



# City of North Plains

31360 NW Commercial St. North Plains, OR 97133

Ph. 503-647-5555 Fax 503-647-2031

Email: [info@northplains.org](mailto:info@northplains.org)

## PLANNING HANDOUT CONDITIONAL USE

### Introduction

#### ***What is a Conditional Use?***

A Conditional Use is a use of land or a structure that is normally appropriate in the zone where it is permitted, but due to the specifics of the use could cause a potential nuisance, health, or safety problem. For example, a drive through use is allowed by right in the C-2 Zone, however "Conditional Use" approval is required if the use is located in the C-1 Zone. This recognizes the drive-up may impact traffic in the more pedestrian oriented C-1 Zone. A Conditional Use application requires a public hearing before the Planning Commission.

#### ***Handout Information***

This Handout is part of a folder containing information to guide an applicant through the City's process. While comprehensive, an applicant may wish to read the applicable Code Sections included in the folder as well as information provided by City staff. This Handout includes the following information:

- 1) Process Steps
- 2) Decision Criteria
- 3) Public Hearings Procedures

Please use the following checklist to guide you through the process. **The steps in bold are those the applicant must complete.** The City is responsible for the remaining Steps, although an application should track each step.

- Step 1: Submit the Application**
- Step 2: Notice of Public Hearing
- Step 3: Staff Report
- Step 4: Participate in the Public Hearing**
- Step 5: Decision
- Step 6: Notice of Decision
- Step 7: Appeal of a Planning Commission Decision (if applicable)**

### Process Steps

**NOTE: Each Step references the appropriate Section from the North Plains Municipal Code. Steps that are the applicant's responsibility are in bold.**

#### **Step 1: Submitting the Application**

The process begins with the submittal of the application form and additional information listed on the form. Completed applications must be submitted to the City and include the required fee. It is important to note that it is the applicant's responsibility to submit the required material in support of the Conditional Use. However, the City staff is ready to assist wherever possible.

Within 30 calendar days of receiving an application the City determines whether the application is complete. However, in most cases, this is accomplished within one week. The City notifies the applicant whether the application is considered complete or incomplete. If the application is incomplete, the City notifies the applicant of specific deficiencies. The applicant may submit additional material to correct the deficiencies but remains subject to another completeness check. Once the City determines the application is complete, City staff will schedule a hearing before the Planning Commission.

#### Step 4: Notice of Public Hearing

The City will mail notice of the public hearing at least 20 calendar days before the scheduled hearing date to the following individuals:

1. The applicant and all owners or contract purchasers of record of the property that is subject of the application.
2. All property owners of record within 250-feet of the site.
3. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies.
4. The applicable road authority and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility.
5. Any neighborhood or community organization recognized by the City Council whose boundaries include the property proposed for development.
6. Any person who submits a written request to receive notice.

In addition, at least 14 business days before the hearing, notice of the hearing shall be printed in the *Hillsboro Argus*.

#### Step 5: Staff Report

City staff prepares a report for the Planning Commission, detailing the application and applicable “decision criteria.” Decision criteria are guideline, standards, or other requirements from the Zoning Code that apply to a specific application. An application must comply – or be able to comply with conditions – *with all* the criteria in order for the Planning Commission to approve the request. The report also provides a recommendation as to whether the Commission should approve the request, and if so, a list of recommended development conditions. Staff mails the report seven (7) calendar days prior to the public hearing to the applicant and interested parties who request copies. The public may also obtain a copy of the report from City Hall.

#### Step 6: Participate in the Public Hearing

The Planning Commission conducts the public hearing, often referred to as a “quasi-judicial” hearing. The Commission hears testimony from staff, the applicant, proponents, and opponents before making a decision to approve or deny the Conditional Use application. It is during the course of this hearing an applicant has the opportunity to present facts in support of the application, respond to question from the Planning Commission as well as testimony from opponents.

#### Step 7: Decision

Land use decisions are not based on popularity or the personal opinions of Planning Commission members. The Commission’s decision is based solely on the standards and criteria contained in the North Plains Zoning Code. *As noted, staff reviews these standards and criteria and includes these same criteria in the report to the Planning Commission.*

When making their decision, 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; or
3. Defer or continue the decision to a future meeting.

#### Step 8: Notice of Decision

The City mails notice of the decision to the applicant, all persons who submitted written comments or testified during the hearing or anyone who requested a copy of the decision.

#### Step 9: Appeal of a Planning Commission Decision

A Planning Commission decision may be appealed to the City Council within 15 calendar days from the date the Commission decision is mailed. This right to appeal is limited to those individuals who receive a copy of the notice. Whoever files the appeal has the burden of proof to support the appeal.