



**CONDITIONAL USE**

**CHECKLIST**

210 E 4<sup>th</sup> Street, LaCenter, WA

98629

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OFFICE USE ONLY

PERMIT NUMBER

## SUBMITTAL CHECKLIST

### A. REVIEW PROCESS

(1) Review of a technically complete application for conditional use permit is subject to a Type III process. See LCMC [18.30.100](#).

(2) Review of a technically complete application for a minor modification, alteration or expansion of a previously approved conditional use permit is subject to:

(a) The review process set out in the decision approving the existing conditional use, if any; or

(b) A Type II process. See LCMC [18.30.090](#).

(3) Revocation of an approved conditional use permit is subject to a Type III process. Revocation shall be initiated by the city clerk/treasurer by scheduling a hearing and issuing the required notice. Revocation shall not be the exclusive remedy for violation.

#### **Applicability**

Conditional use” shall mean a use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone.. If you have any questions after reading through this information, please contact the Community Development Department staff at 360.263.3654

(2) If a site plan review is part of an overall application (i.e., CUP) that is subject to a higher review process, the site plan review shall be considered in conjunction with the overall application.

#### **Type I Procedure (18.30.080)**

#### **Type III**

### **Procedure (18.30.100)**

(1) Hearing. An application subject to a Type III process will be considered at one or more public hearings before a city hearings examiner. The city clerk shall schedule a public hearing for an application within 78 calendar days after the date the city found the application was technically complete.

(2) Notice of Hearing. At least 14 calendar days before the date of the hearing, the city clerk shall mail public notice of the hearing as provided in LCMC [18.30.120](#). At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published and posted as provided in LCMC [18.30.120](#).

(3) Staff Report. At least seven calendar days before the date of the hearing, the director shall issue a written staff report regarding the application(s). The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The city clerk shall mail a copy of the staff report to the hearings examiner, the applicant, and the applicant's representative(s) and other parties who request it. Copies of the staff report also shall be available at City Hall seven days prior to the hearing and at the public hearing.

(4) Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearings examiner, except to the extent waived by the hearings examiner. A public hearing shall be recorded on audio or audiovisual tape.

(a) At the beginning of the hearing, the hearings examiner shall:

(i) State that testimony will be received only if it is relevant to the applicable standards and is not unduly repetitious;

(ii) Identify the applicable standards;

(iii) State that a witness may request that the hearings be continued or that the record be kept open for a period of time;

(iv) State that the hearings examiner must be impartial and whether the hearings examiner has had any ex parte contact or has any personal or business interest that could affect his impartiality regarding an application. The hearings examiner shall allow witnesses to challenge his or her impartiality;

(v) State whether the hearings examiner has visited the site;

(vi) State that persons who want to receive notice of the decision may sign a list for that purpose at the hearing and indicate where it is kept; and

(vii) Summarize the conduct of the hearing and the order of testimony.

(b) At the conclusion of the hearing on each application, the hearings examiner shall announce one of the following actions:

(i) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

(ii) That the public record is held open to a date and time certain. The hearings examiner shall state where additional evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing.

(iii) That the application(s) is/are taken under advisement, denied, approved, or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in this section; provided, the hearings examiner shall not make a final decision regarding the application(s) until at least 15 calendar days after the SEPA threshold determination under Chapter [18.310](#) LCMC is made.

(5) Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the hearings examiner shall submit to the city clerk a written decision regarding that application(s). The decision shall set out the relevant facts and applicable standards for the application(s) and a summary of how the application(s) complies with those standards based on the facts and evidence, including any conditions of approval.

(6) Notice of Decision. Within seven calendar days of the date of the decision, the city clerk shall mail a notice of decision as provided in LCMC [18.30.120](#).

(7) Appeal and Post-Decision Review. A final decision regarding an application subject to Type III process can be appealed pursuant to LCMC [18.30.130](#) and can be amended by post-decision changes pursuant to LCMC [18.30.150](#).

## **APPLICATION REQUIREMENTS FOR ALL REVIEWS:**

- 1. MASTER APPLICATION FORM:** Provide one (1) copy of the completed Master Land Use Application form with original signature(s) including the Reimbursement Form: The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application.
- 2. REIMBURSEMENT AGREEMENT:** Submit a completed Agreement to Pay Professional, Project Review, Inspection and Related Expenses form.
- 3. CHECKLIST:** Provide one (1) copy of this completed submittal checklist.

❑ **4. SUBMITTAL PACKET:** Submit one (1) paper copy of the application packet and one electronic copy (Thumb drive)

❑ **5. EXISTING CONDITIONS PLAN:** (If applicable) Submit an existing conditions plan drawn to a minimum scale of one-inch equals 200 feet on a sheet no larger than 24 inches by 36 inches and including one reduced 11-inch by 17-inch copy. The existing conditions plan shall at a minimum indicate the following:

