

**DETAILED TABLE OF CONTENTS**  
**CHAPTER 5 CONDITIONAL USE REVIEW**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
5.010	PURPOSE	5-1
5.020	AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES, AND STANDARDS AND CRITERIA USED	5-1
5.030	CONDITIONS	5-2
5.040	REVOCATION OF CONDITIONAL USE PERMIT	5-3
5.050	PRE-EXISTING USES CLASSIFIED AS CONDITIONAL USES IN THIS ORDINANCE	5-3
5.060	CRITERIA FOR CERTAIN TRANSPORTATION FACILITIES AND IMPROVEMENTS	5-4



## CHAPTER 5 CONDITIONAL USE REVIEW

### SECTION 5.010 Purpose

A conditional use is an activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be approved through the Administrative Action procedure to ensure that the use is compatible with the permitted uses in a zone and consistent with the general and specific purposes of this Ordinance and the Wasco County Comprehensive Plan. Conditions of approval may be imposed to ensure that any use may be made compatible with surrounding uses and that non-resource uses permitted in resource areas do not interfere with accepted resource management practices.

### SECTION 5.020 Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A. The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.
- B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.
- C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.
- D. The proposed use will not unduly impair traffic flow or safety in the area.
- E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

- F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
- G. The proposed use will not adversely affect the air, water, or land resource quality of the area.
- H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.
- I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.
- J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)
- K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

#### SECTION 5.030 Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D). Such conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size, or location of a building or other structure.
- D. Designating the size, number, location, and nature of vehicle access points.
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
- F. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- G. Limiting the location and intensity of outdoor lighting and requiring its shielding.

- H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- I. Designating the size, height, location and materials for a fence.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural, historic, or cultural resources.
- K. Other conditions to permit the development of the County in conformity with the intent and purpose of the conditional classification of uses.

**SECTION 5.040 Revocation of Conditional Use Permit (added 2-89)**

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.
- B. Notice of public hearing pursuant to Section 2.080 shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.

**SECTION 5.050 Pre-existing Uses Classified as Conditional Uses in this Ordinance.**

A use or structure existing prior to the affective date of this ordinance and classified in this ordinance as a conditional use in subject to the following restrictions:

- A. The use may continue as this ordinance defines and allows as though it had been granted conditional use approval. Any change or alteration to structures or area related to the pre-existing use shall conform to the development standards of the current zoning designation. (Revised 1-92)
- B. If the use or structure is destroyed by fire, other casualty or natural disaster, restoration or replacement shall be permitted, provided restoration or replacement is commenced within one year from the occurrence of fire, casualty, or natural disaster. Restoration shall substantially conform to the use as it existed prior to the fire, casualty, or natural disaster. Beyond one year, a conditional use permit must be obtained, as required by Chapter 2 of this ordinance, prior to restoration or replacement.

SECTION 5.060 Criteria for Certain Transportation Facilities and Improvements.

- A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted Wasco County Transportation System Plan (“TSP”) or (2) not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the Conditional Use Review provisions of this ordinance and satisfaction of all of the following criteria:
1. The project and its design are consistent with the County’s adopted TSP and consistent with the State Transportation Planning Rule, OAR 660-012 (“the TPR”).
  2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
  3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.
  4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP.
- B. State transportation system facility or improvement projects. The Oregon Department of Transportation (“ODOT”) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in this Section. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
- C. Proposal inconsistent with TSP/TPR. If the County determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
1. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the

conditional use application; or

2. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
3. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 215.429 120/150-day period within which to complete all local reviews and appeals once the application is deemed complete; or
4. If the County's determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.