

# City of Ontario Planning and Zoning Application Form

Mailing: 444 SW 4<sup>th</sup> Street, Ontario, OR 97914

Community Development Center: 458 SW 3rd Street

Voice (541) 881-3222 or (541) 881-3224

Fax (541) 881-3251



## NON CONFORMING USE Conditional Use Permit

One or more “Round Table” discussions with the Preliminary Design Advisory Committee are a necessary step when a development of land is proposed and is highly recommended for all other types of proposals.

**FILE #** \_\_\_\_\_

**Date Received:** \_\_\_\_\_

**Fee: \$130.00 + \$120.00 = \$250.00**

**Time Received:** \_\_\_\_\_

(Mailing & Advertising: \$120.00)

**PDAC Date:** \_\_\_\_\_

**Accepted as Complete:** \_\_\_\_\_

### Scheduled for hearing(s)

Administrative decision \_\_\_\_\_

Planning Commission \_\_\_\_\_

Hearings Officer \_\_\_\_\_

City Council \_\_\_\_\_

### Applicant(s) – attach additional sheets as necessary

### Property Owner(s) – attach additional sheets as necessary

Name \_\_\_\_\_

\_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

\_\_\_\_\_

email \_\_\_\_\_

\_\_\_\_\_

signature \_\_\_\_\_

\_\_\_\_\_

**Specific use of Property:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Property information:

Address \_\_\_\_\_

Tax Map # \_\_\_\_\_

Tax Lot #(s) \_\_\_\_\_

Lot size \_\_\_\_\_

Zoning \_\_\_\_\_

Existing use \_\_\_\_\_

### OFFICE USE ONLY

**120 day time limit** Accepted as complete \_\_\_\_\_ Final decision by \_\_\_\_\_

**DLCD 45-day notice required:** Y/N\_\_\_\_ Date mailed \_\_\_\_\_ Date of first hearing \_\_\_\_\_

Notice of Pending Hearings Officer Decision or Hearing Date mailed \_\_\_\_\_

Notice to media Publication date \_\_\_\_\_ Emailed \_\_\_\_\_

Notice of Decision Date mailed \_\_\_\_\_ Appeal deadline \_\_\_\_\_

**Associated applications** \_\_\_\_\_



**10B-05-15 BURDEN, CRITERIA OF PROOF.**

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

**Staff will evaluate your proposal based on the criteria below. Please provide a written (Preferably typed) response addressing criteria Nos. 1-3, as they relate to your project and the applicable zone.** Criterion No. 4 relates to conditions that the City may attach to an approval in order to mitigate concerns, make the proposal more compatible with the neighborhood, or meet other City of Ontario, State or Federal regulations.

**10B-25-30 REQUIRED FINDINGS, DECISION CRITERIA.** Prior to making decisions on conditional use applications, the Hearing Officer shall analyze the following criteria and incorporate such analysis into his decision and findings:

1. The conditional use permit conforms to the requirements of this Title, including the site plan standards of this Title, and all other provisions of the City Code.
2. The site for the proposed use is adequate in size and shape to accommodate said use, and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to make the use compatible with surrounding uses in the neighborhood.
3. The site for the proposed use relates to streets and other public facilities adequately to accommodate the demands generated by the proposed use.
4. The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

**10B-25-35 AUTHORITY TO ATTACH CONDITIONS.** The Hearing Officer may impose such conditions as deemed necessary to secure the purpose of this Title, including but not limited to:

1. regulation of uses, special yard setbacks, structural coverage, and building height.
2. Requiring fences, walls, screens, landscaping, and maintenance beyond minimums established in this Title.
3. Improvement of the adjacent street system, including paving, curbs, sidewalks, and traffic signals.
4. Regulation of signs and lighting.
5. Regulation of noise, vibration, and odors.
6. Requiring provision of additional parking areas beyond minimums established in this Title.
7. Requiring rehabilitation or restoration plans.
8. Improvements or enlargement of public utilities and facilities serving the proposed use.
9. Regulation of hours of operation and duration of use or operation.
10. Requiring a time period within which the proposed use shall be developed.
11. Requiring bonds adequate to ensure performance of special conditions.
12. Dedication or enlargement of public utility and facility easements.
13. Each other condition as will make possible the development of the city in an orderly and efficient manner, and in conformity with the intent and purpose set forth in this Title.

**Incomplete applications, or insufficient information, may result in delay or denial of the application.**

## **SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:**

**The following additional data may be required at the discretion of the Planning or Public works Official:**

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and, the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9. The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:
  - a. Total area of the property in square feet.
  - b. Building coverage in square feet and percent total.
  - c. Parking lot in square feet and percent total.
  - d. Landscaped area in parking lot in square feet.
  - e. All other landscaped areas in square feet.
  - f. Number of parking spaces provided.
  - g. Number of residential units if appropriate.
  - h. Existing and proposed gross floor area in square feet.

**If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:**

- A. A description of the property and the specific action for which approval is sought
- B. Signature of owner
- C. Date of consent
- D. Party to whom consent is given
- E. Notarization of consent

**If you are providing large or detailed plans, please provide electronic copies with your application, or make arrangements to email them to staff.**

**Electronic copies of all written materials are appreciated if available.**

**Non Conforming Use Exception**

**FILE #** \_\_\_\_\_

**Applicant is:**

- \_\_\_\_\_ The owner of the property
- \_\_\_\_\_ The purchaser of the property under a duly executed written consent of the owner to make such application
- \_\_\_\_\_ A lessee in possession of the property who has the written consent of the owner to make such authorization
- \_\_\_\_\_ The agent of any of the above, who is duly authorized in writing by the principal

**AUTHORIZATION:**

I hereby consent that I am authorized to make the application for a non-conforming use exception conditional use permit and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date