

# Conditional Use

## Applicant Handbook



This packet will guide an applicant through the City's Conditional Use process. While this packet is comprehensive, an applicant should read the applicable Code Sections.

This Packet includes:

- 1) Process Steps
- 2) Public Hearings Procedures
- 3) Approval Criteria
- 4) Application Form
- 5) Fee Agreement
- 6) Fee Schedule

Please use the following as a check list to guide you through the process. **The Steps in Bold are those that the applicant has a significant role in completing.** The other steps are those taken by the City the applicant should track through the process. The Process Steps section gives a more detailed description of these steps.

- Step 1: Request a Pre-Application Conference**
- Step 2: Attend the Pre-Application Conference**
- Step 3: Submit the Application**
- Step 4: Application Acceptance
- Step 5: Notice of Public Hearing
- Step 6: Staff Report
- Step 7: Participate in the Public Hearing**
- Step 8: Decision
- Step 9: Notice of Decision
- Step 10: Appeal of a Planning Commission Decision**  
(if applicable)

# Conditional Use

## Applicant Handbook Process Steps



*NOTE: These steps are extracted from the Cascade Locks Community Development Code. Items that are the applicant's responsibility are in bold.*

### **Step 1: Requesting the Pre-Application Conference** **(8-6.24.020)**

**Before submitting a land use application a potential applicant must attend a pre-application conference. Such a conference can be requested at City Hall and will be scheduled by the City Administrator at the earliest reasonable time**

### **Step 2: Attending the Pre-Application Conference (8-6.24.020)**

**The purpose of the pre-application conference is to acquaint the applicant with the requirements of the application, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant and should answer many questions the applicant may have about the process. It will also be a time at which issues can be identified and discussed.**

### **Step 3: Submitting the Application**

**Applications include the application form, the additional requirements listed on the form, any other information required by the Administrator. Consult Section 8-6.24.030 and Section 8-6.152.040 of the City's Municipal Code for more detailed information on the requirements. It is the applications responsibility to prove the need for the conditional use.**

**Applications are submitted to the City Administrator in the number specified on the application form. (8-6.24.040)**

### **Step 4: Application Acceptance (8-6.24.040)**

Within 14 calendar days of receiving an application the City shall determine whether the application is complete. The City shall notify the applicant when the application is accepted as complete or rejected as incomplete if deficiencies are found. The applicant may resubmit but shall be subject to another 14 calendar day completeness check. All documents or evidence relied upon by the applicant shall be submitted to the City and made available to the public at least 20 calendar days before a Planning Commission hearing.



*Step 5: Notice of Public Hearing (8-6.24.050)*

Notice of public hearing shall be sent by mail at least 20 calendar days before the hearing. The notice of public hearing shall be mailed to:

- a. The applicant or representative;
- b. All property owners of record within 250 feet of the subject property;
- c. Affected jurisdictions.

In addition, at least 10 calendar days before a Planning Commission public hearing, notice shall be provided in a newspaper of general circulation in the City.

*Step 6: Staff Report (8-6.24.060)*

Staff reports are mailed approximately 7 calendar days prior to the public hearings to the applicant and interested parties who request them.

***Step 7: Participate in the Public Hearing (8-6.28)***

**Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this chapter.**

*Step 8: Decision (8-6.24.070)*

After review of all evidence is submitted to the record, the Planning Commission may:

1. Approve or deny all or part of the application;
2. Approve all or part with modifications or conditions of approval as described in Section 8-6.24.070;
3. Defer a decision; and
4. Dismiss without prejudice due to procedural error or remand to correct a procedural error.

The Planning Commission may announce a tentative decision at the close of the public hearing but no decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Planning Commission's designee.

*Step 9: Notice of Decision (8-6.24.050)*

The City shall mail notice of the decision to all persons who submitted written comments or testified during the hearing.



***Step 10: Appeal of a Planning Commission Decision (8-6.36)***

**A decision of the Planning Commission may be appealed to the City Council by filing a petition for review within 14 calendar days after written notice of the decision is provided. An appeal can be initiated by any anyone who files a petition for review or at the direction of the City Council. On appeal the party who files the appeal has the burden of proof.**



## Public Hearings Procedures

Planning Commission and City Council

### General Guidelines

- a. All those who wish to testify must write their name and address on a sign up sheet that will be available before and during the hearing.
- b. The order of testimony will follow the steps below and then will be based on the order individuals signed up.
- c. All those wishing to testify must do so from the podium and will refrain from making comments while in the audience.
- d. Testimony shall begin with a statement of one's name and address for the record.
- e. Testimony and evidence must be directed toward the decision criteria or other standards in the land use regulation the person believes to apply to the decision.
- f. Except as otherwise provided, the applicant, or the appealing party on appeal, bears the burden of proof that the proposal is in compliance with the applicable criteria and standards.

