

CONDITIONAL USE
APPLICANTS STATEMENT

The approval or denial of a land use application is based solely on compliance with the decision criteria contained within the Zone Code. The decision criteria for a conditional use are listed below. It is presented in a question and answer format to assist you in completing the application. It is very important to answer the questions as completely as possible. You may use a separate sheet of paper if additional space is needed.

1. **PURPOSE:** A conditional use is an activity which is basically associated with other uses permitted in the zone, but due to some of the characteristics of the conditional use, which are not entirely compatible with the zone, such use would otherwise not be permitted in the zone. Through the placement of the conditions such uses may be compatible with other uses, and be in harmony with the intent and purpose of the zone.

2. **POWER TO GRANT A CONDITIONAL USE.** The Planning Commission shall have the power to recommend to the City Council the granting of conditional uses listed in this Ordinance.

3. **PROCEDURES:** A conditional use is a land use action. The procedures governing a request for a conditional use are set forth in Chapter 3 of the zone code ordinance and the applicable criteria noted below.

4. **CONDITIONAL USE CRITERIA:** According to the Zoning Ordinance, section 6.030, a conditional use may be granted only if the following criteria are met:

a) Is the proposed use identified as a conditionally permitted use in the zone in which the subject property is located?

b) Is the subject lot or parcel physically capable of accommodating the proposed conditional use?

c) Granting of the conditional use can not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood, or adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant. ~~It~~ Explain how the proposed conditional use will not seriously interfere with existing or allowed uses on property within the vicinity of the subject property.

d) Will the granting of this conditional use be consistent with the purpose of the zone in which the subject property is located and with the applicable Comprehensive Plan designation and policies?

5. **CONDITIONS OF APPROVAL.** Conditions identified in the zone=ordinance (section 5.060 (B)) may be placed on any approved conditional use request. Those conditions can be all, some or none of the following:

- a) Dedication of right of way for public streets, utility easements, etc.
- b) Improvement of private roadways or public streets, including bike paths, curbs and sidewalks.
- c) Provision of storm drainage facilities.
- d) Extension of public facilities, including over-sizing, to permit development on other lands.
- e) Provision of fire suppression facilities and equipment.
- f) Provision of traffic control facilities.
- g) Special building setbacks, orientation, landscaping, fencing, berming and retention of natural vegetation.
- h) Special locations for loading, parking, access routes, or any outdoor activity that could impact adjacent property.
- i) Financial contributions to public agencies to offset increased costs for providing services or facilities related to the intensification of the use of the property.

6. **LIMITING CONDITIONAL USES:** In recommending to the City Council approval of a conditional use, the Planning Commission may recommend the imposition of conditions other than those listed in section 5.060 (B). Such conditions shall include, but not be limited to, limitations on the duration of the conditional use, restrictions on the dimensions of structures, and restrictions regarding the location of structures. Such conditions shall apply to the applicant for the conditional use and to any purchasers, renters, lessees, or subsequent owners of the subject property. A violation of such conditions shall constitute a violation of the Ordinance.

7. **EFFECTIVE DATE OF CONDITIONAL USE:** A conditional use granted by the City Council under the provisions of this Ordinance shall become effective twelve (12) days after the mailing of notice of the City Council's action unless such

action is appealed to the City Council. An appeal of the City Council's decision shall stay such action until the appeal has been heard by the Oregon Land Use Board of Appeals (LUBA).

8. EXERCISE OF A CONDITIONAL USE/APPROVAL EXTENSIONS: A conditional use granted under the provisions of the Ordinance shall be effective only if exercised within 180 days of the effective date. Failures to exercise the conditional use within 180 days of the effective date renders the conditional use void. Extensions of this time period may be granted by a majority vote of the Planning Commission. Such extensions shall not exceed 180 days. Requests for such extensions shall be submitted in writing to the City recorder at least 30 prior to the expiration of the effective period of the conditional use.

9. CESSATION OF A CONDITIONAL USE: The discontinuance of any activity authorized by a conditional use for a continuous period exceeding 180 days shall be deemed an abandonment of such conditional use. The property affected by the conditional use shall thereafter be subject to all of the applicable provisions and requirements of this Ordinance.

10. TRANSFER OF A CONDITIONAL USE: Unless otherwise provided in the final decision granting the conditional use, an approved conditional use shall run with the land, and shall automatically transfer to any new owner or occupant.