

Chapter 4.4 - Conditional Use Permits

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4.4.100 Purpose

The purpose of a Minor Conditional Use Permit and Conditional Use Permit is to review uses that may be permitted in the underlying zoning district but which because of their size, operation, or other characteristics require review on a case-by-case basis. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable to protect the health, safety, general welfare and well-being of the persons residing or working in the neighborhood or for the general welfare of the City.

4.4.200 Application Submittal Requirements

In addition to the submission requirements required in Chapter 4.1, an application for a Minor Conditional Use Permit or Conditional Use Permit approval shall include the following existing and proposed information (A-K) as deemed applicable by the Community Development Director or designee and in compliance with the Development Code:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Floor plans and elevations;
- F. Signs: location, size, height and type of illumination;
- G. A copy of all restrictions or covenants.
- H. Narrative or letter documenting compliance with all applicable approval criteria in Section 4.4.400.
- I. Preliminary title report or equivalent up to six months old
- J. Pdf's of all drawings.
- K. Any additional information deemed necessary by the Community Development Director or designee.

4.4.300 Approval Process

- A. Initial Application. An application for a Minor Conditional Use Permit shall be processed as a Type II procedure and a Conditional Use Permit shall be processed as a Type III procedure (Chapter 4.1). The application shall meet submittal requirements in Section 4.4.200 and the approval criteria in Section 4.4.400.
- B. Either the Community Development Director or the applicant shall have the right to refer a Minor Conditional Use Permit application directly to the Planning Commission in lieu of the normal process for Minor Conditional Use Permits.

4.4.400 Conditional Use Permit Approval Criteria

Approval Criteria. The Planning Commission (Conditional Use Permit) or Community Development Director or designee (Minor Conditional Use Permit) shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the City. The City shall approve, approve with conditions, or deny an application for a Minor Conditional Use Permit or Conditional Use Permit based on the following criteria:

- A. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
- B. The location, design, and site planning of the proposed use will provide a convenient, attractive and functional living, working, shopping or civic environment.
- C. The proposed use is in conformance with this Development Code.
- D. The criteria for Site Design Review approval (4.2.500) shall be met.

4.4.500 Conditions of Approval

The City 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, the following:

- A. Limiting the hours, days, place and/or manner of operation;
- B. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- C. Requiring larger setback areas, lot area, and/or lot depth or width;
- D. Limiting the building height, size or lot coverage, and/or location on the site;
- E. Designating the size, number, location and/or design of vehicle access points or parking areas;
- F. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

- G. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
- H. Limiting the number, size, location, height and/or lighting of signs;
- I. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- J. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- K. Requiring and designating the size, height, location and/or materials for fences;
- L. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
- M. Requiring the protection and preservation of designated Historic trees and natural features;
- N. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted Transportation System Plan, where applicable. Dedication of land and construction shall conform to the provisions of Chapter 3.1.
- O. Such other conditions as will make possible orderly and efficient development in conformance to the Sisters Comprehensive Plan and this Development Code.

4.4.600 Transportation System Facilities and Improvements

Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are not (1) improvements designated in the city's adopted Transportation System Plan or not (2) designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and the following criteria.

- A. The project and its design are consistent with the city's adopted Transportation System Plan (TSP).
- B. 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.
- C. 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. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.
- D. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- E. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this ordinance, and the city's adopted Transportation System Plan.
- F. For State transportation facility projects, the State Department of Transportation (ODOT) shall be given the opportunity to provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in sections B-E above.

- G. Where applicable an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
- H. If the City determines that the proposed use or activity or its design is inconsistent with the city's adopted Transportation System Plan, then the applicant shall obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval. The applicant's options are as follows:
 1. If the City determination is made prior to a final decision on the conditional use permit application, permanently withdraw the conditional permit application, or
 2. If the City determination is made prior to a final decision on the conditional use permit application, 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 City determination is made prior to a final decision on the conditional use permit application, 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 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete, or
 4. If the City determination is part of a final decision on the conditional use permit application, submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.
- I. A Conditional Use Permit for Transportation System Facilities shall be void after three (3) years of the original date of decision if no construction has begun within that time period.

4.4.700 Approval Period

- A. Not including Section 4.4.500 Transportation System Facilities and Improvements, within one (1) year following the approval date of a Minor Conditional Use Permit or Conditional Use Permit, substantial construction on the development shall be completed or underway, or if a use, the use shall have commenced operation. If a request for an extension is filed with the planning department within one (1) year from the approval date, the approving authority (Community Development Director or Planning Commission), may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one (1) year from the expiration date. An extension shall be based on findings that the facts upon which the Minor Conditional Use Permit or Conditional Use Permit was first approved have not changed to an extent sufficient to warrant refile of the use permit.
- B. Any Minor Conditional Use Permit or Conditional Use Permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.
- C. Expiration. The Minor Conditional Use Permit or Conditional Use Permit shall expire when the use has been discontinued for a period of twelve (12) consecutive months.

4.4.800 Revocation

If at any time any development code standards or conditions attached to a Minor Conditional Use Permit or Conditional Use Permit approval have been violated, the Community Development Director may initiate revocation through a public hearing before the Planning Commission. Revocation of a Minor Conditional Use Permit or Conditional Use Permit shall require the use to cease and desist immediately if approved by the Planning Commission. If revocation occurs, a new use permit approval shall be required prior to resuming the use.

The revocation process is subject to appeal in the manner used for the appeal of a Type II decision, including fees, notices and time-frames.

4.4.900 Alterations to an Approved Use Permit. Any change in a valid Minor Conditional Use Permit or Conditional Use Permit be considered and processed as a new Minor Conditional Use Permit or Conditional Use Permit application.