### Public Hearing Steps

1. Open public hearing – The hearing is opened with a statement of rules.
2. Members of the Commission or Council declare any and all significant pre-hearing ex-parte contacts with regard to the matter and potential conflicts of interest. Members will requeuse themselves if there are any potential conflicts of interest that will not allow them to make a fair and impartial decision.
3. Presentation of the Staff Report
4. Applicant presentation
5. Testimony from those in favor of the proposed action
6. Testimony from those opposed to the proposed action
7. Questions from members of the public
8. Applicant's rebuttal
9. Final comments from Staff
10. Close of public hearing

NOTE: Once the hearing is closed, no additional testimony, comments, or questions may be taken from the audience.

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## Approval Criteria

### Approval Criteria (8-6.152.050)

1. The site size and dimensions provide adequate area for the needs of the proposed use;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
3. All required public facilities have adequate capacity to serve the proposal;
4. The applicable requirements of the zoning district are met except as modified by this chapter;
5. The applicable criteria set forth in Section 8-6.148.110 and Section 8-6.152.060 are met; and
6. The applicable criteria in Section 8-6.152.060 are satisfied. (*Note: Section 8-6.152.060 includes decision criteria for a variety of Conditional Use requests. Staff will provide the appropriate provisions based on the application.*)

City Hall  
P.O. Box 308  
Cascade Locks, Oregon 97014  
Phone: 541-374-8484  
Fax: 541-374-8752



## CONDITIONAL USE APPLICATION

### I. BACKGROUND INFORMATION

#### Applicant

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant Standing (Fee Owner, Contract Purchaser, etc.): \_\_\_\_\_

#### Property Owner (if different)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

#### Property Information

Property Address: \_\_\_\_\_

Township; Range; Section; Tax Lot: \_\_\_\_\_

Zone: \_\_\_\_\_ Property Size: \_\_\_\_\_

Existing Use/Structures: \_\_\_\_\_

Application Proposal: \_\_\_\_\_

\_\_\_\_\_

#### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_

Submittal Date: \_\_\_\_\_ Fee: \_\_\_\_\_ Received by: \_\_\_\_\_

Application Type: \_\_\_\_\_ Completeness: \_\_\_\_\_ 120th Day: \_\_\_\_\_

**II. APPLICATION REQUIREMENTS**



- (A) \_\_\_\_\_ Completed and signed application form.
- (B) \_\_\_\_\_ Written response to the approval criteria. It is the applications responsibility to prove the need for the conditional use.
- (C) \_\_\_\_\_ TEN copies of the site plan drawn to scale. The site plan must include the material required under Sections 8-6.148.050 through 8-6.148.100 of the Community Development Code. City staff will assist the applicant in determining what information is required on the site plan.
- (D) \_\_\_\_\_ Names and addresses of all the property owners within 250 feet of the boundaries of the property. This list must be provided by a Title Company or the Hood River County Assessor.
- (E) \_\_\_\_\_ Copy of the latest deed, sales contract, or title report indicating property ownership.
- (F) \_\_\_\_\_ A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property
- (G) \_\_\_\_\_ A signed fee agreement and payment for filing fee.

**III. SIGNATURES**

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

\_\_\_\_\_  
Applicant/Owner Date

\_\_\_\_\_  
Applicant/Owner Date

**NOTICE TO APPLICANT  
REIMBURSEMENT TO CITY OF CASCADE LOCKS  
FOR ADMINISTRATIVE FEES**



**TO: APPLICANT**

The City of Cascade Locks, like many other small cities in Oregon, is faced with a severely reduced budget for the administration of the City's Ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process land use applications, the city must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports, and, in some cases, actual attendance at the Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure that applications are processed fairly and promptly. Because of reduced budgets, the City finds it necessary to transfer some administrative costs to you, the applicant, as part of the land use planning process. Therefore, you are asked to read and sign the agreement below indicating that you understand and agree to this requirement.

**AGREEMENT TO REIMBURSE CITY  
FOR ADMINISTRATIVE COSTS**

I/We, the applicant(s), \_\_\_\_\_,  
hereby agree to reimburse the City of Cascade Locks for administrative costs over and above the costs covered by the Basic Fee, which we have paid. We have been advised that an estimated cost is \$ \_\_\_\_\_, but that actual costs could exceed this amount. In the event the City is required to commence litigation to recover these costs, the prevailing party shall be awarded costs and reasonable attorney's fees, including any costs and fees on appeal.

