing to go as follows:

1. Project item is introduced by the hearing body.
2. Project Planner will make a presentation of the proposed project.
3. Applicant and/or representative are given the opportunity to give a presentation, should they choose to.

4. The hearing body will ask if anyone in the audience would like to provide public comment on the item being discussed. The total amount of time allocated for public testimony is 3 minutes for an individual or 5 minutes for a special interest group.
5. The hearing body will ask questions of the project Planner, Staff, applicant and/or representative and have an open discussion regarding the project being presented.
6. The Planning Commission or Zoning Administrator will make a motion for approval, approval with amended conditions, denial or continuance. If the hearing body is the Planning Commission, a vote will follow the motion.

### Appeals

Any decision made by the Planning Commission or Zoning Administrator may be appealed. Each item will have a 10-calendar day appeal period prior to the hearing body's decision going into effect. Appeals must be provided in writing to the Clerk of the Board.



# Discretionary Land Use Entitlement Process

Applicant submits project documentation including *all required materials* identified in the application packet found on the Planning Department website.

Project is assigned to a Planner and reviewed for completeness and compliance with local, state, and federal regulations by appropriate agencies.

Project is reviewed at Planning Staff Meeting and at Development Review Committee Meeting (DRC).

Project  
Completeness  
Review Decision  
within 30-days  
of  
submittal.

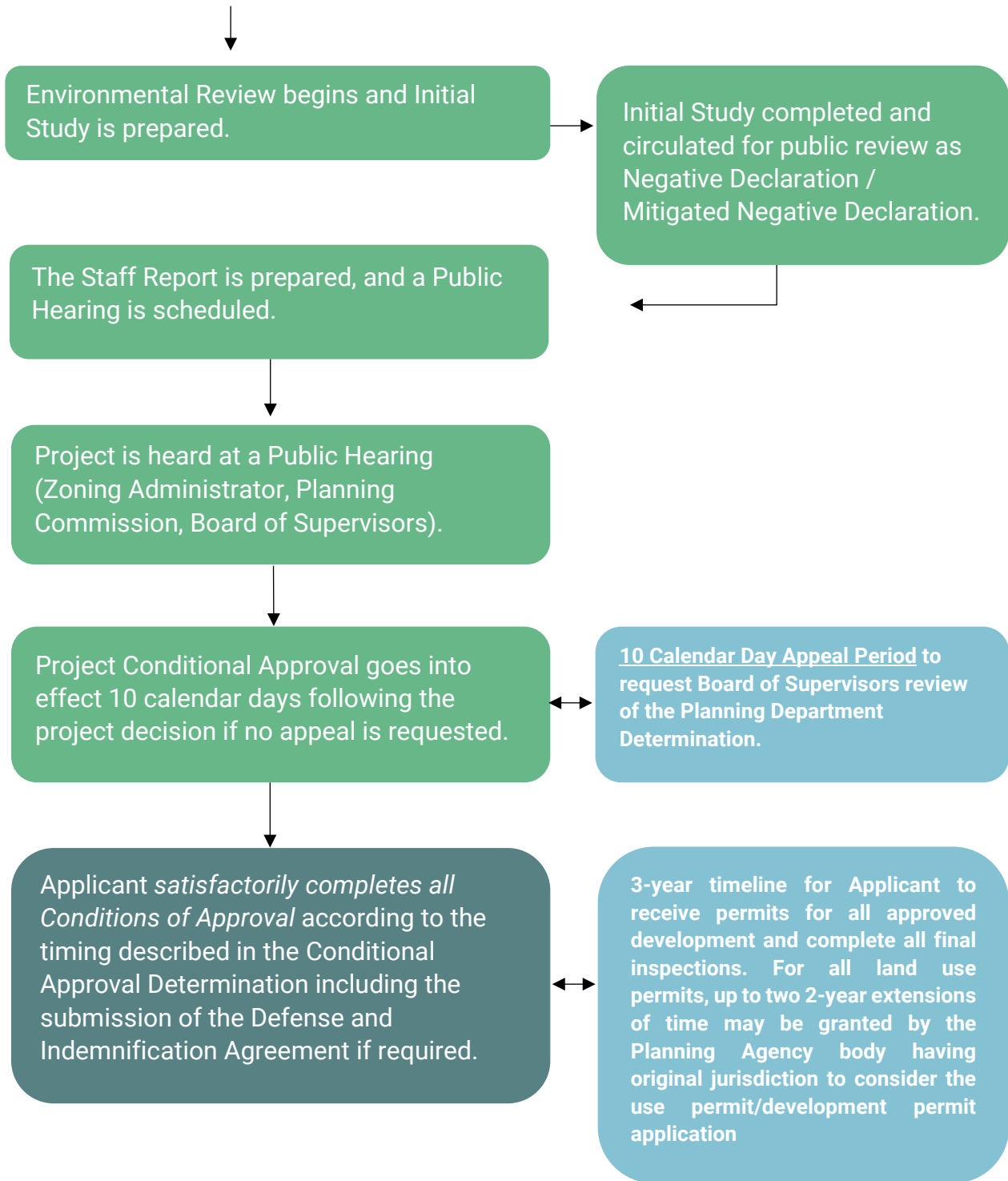
Applicant resubmits additional information and/or revises project based on comments from reviewing entities in project resubmittal.

