



CITY OF OAK HARBOR
Development Services Department

**Consolidated Review
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 is a Consolidated Review Conditional Use application?

A consolidated review conditional use application is one that focuses on a conditional use that is required for the approval of other project permits. If a conditional use is needed in order for other project permits to be approved, the conditional use application should be submitted at the same time as the other permit applications. Pre-application meetings, review meetings and public hearings would then be combined so that only one pre-application meeting, one review meeting and one public hearing, etc. would be needed for all of the project permits being applied for at the same time.

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. Please explain in detail why your project meets the criteria for qualifying (page 8). 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 meeting 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 Hearing Examiner 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

If a conditional use permit is needed in order for other project permits to be approved, the conditional use application should be submitted at the same time as the other permit applications. Pre-application meetings, review meetings and public hearings would then be combined so that only one pre-application meeting, one review meeting and one public hearing, etc. would be needed for all of the project permits being applied for at the same time.

1. Pre-application meeting –The purpose of this meeting is to allow the applicant an opportunity to discuss the proposal with staff. The meeting is scheduled after the submittal of the pre-application form, **1 copy** of a proposed conditional use plan (24” by 36” in size) (or a narrative), the appropriate fee, and any other submittal items.
2. Conditional Use application submittal – After the pre-application meeting, the applicant must submit **10 copies** of the conditional use plan (24” x 36” in size) (or a narrative), which incorporates comments from the pre-application meeting. At the time of submittal, staff will set a date for the review meeting, during which a staff person from each department will be present to provide comments on, and requirements for, the proposed conditional use. After the review meeting, any and all comments and changes will need to be incorporated into the plan (or narrative) and resubmitted for review. If a meeting with the applicant is not deemed necessary, staff will notify the applicant.
3. Revised Conditional Use plan submittal – The last step in the conditional use application process involves submitting the revised conditional use plan (or narrative) for the Hearing Examiner meeting. After the review meeting, any and all comments and changes will need to be incorporated into the conditional use plan, and **10 copies** of the revised plan (or narrative) will need to be submitted for the public hearing before the Hearing Examiner. ***The revised conditional use plan (or narrative) must be submitted at least four weeks in advance of the open public hearing before the Hearing Examiner (or before the highest decision***

maker applicable if the conditional use application is being submitted with other applications that also require a public hearing).

Fees

Residential

- Pre-application fee: **\$434.00** (*subtracted from fee taken at time of conditional use application submittal*)
- Conditional use application submittal: **\$434.00**

Non-residential

- Pre-application fee: **\$434.00** (*subtracted from fee taken at time of conditional use application submittal*)
- Conditional use application submittal: **\$861.00**

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



Consolidated Review Conditional Use Review Process III

Submittal Requirement Lists for Pre-Application and 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 checklists identify required information for pre-application and conditional use 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”.

Pre-Application Submittal Requirements

- 1. COVERSHEET** – A coversheet listing the contents of the pre-application package;
- 2. APPLICATION FORM (separate)** – The pre-application form must be complete and the applicant must sign at least one original copy in ink;
- 3. APPLICATION FEE** – The fee for pre-application for a conditional use application must accompany the pre-application submittal packet;

4. __ CRITICAL AREAS IDENTIFICATION FORM.

5. __ PROPOSED CONDITIONAL USE PLAN (24" by 36" 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 size(s);
- ❑ Existing lot divisions;
- ❑ Existing and proposed utilities;
- ❑ Existing and proposed streets, sidewalks/curbs, etc.
- ❑ Existing and proposed landscaping.

**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.*

OR

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).***

6. __ SUBMITTAL REQUIREMENTS – 1 copy of the coversheet, the application form and a complete and accurate conditional use plan (or **1 copy** of a narrative describing the conditional use request may be submitted in lieu of the plan) must be submitted along with the appropriate fee. The plan must be 24" by 36" in size.

Conditional Use Submittal Requirements

1. **COVER SHEET** – A coversheet listing the contents of the application package;
2. **APPLICATION FORM (separate)** – The application form must be completed and the applicant must sign at least one original copy in ink;
3. **APPLICATION FEE** – The fee for a conditional use must accompany the application;
4. **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);***
5. **CONDITIONAL USE PLAN – ***
The conditional use plan must be 24” by 36” in size. Everything in the following list must be included on the plan:

CONDITIONAL USE PLAN REQUIREMENTS

- 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 size(s);**
- Existing lot divisions;**
- Existing and proposed easements;**
- Existing and proposed utilities;**
- 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;**
- The length and bearing of the boundary lines and lot lines must be shown. The map should be referenced to the State Plane coordinate system;**
- Topographic lines for the entire project site must be shown at no more than five-foot intervals;**

**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), the narrative that describes the conditional use request should be submitted in lieu of the plan.*

6. __LEGAL DESCRIPTION –

A legal description of the property requiring a conditional use must be submitted;

7. __CRITICAL AREAS IDENTIFICATION FORM – Critical areas reports identified during pre-application review.

8. __ASSOCIATED APPLICATIONS – Applications associated with the project, to the extent applicable (e.g. Shoreline, variances, conditional use, etc.) must be submitted with this application package;

9. __ENVIRONMENTAL REVIEW (SEPA) – Many applications are subject to review under the State Environmental Policy Act. If your proposal exceeds the following thresholds you will need to submit an environmental check list.

-Four dwelling units.

-For office, schools, commercial, recreational, service or storage buildings up to 4,000 square feet and more than 20 parking spaces.

-For landfills and excavations up to 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II or III forest practice.

10. __MAILING LABELS & LIST –

A complete and accurate mailing list and printed labels 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;

11. __SUBMITTAL REQUIREMENTS – 1 copy of a complete and accurate conditional use plan (24" by 36" in size), along with **1 copy each** of the application form, the project narrative (*this may also be submitted in lieu of the plan if it is not reasonable to map out the conditional use request*) and any other associated application forms*.

12. __PDF file (CD with all project documents) __

****Please refer to the pre-application meeting comments regarding any specific associated applications that may be needed along with the conditional use application.***

1 copy of each report and/or study required must be submitted**. Applicable reports/studies include (but are not limited to): stormwater design reports, wetland reports, shoreline studies, traffic impact studies, etc.

*****Please refer to the pre-application meeting comments regarding any specific reports/studies that must be submitted along with the conditional use application packet.***

NOTE: If a Public Hearing is required for this project, staff will request additional copies to present at meeting(s).

Chapter 19.67
CONDITIONAL USES

19.67.30 Criteria.

No conditional use shall be granted unless it meets the following criteria:

- (1) Are all special conditions for the particular use being met by the proposal?
(Certain uses have specific conditions listed when considered as a Conditional use. For example, the Residential Office district permits restaurants as a conditional use but it cannot have a drive-up window. If no specific conditions exists then state that none exists.)

- (2) Does the proposed use have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property?

- (3) Is the proposed use provided with adequate parking?
(list the parking requirement for the proposed as per the OHMC Sec 19.44.100 and also the number of parking spaces provided on the site. Refer to OHMC Sec 19.20.320 (10) for uses in the CBD District)

- (4) Is the proposed use served with adequate public streets, public utilities and facilities?

- (5) Does the proposed use meet the purpose and intent of the district in which it is to be located?

- (6) Does the proposed use meet goals and policies listed in the Oak Harbor Comprehensive Plan?