

ARTICLE 5.2 **CONDITIONAL USES**

SECTION 5.2.100. Conditional Uses.

- A. Hearings Body Conditional Uses (C). A Hearings Body conditional use is a use or activity which is basically similar to the uses permitted in a district but which may not be entirely compatible with the permitted uses. An application for a conditional use requires review by the Hearings Body to insure that the conditional use is or may be made compatible with the permitted uses in a district and consistent with the general and specific purposes of this Ordinance.

- B. Administrative Conditional Uses (ACU). An Administrative Conditional use is a use or activity with similar compatibility or special conservation problems. An application for an administrative conditional use requires review by the Planning Director to insure compliance with approval criteria.

SECTION 5.2.200. RESERVED (OR 08-11-012PL 3/9/09)

SECTION 5.2.250. Application Made By Transportation Agencies. A

transportation Agency may submit an application to the Planning Department for a permit or zoning authorization required for a transportation project without landowner consent otherwise required by this ordinance. A transportation agency must mail certified notice to the Planning Department and any owner of land upon which the transportation project would be constructed at least ten (10) days before submitting an application to the Planning Department. Said notice shall state the transportation agency's intent to file the application and must include a map, brief description of the proposed transportation project, and a name and telephone number of an official with the transportation agency available to discuss the proposed project.

A transportation agency (applicant) must comply with all applicable requirements of this ordinance; however, a property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

Notwithstanding any other requirement of this ordinance, approvals granted to a transportation agency for a transportation improvement shall not become effective until the subject property is acquired for the project. Any permit will be effective for two (2) years unless a request for renewal for another two (2) years is received from the transportation agency within the 2 year period, in which case renewal will be automatic to a maximum of 5 renewals. [OR-92-07-012PL]

SECTION 5.2.300. RESERVED (OR 08-11-012PL 3/9/09)

SECTION 5.2.400. Process for Conditional Uses. A conditional use may be initiated by filing an application with the Planning Department using forms prescribed by the Department.

Upon receipt of a complete application, the Planning Department may take action on a conditional use request by issuing an administrative decision or scheduling a public hearing as determined by the applicable zoning.

The Planning Director, may at his or her discretion, refer any administrative conditional use to the Hearings Body. If such a referral is made the process for review and decision shall be the same as a conditional use otherwise reviewed by the Hearings Body.

SECTION 5.2.500. Criteria for Approval of Applications. An application for a conditional use or an administrative conditional use shall be approved only if it is found to comply with this Article and the applicable review standards and special development conditions set forth in Tables 4.2-a through 4.2-f, and Table 4.3-a and any other applicable requirements of this Ordinance.

SECTION 5.2.600. RESERVED (OR 08-11-012PL 3/9/09)

SECTION 5.2.700. RESERVED (OR 08-11-012PL 3/9/09)

SECTION 5.2.800. RESERVED (OR 08-11-012PL 3/9/09)

SECTION 5.2.825. RESERVED (OR 08-11-012PL 3/9/09)

SECTION 5.2.900. Validity of Conditional Uses. All conditional uses, except for land divisions, remain valid for the period set forth in ORS 215.417. Any conditional use not initiated within said time frame may be granted one extension as specified in ORS 215.417 provided that:

1. An application for said extension is filed with the Planning Department prior to the expiration of the deadline. The applicant must state the reasons that prevented him from beginning or continuing development within the approval period; and
2. The Planning director finds:
 - a. that there have been no substantial changes in the land use pattern of the area or other circumstances sufficient to cause a new conditional use application to be sought for the same use; and
 - b. that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Additional extensions granted are ministerial decisions and not a land use decisions as described in ORS 197.015 and are not subject to appeal as land use decisions per OAR 660-33-140(3). (OR-93-12-017PL 2-23-94) (OR-95-05-006 PL 11-29-95) (OR 05-01-002PL 3-21-05).