- (i) Vicinity map showing location of subject site within the city of La Center and the surrounding existing street system;
- (ii) Property boundaries, dimensions and size of the subject site;
- (iii) Graphic scale of the drawing and the direction of true north;
- (iv) Zoning and uses of subject site and of properties within 100 feet of the subject site;
- (v) Current structural or landscaped setbacks;
- (vi) Location of on-site driveways and access points within 100 feet of the subject site;
- (vii) Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site;
- (viii) Location of existing aboveground electrical, telephone or utility poles and traffic control poles;
- (ix) Location of existing fire hydrants;
- (x) Location of existing structures within 100 feet of the site;
- (xi) Location, centerline and dimensions of existing public rights-of-way and easements on-site and within 100 feet of the site;
- (xii) Location, centerline and dimensions of existing private streets on-site and within 100 feet of the site;
- (xiii) Approximate on-site slopes and grades within 100 feet of the site;
- (xiv) Approximate location of significant natural conditions such as rock outcroppings, floodplain, drainage patterns and courses, slopes in excess of 25 percent, unstable ground, high seasonal water table or impermeable soils, areas of severe erosion potential, areas of weak foundation soils, areas of significant wildlife habitat, areas of known or suspected historic, cultural or archaeological resources and the location of trees or clusters of trees having a diameter of six or more inches measured four feet above grade;

❑ **6. SITE PLAN:** Submit a site plan to a minimum scale of one-inch equals 200 feet on a sheet no larger than 24 inches by 36 inches and including one reduced 11-inch by 17-inch copy. The site plan shall at a minimum indicate the following:

- (i) Property boundaries, dimensions and size of the subject site;(ii) Location, dimensions and height of proposed buildings;(iii) Location of building accesses;
- (iv) Proposed building and landscape setbacks;
- (v) Proposed project-phasing boundaries, if applicable;
- (vi) Legend indicating total site area, the total square footage of proposed building or structures including percentage of total site area, the total square footage amount of impervious area square footage including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated;
- (vii) Location of proposed access points including vehicular driveways and designated pedestrian access points including the proposed depth of the vehicular driveway throats;
- (viii) Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible. Demonstrate compliance with applicable state and federal guidelines including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions;
- (ix) Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas;
- (x) Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions;
- (xi) Location, centerline and dimensions of proposed on-site public or private streets and public and private easements;
- (xii) Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation;
- (xiii) The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas;

(xiv) Specialized site treatments including but not limited to pedestrian plazas, heavy duty paving, concrete score patterns, bicycle parking and outdoor seating areas;

- ❑ **7. LEGAL DESCRIPTION:** Legal description for the parcel(s) in question
- ❑ **8. CURRENT OWNERS DEED:** Most recent conveyance document (showing current ownership; deed)
- ❑ **9. PRE-APPLICATION CONFERENCE REPORT:** Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed
- ❑ **10. NARRATIVE:** Provide a narrative addressing applicable approval criteria listed in the Pre-Application Conference Report (if applicable).

Criteria for approval, minor modifications and revocations:

1) The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:

- (a) The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;
- (b) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
- (c) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the La Center Municipal Code;
- (d) The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:

- (a) Increased setbacks, lot size or yard dimensions;
- (b) Additional design features necessary to minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
- (c) Restrictions on the location, number and design of vehicular access points to the property;

- (d) Additional off-street parking or loading spaces;
- (e) Limits on the number, size, location, height and lighting of signs;
- (f) Limits on building height, coverage or location;
- (g) Restrictions on the hours, days, place and manner of operations;
- (h) Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
- (i) Limits on the location and intensity of outdoor lighting;
- (j) Requiring certain berming, screening, landscaping and/or fencing;
- (k) Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed;
- (l) Requirements for periodic review of the permit.

The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:

- (a) The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
- (b) The existing use is in compliance with all conditions of approval of the original permit;
- (c) Such modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use

The hearing examiner may revoke or amend a conditional use permit pursuant to a Type III process if he or she finds:

- (a) The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use permit or other applicable standards of the La Center Municipal Code; and

(b) The applicant has failed to remedy the alleged violation within a reasonable time required by the city clerk/treasurer or within 60 calendar days after the city clerk/treasurer mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first.

- 11. CLARK-COWLITZ FIRE RESCUE:** Clark-Cowlitz Fire Rescue (CCFR) collects a separate pre-application fee to cover their participation in the City's pre-application conference. Proof that the CCFR fee has been paid shall be submitted with this application. The conference will not be scheduled until this has been completed.

CCFR application website - [Clark Cowlitz Fire & Rescue \(geocivix.com\)](http://ClarkCowlitzFire.com)

### E. APPLICATION FEES:

Fees must be paid at the time of application via the online portal.

- Conditional Use Permit Minor** \$280.00
- Conditional Use Permit Major** \$900.00
- Amendment or Modification to existing CUP** \$320.00

Cost recovery (requires a reimbursement agreement); actual cost of staff, consultants, and/or hearing examiner plus 10%. This fee is applicable as part of a land use action or development review (i.e.: traffic study, preliminary/final plat review)

*By affixing my signature hereto, I certify under penalty of perjury that the information furnished herein is true and correct to the best of my knowledge. I have owner(s) permission to submit this application. I agree to hold harmless the City of La Center as to any claim (including costs, expenses and attorney's fees incurred in the investigation of such claim) which may be made by any person, including myself, and filed against the City of La Center, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as a part of this application. I understand and acknowledge that the City of La Center may charge me additional costs such as consulting fees, administrative costs and actual costs directly associated with processing this land use application.*

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Applicant's Name