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# - REASONABLE USE EXCEPTION - (Public Projects) SUPPLEMENTAL APPLICATION FORM

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## OFFICE USE ONLY

Application No: LUP \_\_\_\_\_ Is a Master Land Use Application form attached?  Yes  No

If no, do not accept this form.

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**Name of Project:** \_\_\_\_\_

### **Purpose:**

Any public agency or city department claiming that strict application of Chapter 18.24 NMC, Critical Areas, would deny construction of a public project may be granted a critical areas reasonable use exception – public project, subject to the criteria listed below.” (NMC 18.44.047)

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*Note: All fields must be completed, including blank lines and check boxes. Any check box marked “no” that is demarcated by an asterisk could result in the application being deemed incomplete.*

### **Pre-application Conference:**

As a Type III application, has a pre-application conference been held with the City of Newcastle within the past 12 months pertaining to this proposal as required by NMC 19.09.010(A)?

Yes  No\*

If no, do not submit this application; apply for a pre-application conference.

Date of Pre-application Conference: \_\_\_\_\_  
month      date      year

Does this proposal reflect the comments provided by the City at the pre-application conference?  Yes  No

If you answered “No” to the above question, please explain:

**Reasonable Use Exception (RUE) Request:**

Please describe why the reasonable use exception that is requested is necessary for the public project to be built (attach additional sheet if necessary):

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**Associated Development Applications:** Is an associated site development application submitted concurrent with this application?  Yes  No

If yes, to which of the following development applications does this RUE application pertain?

- Essential Public Facility
  - Special Use Permit
  - Conditional Use Permit
  - Building Permit (Provide Building Permit Application Number \_\_\_\_\_)
  - Other (describe) \_\_\_\_\_
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**Reasonable Use Exception Statement Letter:**

This application requires that you include a statement letter addressing the decision criteria for a reasonable use exception as defined in NMC 18.44.048 and as stated below. Is a statement letter (narrative) addressing the RUE criteria submitted with this application?  Yes  No\*

RUE – Public Project Decision Criteria (NMC 18.44.047):

1. There is no other practical alternative to the proposed development with less impact on the critical area; and
2. The proposal minimizes the impact on critical areas.

NOTE: This exception shall not allow the use of the following critical areas for regional retention/detention facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:

1. Class 1 streams or buffers;
  2. Category I wetlands or buffers with plant associations of infrequent occurrence; or
  3. Category I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat. (NMC 18.44.047(C))
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**Applicant's Statement:** I \_\_\_\_\_ (name) hereby affirm, under penalty of perjury, that I am the applicant of this proposal and that the property(ies) affected by this application, including any easements, is(are) under my exclusive ownership, or that this application has been submitted with the consent of all owners of the affected property(ies), including any easements. I further hereby affirm that the foregoing statements and answers are in all respects true and correct as to my understanding and belief as to those matters.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_