



DUNES CITY • 82877 Spruce St. • Phone: (541) 997-3338
PO Box 97, Westlake, OR 97493 • Fax: (541) 997-5751

CONDITIONAL USE PERMIT FINAL APPLICATION

The procedures, regulations and standards governing conditional use permits within Dunes City can be found in the Dunes City Code of Ordinances. The purpose of a Conditional Use Permit is: "There are certain uses that, due to the nature of their impact on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Section 155.2 - Land Use District Administration. The purpose of Section 155.4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met." – Section 155.4.4, Dunes City Code of Ordinances.

Please note that the final cost of a Pre-application Conference or Conditional Use Permit is based on the actual costs incurred by the City, including contract planning and engineering services.

Application Information:

- Pre-application Conference \$200 Deposit (§155.4.1.3(D))
- Conditional Use Permit \$600 Deposit (§155.4.4)

Applicant Information:

Applicant Name: _____

Last Name

First Name

Middle Initial

Phone Number: Home: _____ Work: _____ Cell: _____

email: _____

Corporation Name: _____

Mailing Address: _____

Property Address: _____

Legal Description of Property: __ (T) _____ (R) _____ (S) _____ (Q) _____ (Tax Lot) _____

Name and Address of Legal Owner: _____

Statement of Applicant's Legal Interest in Property: _____

(Owner of Record; Authorized Agent; Lessee; Holder of an exclusive option to purchase)

I hereby certify that forgoing statements and other information attached hereto are true and accurate to the best of my knowledge. I have received all six pages of this application and understand that my application must meet the requirements as stated therein and any additional information requested by Dunes City.

Applicants Signature: _____

Date

155.4.1.3(D) Pre-Application Conference

1. Participants.

When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate;

2. Information provided by the applicant.

The following information shall be submitted by the applicant at least ten days prior to the date of such meeting:

a. A written statement on a form prescribed by the City Council setting forth:

- (1) The name and address of the applicant.
- (2) A statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, and the like), a description of that interest, and, in case the applicant is not the owner, that the owner knows of the application.
- (3) The address and legal description of the property.
- (4) A statement explaining the intended request.

b. Any other materials or information the applicant wishes to submit. For example, these materials might consist of a schematic development plan of the proposed development, showing:

- (1) The general location of the proposed development.
- (2) Major existing physical and natural features, such as water courses, rock outcroppings, marshes, wooded areas, and the like.
- (3) The location of the major existing drainage ways and utilities.
- (4) The location and names of public streets, parks, and utility rights-of-way within or adjacent to the proposed development.
- (5) The general location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking, and loading areas.
- (6) The general location and approximate dimensions of proposed structures.
- (7) Major proposed landscaping features.
- (8) Approximate contours.
- (9) Sketches showing the scale, character, and relationship of buildings, streets, and open space.
- (10) The approximate location and type of proposed drainage, water, and sewerage facilities.
- (11) Site evaluation for solar access potential.

3. Information provided by the City.

At such a conference the City Planning Official or designee shall:

- a. Cite the comprehensive plan policies and map designations applicable to the proposal;
- b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
- c. Provide available technical data and assistance that will aid the applicant;
- d. Identify other governmental policies and regulations that relate to the application; and
- e. Reasonably identify other opportunities or constraints concerning the application.

4. Disclaimer.

Failure of the City Planning Official or his/her designee to provide any of the information required by this Section shall not constitute a waiver of any of the standards, criteria or requirements for the application;

5. Changes in the law.

Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

Section 155.4.4 — Conditional Use Permits

Sections:

- 155.4.4.1 Purpose
- 155.4.4.2 Approval Process
- 155.4.4.3 Application Submission Requirements
- 155.4.4.4 Criteria, Standards and Conditions of Approval
- 155.4.4.5 Additional Development Standards for Conditional Use Types

155.4.4.1 Purpose.

There are certain uses that, due to the nature of their impact on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Section 155.2 - Land Use District Administration. The purpose of Section 155.4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

155.4.4.2 Approvals Process.

A. Initial Application. An application for a new conditional use shall be processed as a Type III Procedure (Section 155.4.1.6). The application shall meet submission requirements in Section 155.4.4.3, and the approval criteria contained in Section 155.4.4.4.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Section 155.4.6 - Modifications.

155.4.4.3 Application Submission Requirements.

In addition to the submission requirements required in Section 155.4.1, an application for conditional use approval must include the following information (A through H), as applicable.

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan including a tree coverage map. For properties containing less than 16 conifers per acre the map shall include the location of every conifer with a diameter greater than 8 inches at 4 ½ feet above average grade. For properties containing 16 or more conifers 8 inches or greater in diameter at 4 ½ feet above average grade per acre the map shall include the outline of those areas with stands of conifers or an aerial photograph with enough detail to show conifer stands;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants; and.
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 155.4.4.4.

155.4.4.4 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

- A. Use Criteria.
 - 1. 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, slopes, odor, dust, visibility, safety, and aesthetic considerations;
 - 2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
 - 3. All required public facilities have adequate capacity to serve the proposal.
 - 4. The proposal is consistent with applicable policies of the Comprehensive Plan for Dunes City.
 - 5. The location, size, design, and operating characteristics of the proposed use:
 - 1. Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and
 - 2. Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in bulk coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable

neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.

6. Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
7. Will not create a hazardous natural condition such as erosion, landslide, flooding.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street rights-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoors lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands; and
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Section 155.3.4.2 – Public Use Areas..

C. Revocation. A conditional use permit is automatically revoked without special action if:

1. The permit has not been exercised within two years of the date of approval.
2. The use approved by the conditional use permit is discontinued for any reason for one continuous year or more.
3. The City Council may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use approval.

a. A hearing for revocation of a conditional use permit shall be held when the City Council is of the opinion any or all of the bases for revocation as stated in this section exist.

b. The public hearing, notification, and appeal procedures for revocation hearings by the City Council shall be the same as those for original conditional use application hearings and appeals provided in this section.

155.4.4.5 Additional Development Standards for Conditional Use Types

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B. Additional Development Standards. Development standards for specific uses are contained in Section 155.2 - Land Use District Administration.