

# BAKER CITY-COUNTY PLANNING DEPARTMENT



1995 Third Street | Suite 131 | Baker City, OR | 97814  
 Phone: (541) 523-8219 | Fax: (541) 523-8340



## APPLICATION FOR A CONDITIONAL USE PERMIT

App. No.: CUP-\_\_\_\_ - \_\_\_\_\_ City Planning: 101-131-3-40-4104  
 Date Submitted: \_\_\_\_\_ Received by: \_\_\_\_\_  
 Fee Collected: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_

MAKE CHECKS PAYABLE TO: **BAKER COUNTY PLANNING**

PROPOSED USE: \_\_\_\_\_

APPLICANT			PROPERTY OWNER		
Last Name	First	MI	Last Name	First	MI
Mailing Address			Mailing Address		
Physical Address			Physical Address		
City	State	Zip	City	State	Zip
Telephone			Telephone		
Email			Email		

### PROPERTY INFORMATION

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_ Ref. \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_ Ref. \_\_\_\_\_

Was a pre-application conference held for this project?     Yes     No

Are there additional reviews pending?     Yes     No    If yes, File #: \_\_\_\_\_

**NOTICE TO APPLICANT:** On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable Code Section prior to submitting an application. Incomplete applications will not be scheduled for review until the Planning Department receives all required submittal materials. Failure to provide materials or address the approval criteria in sufficient detail may cause your application to be delayed or denied.

ADDITIONAL PROJECT TEAM MEMBERS. Please include any other parties you wish to receive notice and staff report(s).

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

Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_

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**NOTICE TO APPLICANT:** By signing, the applicant certifies the information provided herein is accurate and that he/she is authorized to make the application and that there are no covenants, conditions or restrictions (CC&Rs) that may limit or prohibit the proposed adjustment. The City of Baker City does not monitor, nor have enforcement authority over CC&Rs.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

*\*\*\* Note: If the applicant is not the owner, by signing, the owner hereby grants permission for the applicant to act in his/her behalf concerning this application.*

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APPLICATION SUBMISSION REQUIREMENTS – All materials shall be submitted in complete, collated application packets. Packets shall be stapled, bound, or otherwise attached to prevent loss of individual sheets or parts.

- Original **APPLICATION FORM** signed by all parties. Multiple forms may be used if necessary.
- **NARRATIVE** including all approval criteria and your responses.
- **SITE PLAN** showing existing conditions and proposed changes. All site plans should be printed at 1" = 20' scale; 1:40 or 1:100 scale may be used for very large projects. All materials larger than 8 ½ X 11 shall be folded to 8 ½ X 11 size.

MAKING FINDINGS – A conditional use may be approved if the Planning Commission finds the application conforms to the criteria found in the Development Code and the applicable development standards. Before the Planning Commission can approve an application, the applicant must submit information that adequately supports the application. **The applicant bears the burden of proof to show that the criteria are met.**

FORMAT FOR FINDINGS – Statements addressing individual criteria consist of two parts:

1. Factual information, such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: onsite inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLE: **Criterion:** *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.*

**Response:** State fact(s) relating to the question: *“Light manufacturing is allowed as a conditional use in the C-G zone pursuant to Table 2.3.110A of the Development Code. The site is 1.37 acres, is flat, and has 150 feet of frontage along X Street, which is more than adequate to accommodate a custom furniture manufacturing shop and associated showroom. Our proposed 12,500 square foot building, with 12 parking spaces, a loading dock, and landscaping, can be easily accommodated on the site with room for expansion. Please note that our site plans include potential expansion of both the building and parking areas, in order to permit complete build-out and not require an additional conditional use permit. All operations will be inside the building, which will be constructed to minimize noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, and other potential negative externalities.”*

**Conclusion:** State your conclusion: *“The proposed conditional use is appropriate for the site and will not pose any undue hazards on neighboring properties or the general public.”*

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## APPLICABLE BAKER CITY DEVELOPMENT CODE (BCDC) SECTIONS

### Chapter 4.4 – Conditional Use Permits

#### Section 4.4.200 - Approvals Process

- A. Initial Application. An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.400). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.
- B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

**Section 4.4.300 – Application Submission Requirements.** In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable to the particular request as determined by the Planning Official. For a description of each item, please refer to Section 4.2.500 - Site Design Review Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. A landscape plan;
4. Architectural drawings of all structures;
5. Drawings of all proposed signs;
6. A copy of all existing and proposed restrictions or covenants;
7. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400

**Section 4.4.400 – 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 standards and criteria in A-C.

#### 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, 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.
- B. Site Design Standards. The Site Design Review approval criteria (Section 4.2.600) shall be met.
- C. 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 or structure 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 right-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 outdoor 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 (Chapter 3.7);
  13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.300 in particular.

#### **Section 4.4.500 – Additional Development Standards**

- 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 Article 2 - Land Use Zones.

**Section 4.2.600 – Site Design Review Approval Criteria.** The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.
2. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
3. The applicant may be required to upgrade existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
4. The application complies with all of the Design Standards in Article 3 and other City Ordinances;
  - a. Chapter 3.1 - Access and Circulation;
  - b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
  - c. Chapter 3.3 - Parking and Loading, for automobiles and bicycles;

- d. Chapter 3.4 - Public Facilities and Franchise Utilities;
  - e. Chapter 3.5 - Signs;
  - f. Baker City Design Review Guidelines for Historic District Properties.
5. Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.
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#### **Section 4.6.100 – Major Modifications**

- A. Major Modification Defined. The City Planning Official shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:
1. A significant change in land use defined as one that would result in a change of “Use Categories” as recognized in Chapter 1.4 or as may be determined by the City Planning Official;
  2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district or as approved in a Master Planned Development;
  3. A change in setbacks or lot coverage by more than 30 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district or as approved in a Master Planned Development;
  4. A change in the type and/or location of access-ways, drives or parking areas significantly affecting off-site traffic;
  5. An increase in the floor area proposed for non-residential use by more than 20 percent where previously specified;
  6. A reduction of more than 10 percent of the area reserved for common open space; or
  7. Change to a condition of approval, or a change similar to items 1-6, that could have a significant detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts warranting a major modification.
- B. Major Modification Applications; Approval Criteria. An applicant may request a major modification using a Type II review procedure, as follows:
1. Upon the City Planning Official determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.
  2. The application shall be subject to a Type II procedure utilizing the approval criteria employed in the initial project approval with the following exceptions. Adding a conditional use to an approved project shall be subject to a Type III procedure. In addition, if in the judgment of the City Planning Official the modification request is of such a magnitude or level of discretion as to warrant additional review, the modification request shall be reviewed using a Type III procedure if the initial request was processed as a Type III procedure.
  3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 4.1.
  4. The City Planning Official or decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.
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#### **Section 4.6.200 – Minor Modifications.**

- A. Minor Modification. Any modification to a land use decision or approved development plan that is not within

the description of a major modification as provided in Section 4.6.300.A, above.

- B. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the Planning Official using a Type I procedure under Section 4.1.200. The Planning Official is responsible for determining the appropriate review procedure based on the following criteria.
- C. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.
- D. Minor Modification Approval Criteria. The Planning Official shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in Section 4.6.300.A, above.