

Chapter 18.5.4 – Conditional Use Permits

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18.5.4.010 Purpose

The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

18.5.4.020 Applicability

Chapter 18.5.4 applies to land use actions involving a conditional use as designated in section 18.2.2.030. Certain uses are permitted in each zoning district only as conditional uses, and conditional uses are identified in chapter 18.2.2 Base Zones and Allowed Uses. No conditionally permitted use may be established, enlarged or altered unless the City first issues a conditional use permit in accordance with the provisions of this chapter.

18.5.4.030 Review Procedure

Applications for Conditional Use Permits are reviewed as follows.

A. Type I Reviews. The following Conditional Use Permits are subject to Type I review in chapter 18.5.1.050.

1. Conditional Use Permits involving existing structures or additions to existing structures, and not involving more than three residential dwelling units.
2. Temporary uses, as defined in chapter 18.6.
3. Government signs per section 18.4.7.
4. Wireless communication facilities per section 18.4.10.

B. Type II Reviews. Conditional Use Permits not listed in subsection 18.5.4.030.A, above, are subject to Type II review in section 18.5.1.060.

18.5.4.040 Application Submission Requirements

An application for a Conditional Use Permit shall be submitted by the owner of the subject property or authorized agent on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below.

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- A. General Submission Requirements.** Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
- B. Plan Submittal.** The plan or drawing accompanying the application shall include the following information.
1. Vicinity map.
 2. North arrow and scale.
 3. Depiction and names of all streets abutting the subject property.
 4. Depiction of the subject property, including the dimensions of all lot lines.
 5. Location and use of all buildings existing and proposed on the subject property and schematic architectural elevations of all proposed structures.
 6. Location of all parking areas, parking spaces, and ingress, egress, and traffic circulation for the subject property, including accessible parking by building code.
 7. Schematic landscaping plan showing area and type of landscaping proposed.
 8. A topographic map of the site showing contour intervals of five feet or less.
 9. Approximate location of all existing natural features in areas which are planned to be disturbed, including, but not limited to, all existing trees of greater than six inches DBH, any natural drainage ways, ponds or wetlands, and any substantial outcroppings of rocks or boulders.

18.5.4.050 Approval Criteria

- A. Approval Criteria.** A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
 2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
 3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
 - a. Similarity in scale, bulk, and coverage.
 - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

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- c. Architectural compatibility with the impact area.
 - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - e. Generation of noise, light, and glare.
 - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
 - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
 5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
 - a. *WR and RR*. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - b. *R-1*. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - c. *R-2 and R-3*. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.
 - d. *C-1*. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - e. *C-1-D*. The general retail commercial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 1.00 gross floor to area ratio, complying with all ordinance requirements.
 - f. *E-1*. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
 - g. *M-1*. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.
 - h. *CM-C1*. The general light industrial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.50 gross floor to area ratio, complying with all ordinance requirements.
 - i. *CM-OE and CM-MU*. The general office uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area, complying with all ordinance requirements.
 - k. *CM-NC*. The retail commercial uses listed in chapter 18.3.2 Croman Mill District, developed at an intensity of 0.60 gross floor to area ratio, complying with all ordinance requirements.
 - l. *HC, NM, and SOU*. The permitted uses listed in chapters 18.3.3 Health Care Services, 18.3.5 North Mountain Neighborhood, and 18.3.6 Southern Oregon University District,

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respectively, complying with all ordinance requirements.

B. Conditions of Approval. The approval authority 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, one or more of the following.

1. Limiting the hours, days, place, and/or manner of operation.
2. Specifying the period of time within which the proposed use shall be developed.
3. Limiting the duration of use.
4. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust, in addition to the requirements of part 18.4 Site Development and Design Standards.
5. Requiring larger setback areas, and/or building separation.
6. Requiring architectural design features such as building materials, textures, colors, and architectural features that address architectural compatibility with the impact area.
7. Designating the size, number, location, and/or design of vehicle and pedestrian access points or parking and loading areas.
8. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable, consistent with the requirements of chapter 18.4.6 Public Facilities. Alternatively, the City may require the owner sign a non-remonstrance agreement and consent to participate in the costs of providing such improvements, per section 18.4.6.030.
9. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas, in addition to the requirements of part 18.4 Site Development and Development Standards.
10. Regulation of building materials, textures, colors, and architectural features.
11. Limiting the number, size, location, height and/or lighting of signs;
12. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting.
13. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance.
14. Requiring and designating the size, height, location, and/or materials for fences and walls.
15. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.
16. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards.
17. The approval authority may require renewal of Conditional Use Permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the Conditional Use

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Permit to ensure compliance with conditions of approval; such period review may occur through a Type I or Type II review process, pursuant to chapter 18.5.1.

18.5.4.060 Expiration; Revocation; Abandonment

Unless a longer period is specifically allowed by the approval authority, Conditional Use Permits are subject to sections 18.1.6.030 Permit Expiration and 18.1.6.040 Permit Extension. A conditional use is deemed void if discontinued or abandoned for a period of six consecutive months.

18.5.4.070 Modifications to Conditional Use Permits

Modifications to conditional use permits are subject to chapter 18.5.6.