CITY OF OAK HARBOR
Development Services Department

Conditional Use Review Process III

What is a Conditional Use, and when is it necessary?
A conditional use is a use which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effect on surrounding property and for other similar reasons, may be allowed in certain zones only after review by the Hearing Examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity or zone. A conditional use application is subject to review process III, which requires an open public hearing decision by the Hearing Examiner.

What are the criteria for qualifying for a Conditional Use permit?
There are six criteria that must be met in order for a particular use to qualify as a conditional use. A conditional use may be approved by the Hearing Examiner only when it is established that:

1. All special conditions for the particular use are met;
2. It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property;
3. It is provided with adequate parking;
4. It is served with adequate public streets, public utilities and facilities;
5. It otherwise meets the purpose of the district in which it is to be placed;
6. It meets the goals and policies of the Oak Harbor Comprehensive Plan.

Is a pre-application meeting required for a Conditional Use application?
No, pre-application review is not required for this review process; however the pre-application is strongly recommended for all applicants as a low cost way of identifying key issues prior to full site plan development.

To initiate a pre-application review, an applicant must submit a completed pre-application request on a form provided by the Development Services Department for that purpose, any required fee, preliminary site plan and all other information required by the City.

Is public notice required for a Conditional Use application?
Yes. Public notice for conditional use applications that are subject to review process III consists of posting the property with twenty-four-inch by thirty-six-inch signs (provided by the Development Services Department), mailing notice to adjacent property owners located within 300 feet of the project site, and publishing a legal notice in the official City newspaper. A notice of application must be posted within fourteen calendar days after the issuance of a determination of completeness has been made for the submitted application, and at least fifteen days prior to the public hearing.

Is a public hearing required for Conditional Use approval?
Yes, an open public hearing before the Hearing Examiner is required, with a decision made by the Hearing Examiner.

The Conditional Use Process
There are generally three steps to the conditional use application process:

1. Meet with City staff–The purpose of this meeting is to allow the applicant an opportunity to discuss the proposal with staff. The meeting is scheduled after contacting the Development Services Department to set up a time to meet with a planner or the permit coordinator.

2. Conditional Use application submittal – After meeting with a planner or the permit coordinator, the applicant should submit **9 copies** of the conditional use application and plan (11" x 17" in size) (as well as all other submittal requirements) as discussed with staff for the public hearing before the Hearing Examiner.

3. Hearing Examiner meeting – The last step in the conditional use process involves a public hearing before the Hearing Examiner***. The conditional use application and plan must be submitted at least four weeks in advance of the open public hearing before the Board.***

Fees

Residential
- $392.00

Non-residential
- $780.00 assumed

If you have any questions regarding the conditional use application process, please contact the Permit Coordinator at (360) 279-4510.

Conditional Use
Review Process III
Submittal Requirement List for Conditional Use

How do I start the application process?
The first step is to submit a complete application packet to the Permit Center located in the Development Services Department along with the applicable fees and the required number of copies for all submittal items. A complete application packet (for either pre-application or application) includes all the information and items listed in the Submittal Requirement List shown below.

The Development Services Department conducts two application checks to ensure that application packets are complete before staff begins the development review process. Prior to accepting an application, staff will conduct a "**Counter Complete**" review of the submittal package. This initial counter complete review ensures that all required submittal items are contained within the package. If each item on the submittal requirement list has been submitted, the application will be accepted for further review.

Prior to processing the application, the Development Services Department will determine that the application is "**Technically Complete**". A technically complete application must contain all information required by the applicable development regulations as they apply to the proposed land use action. Within twenty-eight calendar days after receiving a project permit application, the City will provide the applicant with a determination stating either that the application is complete, or that the application is not complete and more information must be submitted before staff review can occur.

Submittal Requirement List

The following checklist identifies required information for conditional use application submittals. **All** items with a number followed by an underlined space (i.e., 1.___) must be submitted before the application will be considered "Counter Compete". **All** items with a check box (i.e. ☐) must be complete for the application to be determined "Technically Complete".

Application Submittal Requirements

1.__ COVERSHEET – A coversheet listing the contents of the application package;

2.__ APPLICATION FORM (separate) – The application form must be complete and the applicant must sign at least one original copy in ink;

3.__ APPLICATION FEE – The fee for a conditional use application must accompany the application submittal packet;

4.__CRITICAL AREAS IDENTIFICATION FORM.

5.__ PROPOSED CONDITIONAL USE PLAN (11" by 17" in size) –*

- **Vicinity map**;
- **Address of property** – street address;
- **Parcel number** – as provided by the Island County Assessor's office;
- **Existing zoning** – current zoning;
- **Location of existing and proposed property lines–** indicate exterior property lines with a bold solid line and interior property lines with long dashed lines;
- **Location, size, bulk, height, and number of stories of any existing and/or proposed structures;**
- **Total lot area;**
- **Existing and proposed streets, sidewalks/curbs, etc.**
- **Existing and proposed landscaping;**
- **The map must be to a scale not less than 100 feet to the inch, and a north arrow must be included on the map.**
- ***Please indicate the type of conditional use on the plan.***

**If the conditional use being applied for cannot be shown on a plan (i.e. it would not make sense to map out the request for conditional use), a narrative that describes the conditional use request should be submitted in lieu of the plan.*

6.__NARRATIVE – A written narrative must be submitted that describes the existing conditions and proposed conditional use in detail. ***Please describe how the project meets and/or exceeds the conditional use criteria (see the list of six conditional use criteria on page one of this application packet).***

7.__LEGAL DESCRIPTION – A legal description of the property requiring a conditional use must be submitted;

8.__MAILING LIST AND MAP– A complete and accurate mailing list of all adjacent property owners within 300 feet of the project site, along with a map showing the locations of the adjacent property owners, must be submitted as part of the application package;

9.__ SUBMITTAL REQUIREMENTS – 9 copies of the application form and a complete and accurate conditional use plan (or **9 copies** of a narrative describing the conditional use request may be submitted in lieu of the plan) must be submitted along with the appropriate fee and other submittal items listed above. The plan must be 11" by 17" in size.