

CONDITIONAL USE PERMIT CHECKLIST

INTENT: A Conditional Use Permit (CUP) is for certain uses, while generally not suitable in a particular development review district that may, under certain circumstances, be acceptable. When such circumstances can be demonstrated by the applicant to exist, a conditional use permit may be granted by the Town Council. Conditions may be applied to the issuance of the permit and periodic review may be required. No conditional use permit shall be granted for a use which is not specifically designated as a conditional use in this title.

CONDITIONAL USE PERMIT REVIEW:

1. The Town Council, in approving a conditional use permit, shall review the application against the review requirements of a site plan.
2. In addition to the review criteria of a site plan, the Town Council shall, in approving a conditional use permit, determine favorably as follows under **REQUIREMENTS**.
3. The Town Council shall, in addition to all other conditions, impose the following general conditions upon every conditional use permit granted:
 - That the right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure; and
 - That all of the special conditions shall constitute restrictions running with the land use, shall apply and be adhered to by the owner of the land, successors or assigns, shall be binding upon the owner of the land, his successors or assigns, shall be consented to in writing, and shall be recorded as such with the County Clerk and Recorder's Office by the property owner prior to the issuance of any building permits, final site plan approval or commencement of the conditional use.
4. The Town Council will hold a public hearing, after the required legal notices have been given, to give the public an opportunity to be heard upon the matter.
5. Applications for conditional use permits may be approved, conditionally approved or denied by motion of the Town Council. If an application is denied, the denial shall constitute a determination that the applicant has not shown that the conditions required for approval do exist.
6. The applicant shall be notified in writing of the action taken by the Town Council within ten working days of its action. If the conditional use permit has been granted the notification shall include any conditions, automatic termination date, period of review or other requirements. If the conditional use permit has been granted, the permit shall be issued upon the signature of the Town staff after completion of all conditions and final site plan.
7. Any aggrieved person as set forth in Chapter 10 of the Culbertson Interim Development Review Ordinance may appeal the decision of the Town Council.

CONDITIONAL USE PERMIT REQUIREMENTS:

1. That the site for the proposed use is adequate in size and topography to accommodate such use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate such use with the land and uses in the vicinity;
2. That the proposed use will have no material adverse effect upon the abutting property. Persons objecting to the recommendations of Town staff carry the burden of proof;
3. Relationship of site plan elements to conditions both on and off the property, including:
 - Compatibility with, and sensitivity to, the immediate environment of the site and the adjacent neighborhoods and other approved development relative to architectural design, building mass and

- height, neighborhood identity, landscaping, historical character, orientation of buildings on the site and visual integration;
 - Design and arrangement of the elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) so that activities are integrated with the organizational scheme of the community, neighborhood, and other approved development and produce an efficient, functionally organized and cohesive development;
 - Design and arrangement of elements of the site plan (e.g., buildings circulation, open space and landscaping, etc.) in harmony with the existing natural topography, natural water bodies and water courses, existing vegetation, and to contribute to the overall aesthetic quality of the site configuration;
4. Pedestrian and vehicular ingress, egress and circulation, including:
 - Design of the pedestrian and vehicular circulation systems to assure that pedestrians and vehicles can move safely and easily both within the site and between properties and activities within the neighborhood area;
 - Non-automotive transportation and circulation systems design features to enhance convenience and safety across parking lots and streets, including, but not limited to, paving patterns, grade differences, landscaping and lighting;
 - Adequate connection and integration of the pedestrian and vehicular transportation systems to the systems in adjacent developments and general community; and
 - Dedication of right-of-way or easements necessary for streets and similar transportation facilities;
 5. Landscaping, including the enhancement of buildings, the appearance of vehicular use, open space and pedestrian areas, and the preservation or replacement of natural vegetation;
 6. Open space, including:
 - The enhancement of the natural environment;
 - Precautions being taken to preserve existing wildlife habitats or natural wildlife feeding areas;
 - If the development is adjacent to an existing or approved public park or public open space area, have provisions been made in the site plan to avoid interfering with public access to and use of that area;
 - Provided recreational area suitably located and accessible to the residential units it is intended to serve and adequate screening provided to ensure privacy and quiet for neighboring residential uses.
 7. That any additional conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. Such conditions may include, but are not limited to:
 - Regulation of use;
 - Special yards, spaces and buffers;
 - Special fences, solid fences and walls;
 - Surfacing of parking areas;
 - Requiring street, service road or alley dedications and improvements or appropriate bonds;
 - Regulation of points of vehicular ingress and egress;
 - Regulation of signs;
 - Requiring maintenance of the grounds;
 - Regulation of noise, vibrations and odors;
 - Regulation of hours for certain activities;
 - Time period within which the proposed use shall be developed;
 - Duration of use;
 - Requiring the dedication of access rights; and
 - Other conditions necessary to develop the Town in an orderly and efficient manner.