The amount not paid shall also become a lien against the property on which the land use action is sought, in favor of the City of Cascade Locks, and shall be docketed in the City Lien Docket.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**LAND USE APPLICANT(S):** \_\_\_\_\_  
\_\_\_\_\_

**PROPERTY OWNER(S):** \_\_\_\_\_  
(If Different Than Above) \_\_\_\_\_  
\_\_\_\_\_

**RESOLUTION NO. 1120**

**A RESOLUTION SETTING A FEE SCHEDULE FOR VARIOUS LAND USE AND DEVELOPMENT PERMIT APPLICATIONS; AND REPEALING RESOLUTION NO. 1110.**

WHEREAS, the City receives requests from property owners and developers for approval of various land use actions; and

WHEREAS, the City processes development permits for construction of public facilities which includes permit handling, plan review, and inspections;

WHEREAS, the City processes permits for performing work within the public right-of-way;

WHEREAS, it is important that the City recover the costs associated with processing these;

**NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**SECTION 1. Application Fee Schedule.** The following fees shall be paid with the application:

**Type of Application:**

<u>Administrative Review</u> (8-6.20.020)	\$75.00 Non-refundable Fee Basic Fee includes all staff time and One (1) hour Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer Over costs covered by Basic Fee
<u>Variance</u>	\$450.00 Non-refundable Fee Basic Fee includes all staff time and four (4) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Partitions</u>		
Minor	\$500.00 Non-refundable Fee	PLUS Actual Costs for
Major	\$500.00 Non-refundable Fee Basic charges includes all Staff time, four (4) hours Planning Consultant, and one (1) hour Engineer.	Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Wetland/Riparian Permits</u>	\$400.00 Non-refundable Fee Basic charges include all Staff time, and four (4) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered By Basic Fee
<u>Planned Unit Development</u>	\$1,400.00 Non-refundable Fee Basic charges includes all Staff time and eight (8) hours Planning Consultant and one hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Subdivision</u>	\$1,200.00 Non-refundable Fee Basic charges includes all Staff time, eight (8) hours Planning Consultant, and three (3) hours Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Lot Line Adjustment</u>	\$125.00	
<u>Signs</u>	\$75.00 + \$2.00 per square foot	

<u>Conditional Use</u>	\$625.00 Non-refundable Fee Basic charges include all Staff time, five (5) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Site Plan Review</u>	\$625.00 Non-refundable Fee Basic charges include all Staff time, five (5) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Zone Change</u>	\$625.00 Non-refundable Fee Basic charges include all Staff time, five (5) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Comprehensive Plan Amendment</u>	\$1,000.00 Non-refundable Fee Basic charges include all Staff time, eight (8) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Vacations</u>	\$600.00 Non-refundable Fee Basic charges include all Staff time and four (4) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Temporary Permit</u> A temporary permit will not be allowed until a building permit is purchased through Hood River County	\$300.00 Non-refundable Fee Basic charges include all Staff time and two (2) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Annexation</u>	\$1,000.00 Non-refundable Fee Basic charges include all Staff, eight (8) hours Planning Consultant, and one (1) hour Engineer	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Amendment to Urban Growth Boundary</u>	\$1,000.00 Non-refundable Fee Basic charges include all Staff time, eight (8) hours Planning Consultant, and one (1) hour Engineer	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Pre-application Conference Costs</u>	\$ 225.00	
<u>Zoning/Building Review Plan</u>		
A. Accessory Structure, minor review	\$ 50.00	
B. House or Mobile Home	\$ 100.00	
C. Multi-family dwellings	\$ 100.00 + \$25.00 per unit	
Commercial, Industrial, Other Projects	\$ 200.00	

**SECTION 2. Multiple Applications.** If multiple land use applications are necessary on a single project and a single applicant, the applicant shall pay the highest basic fee of the applications necessary, plus 20% of the other basic fees involved.

**SECTION 3. Appeal Fee Schedule.** Fees for Appeal of Decision will be \$450.00. This base charge include Staff, eight (8) hours Planning Consultant, and one (1) hour Engineer; plus any extra costs for the Planner, Attorney or Engineer over costs covered by Basic Fee.

**SECTION 4 – Public Works Permit Fees.** The following fees will be paid with the application: (Note that these fees do not include any hookup charges or systems development charges.)

<u>Type A Construction Permit</u>	\$250.00 Non-refundable Fee Basic Fee includes plan review and inspection by Public Works Staff	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Type B Construction Permit</u>	\$500.00 Non-refundable Fee Basic Fee includes plan review and inspection by Public Works Staff	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Right of Way Permit</u>	\$50.00 Non-refundable Fee Basic Fee includes plan review and inspection by Public Works Staff	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee

**SECTION 5. Payment Agreement Required.** Each applicant shall be required to sign an agreement developed by the City Attorney that requires the Applicant to pay any and all costs determined by the City Staff to be above the costs covered by the Non-Refundable Basic Fees.

**SECTION 6. Annual Review.** The Planning Commission shall review these fees each year and make a report to the Council as to whether any change should be made to them.

**SECTION 7. Resolution No. 1110 Repealed.** Resolution No. 1110 is hereby repealed.

**ADOPTED** by the City Council this 27<sup>th</sup> day of August, 2007.

**APPROVED** by the Mayor this 27<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder