

City of Carlton
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Carlton, OR 97111
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www.ci.carlton.or.us



Major Conditional Use Permit

A conditional use is an activity which is basically similar to other uses permitted in the district, but because of the manner in which such use may be conducted, or the manner in which land and buildings might be developed to accommodate such use, a public hearing and review of the specific proposed use and the imposition of certain conditions, if necessary, will adapt the use to its location and neighborhood. Examples of conditional uses in the Residential Low Density (R-1) Zone District include: churches, schools, community buildings and bed and breakfast facilities.

Major conditional use permit review is applicable to all new conditional uses proposed where the subject site does not currently have a conditional use on it, and to changes to existing conditional uses that meet the threshold criteria for major site design review under Carlton Development Code (CDC) 17.156.020*. Conditional use applications are processed in accordance with the provisions found in CDC Chapter 17.152.

Application Process

A major conditional use permit is processed as a Type II land use action in accordance with the procedures found in CDC Section 17.188.020. The Planning Commission conducts a public hearing to review the request and makes a final decision on whether or not to approve the application. The Planning Commission shall approve the application provided that all the requirements of the Carlton Development Code relative to the proposed use are satisfied, and the applicant demonstrates that the proposed use also satisfies the criteria for conditional use approval found in CDC 17.152.030 (see attached application form). The Planning Commission's decision may be appealed to the City Council by filing an appeal application within 12 days following the final written notice of the Commission's decision.

Application Requirements

To request a major conditional use permit, there shall be submitted to the City Recorder:

_____ **One (1) paper copy** and **one (1) electronic copy** (PDF format preferred) of the application form and the application attachments. Copies must be clear and legible.

_____ Application filing fee

Conditions of Approval

The approval body may impose conditions that it find necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use, if any, on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

- A. Limiting the hours, days, place and/or manner of operation;
- B. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- C. Requiring larger setback areas, lot area and/or lot dept or width;
- D. Limiting the building or structure height, size, lot coverage and/or location on the site;
- E. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;
- F. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
- G. Requiring landscaping, screening, drainage, water quality facilities and/or improvement of parking and loading areas;
- H. Limiting the number, size, location, height and/or lighting of signs;
- I. Limiting or setting standards for the location, type, design and/or intensity of outdoor lighting;
- J. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- K. Requiring and designating the size, height, location and/or materials for fences;
- L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources and/or sensitive lands;
- M. Requiring improvements to water, sanitary sewer or storm drainage systems, in conformance with City standards; and
- N. Establish a timetable for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such periodic review may occur through Type I or Type II review process, as specified by the approval.

Expiration of Approval

If the approved conditional use has not been established or substantial construction of buildings associated with the approved use has not begun within eighteen (18) months, the approval shall expire.

Conditional use permit approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the Planning Commission.

The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension not to exceed six (6) months provided that:

1. No changes are made to the approved conditional use;
2. The applicant can show intent to establish the use within the six (6) month extension period;
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and
4. The request for extension is submitted, in writing, thirty (30) days prior to the expiration of the approval period.

*The Carlton Development Code is available online at: www.ci.carlton.or.us/municode.

Major Conditional Use Permit Application

City of Carlton

Docket No.: _____

Date: _____

Fee: _____

Receipt No.: _____

Applicant: Name _____

Mailing Address _____

Phone _____

Title Holder: Name _____

Mailing Address _____

Location: Street Address _____

Tax Lot Number _____ Map _____

Description: Comprehensive Plan Designation _____

Current Zoning _____

This Conditional Use request is made under Development Code Section _____
[Cite applicable Development Code Section]

Prerequisites: In accordance with Development Code Section 17.144.030, the Planning Commission shall have the power to hear and decide Major Conditional Use Permits that are specifically listed in the Ordinance. To request a hearing and approval of a major conditional use, or the modification of a conditional use, by the City Planning Commission, there shall be submitted to the City Recorder in addition to this application and filing fee:

_____ A Site Plan (8 ½ x 11 inches or multiples thereof) illustrating the following information:

1. The date, north point, scale and sufficient description to define the location and boundaries of the parcel(s) on which the conditional use is to be located.
2. Name and address of the recorded owner or owners and of the person who prepared the Site Plan.
3. Approximate acreage(s) and dimensions of the parcel(s) under a single contiguous ownership directly involved in the conditional use.
4. For land adjacent to and for the site of the conditional use show locations, names and existing widths of all streets and easements of way; location, width and purpose of all other access or utility easements; drainage ways; and other significant site features.

5. Outline and location of existing and proposed buildings. Plan shall indicate existing setback distance from building to the property lines.
6. Indicate areas of flooding, soil hazard or areas of steep slopes.

_____ The names and addresses of all property owners within 100 feet of the conditional use site boundaries, as shown on the last preceding tax roll of the Yamhill County Assessor. Note: A list of property owner names and addresses within 100 feet of the property may be obtained from a title company or the Yamhill County Assessor Department located at: 535 NE 5th Street, Room 42, McMinnville, OR, phone: (503) 434-7521.

_____ A detailed description of the proposed conditional use and specifically how it addresses the Criteria for Approval from Development Code Section 17.152.030. **It is the sole responsibility of the applicant to provide adequate evidence upon which the Planning Commission can base a decision.**

17.152.030 Criteria for Approval

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district or the approval body finds that the use is similar to a conditional use in the underlying district.
- B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety and aesthetic considerations.
- C. All required public facilities, including water, sanitary sewer and streets, have adequate capacity or are to be improved to serve the proposed use, consistent with City standards.
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval.

_____ **One (1) paper copy** and **one (1) electronic copy** (PDF format preferred) of this application and all of the application attachments. Copies must be clear and legible.

Conditions of Approval:

As specified by Carlton Development Code Section 17.188.020 (I), approval of a Major Conditional Use Permit may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or
 - b. Fulfillment of the need for public service demands created by the proposed use.
2. Changes or alterations of conditions shall be processed as a new administrative action.
3. All conditions of approval required by the City for a Type II or Type III approval shall be completed prior to the issuance of building permits, except that the Planning Commission may stipulate that some conditions be completed prior to issuance of building occupancy permits when the former is impractical. When an applicant provides information demonstrating to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of a building permit, the applicant must complete a performance guarantee for required improvements pursuant to Chapter 17.216.

I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Applicant's Signature

Date

Applicant's Signature

Date

Title Holder's Signature

Date

Title Holder's Signature

Date

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

Land use planning fees ("fees") are an estimate of the costs necessary to process land use applications. Fees include, but are not limited to, preparation of required public notices, staff reports and decisions, and are inclusive of the time allocated by the City Planner, City Engineer, and City Attorney. Fees must be paid at the time of application.

If there are any funds remaining after the project is complete, the applicant will receive a refund for the balance. Alternatively, if the application fee is exhausted before the project is complete, the project will be billed monthly for any additional costs until all land use stages are finished.

Please note that contracted service provider fees are subject to change and may include the fees of their hired staff. For current contractor fees, please call the city at 503-852-7575.

By reading and understanding the above information, I acknowledge the terms of the land use fee agreement as outlined above. Failure to comply with the fee agreement will result in the rejection of the application.

Applicant Signature

Date