



CITY OF PHILOMATH

980 Applegate Street

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Philomath, OR 97370

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www.ci.philomath.or.us

Fee: \$485

**APPLICATION FOR RESTORATION OF
ABANDONED NON-CONFORMING USE**

Applicant(s)

Name: _____ Contact Phone: _____

Mailing Address: _____

E-mail: _____

Name: _____ Contact Phone: _____

Mailing Address: _____

E-mail: _____

Interest in Property (Owner, Purchaser, Agent, etc.): _____

Other individuals you would like to be notified concerning this application:

<u>Name</u>	<u>Address</u>	<u>E-mail</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

General Property Information

Street Address: _____

Assessor's Map: _____ Tax Lot: _____ Zoning: _____

Existing Structures: _____

Current use(s) of the Property: _____

Describe the Proposed Conditional Use: _____

General Information

Pre-existing uses that do not conform to the current standards of the Philomath Development Code may be allowed to continue subject to meeting certain conditions. The Planning Commission may permit the restoration of a use for which the structure was originally designed or similar thereto, upon review of such request at a Public Hearing.

Required Application Information

A detailed description of the present use of the property and the proposed use, in a form sufficient to describe the following:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants;
- H. Narrative report or letter documenting compliance with all applicable approval criteria contained in the following criteria and standards:

Criteria, Standards and Conditions of Approval.

The City shall approve, approve with conditions, or deny an application for restoration of an abandoned non-conforming use based on findings of fact with respect to each of the following standards and criteria:

- A. Use Criteria.
 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
 2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
 3. All required public facilities have adequate capacity to serve the proposal.
- B. Site Design Standards. The criteria for Site Design Review approval for the zone in which the property is located shall be met.
- C. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:
 1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor

- and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
 4. Limiting the building height, size or lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design of vehicle access points or parking areas;
 6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
 8. Limiting the number, size, location, height and/or lighting of signs;
 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location and/or materials for fences;
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 18.55);

Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter 18.65.

Additional Responsibilities of the Applicant

It is the responsibility of the applicant to determine if wetlands are present on the property and to contact the appropriate state and federal permitting agencies prior to applying for a development permit from the City. If hydric soils are present on the property or if the property contains a wetland designated on the National Wetlands Inventory Map, the applicant must submit documentation to the City that: (1) A permit has been applied for from the Oregon Division of State Lands; or (2) The Division of State Lands has determined that no permit is necessary for the project.

City staff will assist the applicant in determining if the property contains hydric soils or is identified on the National Wetlands Inventory Map, but the City has no responsibility for determining if wetlands are present or if a state or federal permit is required.

Signature(s)

I hereby certify that the information contained in this application is accurate to the best of my knowledge; and that the proposed use would not violate any deed restrictions attached to the property. All owners of the property must sign this application or a statement authorizing the applicant to act for the owner must accompany the application.

Date

Date

Processing Information

This application will be reviewed at a public hearing before the Planning Commission. Surrounding property owners will be notified of the application and given an opportunity to submit evidence and testify at the hearing. The City will also send notices of the hearing and final decision to the applicant, affected government agencies, owners of land within 250 feet of the boundaries of the property, and all other persons who participate in the proceedings. If the application is approved, Conditions of Approval specified in the Notice of Decision must be satisfied within the time specified in the approval.

Anyone who submitted written testimony or oral testimony to the Planning Commission may appeal a decision of the Planning Commission to the City Council by filing an appeal application with the City within 14 days of the decision.

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____

File Number Assigned: _____ Date Application Deemed Complete: _____