



CHECKLIST – CONDITIONAL USE APPROVALS

- _____ 1. Determine that the land use ordinance allows the requested use as a conditional use in the zone where the property is located.
- _____ 2. Determine that the application contains the information required by ordinance for processing the conditional use application.
- _____ 3. Determine that all application fees been paid.
- _____ 4. Place the item on an agenda for the land use authority, if it is a board or commission.
- _____ 5. Provide the required notice of a public meeting (or, if required by local ordinance, public hearing) to consider the application. State law requires no specific notice for conditional use permits. If the land use authority is the planning commission or the council, the Open and Public Meetings Act requires 24 hours notice prior to a public meeting.
- _____ 6. Provide the applicant with the staff report three days in advance of the public meeting or hearing before the land use authority.
- _____ 7. Review only those standards that are written in the ordinance that apply to the consideration of the application. (If there are no standards, approve the application as if it were a permitted use without imposing conditions.)
- _____ 8. Conduct the meeting or hearing that is required by the ordinance as part of the consideration of the application.
- _____ 9. The land use authority should consider only the application, the relevant and credible evidence that concerns the negative aspects of the proposed use in the proposed location, and only to the extent that the ordinance requires mitigation for specific aspects of a use (i.e. traffic, noise, smell, light, etc.)
- _____ 10. After considering the ordinance-based standards and the evidence, identify the potentially negative aspects of the proposed use in the proposed location.

- _____ 11a. Either:
- a) approve the use as proposed; or
 - b) if appropriate impose reasonable conditions supported by substantial evidence in the record that cause the application to:
 - i. Comply with the standards in the ordinance; and
 - ii. Mitigate the potentially negative aspects of the proposed use that are required by standards in the ordinance; or
 - c) Deny the use and adopt findings supported by substantial evidence in the record why the application:
 - i. Does not comply with the standards in the ordinance, and
 - ii. Cannot be mitigated by additional conditions.

_____ 12. Preserve the record of the proceedings to document the law and evidence that was considered by the land use authority before it made a decision related to the application.

NOTE:

Exactions.

An exaction is a requirement to donate land or infrastructure to the municipality that is imposed on an applicant as a condition of development approval. An exaction requirement is allowed only to offset the off-site impacts of the proposed development. To be legal, an exaction must be roughly proportionate in kind and quality to the cost of the impact of the development on the municipality.

An application is not subject to an involuntary exaction, which is not authorized in an ordinance.