CONDITIONAL USE PERMIT CHECKLIST

9 SETS PRELIMINARY AND 5 SETS FINAL REQUIRED	Yes	No	N/A
1. Development Application Form.			
2. Site Plan Checklist.			
3. Site Plans.			

DEVELOPMENT REVIEW APPLICATION

1. Name of Project:					
2. Property Owner Information:					
Name:			Email:		
Mailing Address:					
Phone:			Fax:		
3. Applicant Information:					
Name:			Email:		
Mailing Address:					
Phone:			Fax:		
4. Representative Information:					
Name:			Email:		
Mailing Address:					
Phone:			Fax:		
5. Street Address of Project:					
6. Legal Description:					
Type of project: (Check all that apply)					
	Demolition		Landscaping		Soils (Remove/Replace)
	Excavation		Fencing		Grading
	Construction		Signs (Installed/Removed)		Other (please specify) _____
7. Project Description:					
9. Current Land Use(s):					
10. Proposed Land Use(s):					

As indicated by the signature(s) below, the property owner(s), applicant(s) and representative(s) submit this request for review under the terms and provisions of the Culbertson Municipal Code. It is further indicated that any work undertaken to complete a development, approved by the Town of Culbertson shall be in conformance with the requirements of the Culbertson Municipal Code and any special conditions established by the approval authority. This development shall be in conformance with building and fire codes including required building and occupancy permits.

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.	
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Applicant's Signature:	Date:
Applicant's Signature:	Date:
Representative's Signature:	Date:
Representative's Signature:	Date:

FOR OFFICE USE ONLY:	
Date Request Received:	
Initials of Recipient:	
Name of Reviewer:	
Geocode:	
Change of Use Proposed?	
Floodplain?	

Town of Culbertson
P.O. Box 351
Culbertson, MT 59218

Exhibit "A"
Development Review Fee Schedule

Application Type	Review Fee	Advertising Fee	Number of Sets
Sketch Plan	\$150.00	None	3
Preliminary Site Plan	\$800 + \$100/hr after 8 hours	None	12
Preliminary CUP	\$800 + \$100/hr after 8 hours	\$100 (2 ads)	12
Final Site Plan	\$300 + \$100/hr after 3 hours	None	5
Final CUP Plan	\$300 + \$100/hr after 3 hours	None	5
Variance	\$500.00	\$100 (2 ads)	12
Administrative Appeal	\$250.00	\$100 (2 ads)	12
Informal Review	\$100.00	None	12
Public Agency Exemption	\$100.00	\$100 (2 ads)	12
Land Use Map Amendment (LUMA)	\$500.00	\$50 (1 ad)	12
LUMA-initial (with Annexation)	\$300.00	\$50 (1 ad)	12
Ordinance Text Amendment	\$500.00	\$50 (1 ad)	12

* Conditional Use Permit (CUP)

*Land Use Map Amendment (LUMA)

The Applicant is financially responsible for actual outside engineering, consulting, professional and/or contracted services fees, etc. at the sole discretion of the Town of Culbertson for the review of development applications. Additional review fees beyond those described shall be collected by the Town Clerk. A Development Review permit may be revoked by the Town Council if the applicant does not pay the required review fee as issued by the Town Clerk.

December 2018