If incomplete or not compliant with code, Planning Department provides a discussion of additional items requested from appropriate agencies.

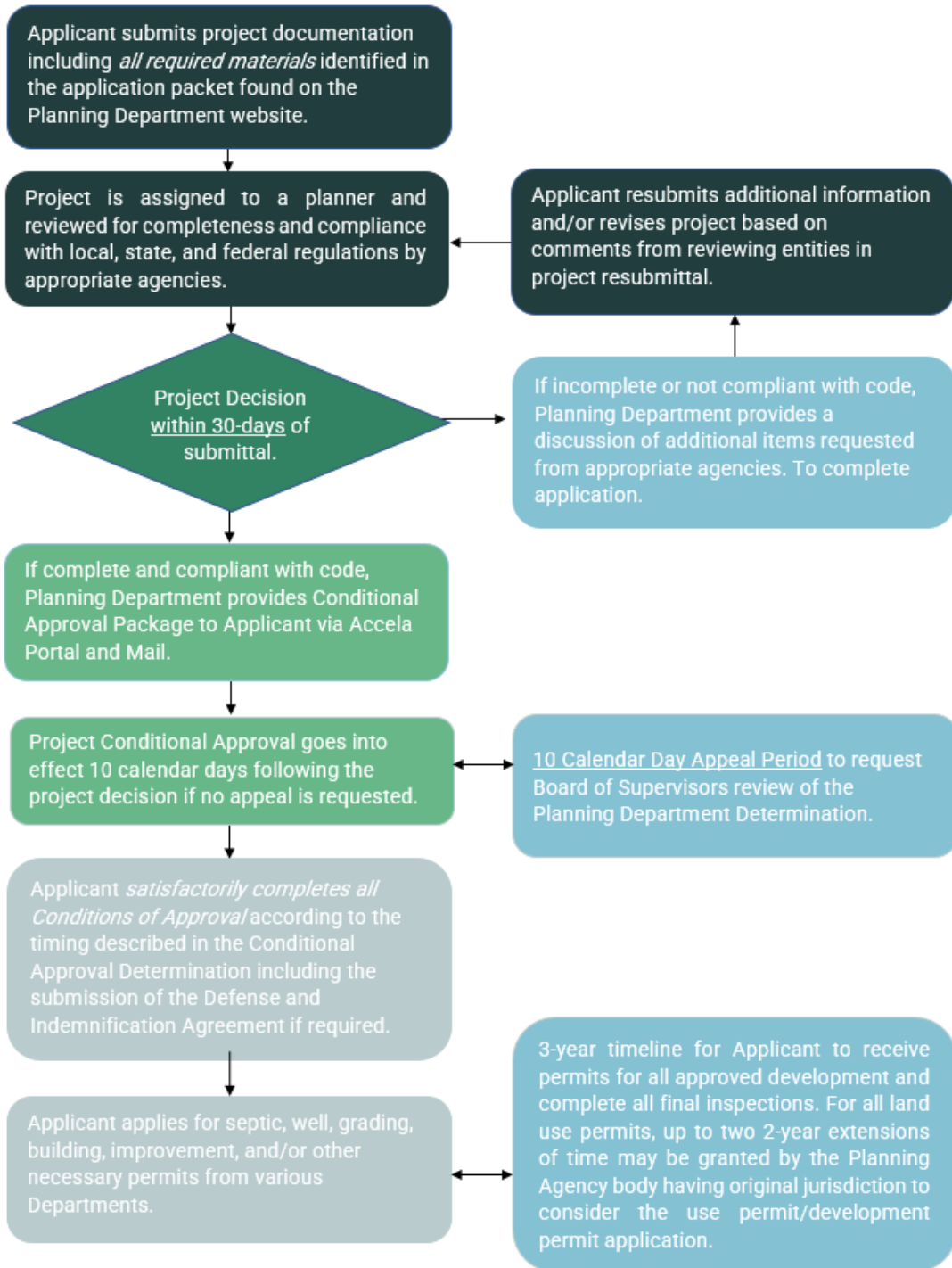
If application deemed complete and compliant with code, Planning Department provides Completeness Letter and Cost Estimate to applicant.

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# Administrative Land Use Entitlement Process



## Tips for a Successful Application

- For complex projects, take advantage of the County's Pre-Application Services or schedule a Planner Consultation.
- Read all application requirements carefully; be sure your submittals are correct and complete.
- Read the applicable policies and zoning requirements for your project. Be sure your project description conforms to these legal standards.
- Write a detailed project description.
- Review the applicable Design Guidelines and Zoning Regulations including but not limited to the Specific Land Use Section, the Comprehensive Site Development and Resource Standards, and the General Plan goals and policies. Failure to meet design guidelines, site development and resource standards, and applicable policies may form a basis for denial of the project.
- Respond fully in writing to comments made during initial review.
- Once your project is approved, comply with all conditions, mitigation measures, approved plans, codes and regulations. Request approvals for any revisions to approved plans.
- Quickly respond to your Planner's requests for information and inform your Planner of any anticipated delays. Ask for clarification if you do not understand a request.