

**ARTICLE 21.00
CONDITIONAL USES**

21.01 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

Uses designated in this Ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the Planning Commission in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to conditional uses.

21.02 APPLICATION FOR CONDITIONAL USES

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the Planning Director upon forms prescribed for that purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. There shall be a fee, as provided for in Article 33.00 herein, accompanying a request for a conditional use. A public hearing shall be conducted by the Planning Commission on all conditional use applications according to Section 24.03 and 24.04 of this Ordinance.

21.03 COMMISSION ACTION

In addition to the general requirements of this Ordinance, in granting a conditional use the Commission may attach conditions which it finds are necessary to carry out the purposes of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of signs, limit coverage of height of buildings because of obstruction of view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

21.04 NOTIFICATION OF ACTION

The Planning Director shall notify the applicant in writing of the action of the Planning Commission within five working days after the decision has been rendered.

21.05 TIME LIMIT ON A CONDITIONAL USE

Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

21.06 GENERAL STANDARDS GOVERNING CONDITIONAL USES

The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07:

1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.
2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found:
 - A. To be compatible with outright or conditional uses of the applicable zone.
 - B. Not to interfere seriously with established and accepted practices on adjacent lands.
 - C. Not to materially alter the stability of the overall land use pattern of the area.
 - D. That the proposed use can comply with the standards of the zone, and
 - E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

21.07 SPECIFIC STANDARDS GOVERNING CONDITIONAL USES

The following conditional uses shall be regulated by their individual specific requirement:

1. JUNKYARDS

In addition to the general provisions of this section, junkyards shall meet the following provisions:

- A. Junkyards shall be fully enclosed by a sight-obscuring fence, free of advertising, other than is allowed by the sign requirements, maintained in

good condition, not less than six feet in height, and of a design approved by the Planning Commission.

- B. All appliances, equipment or automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times.

2. HOME OCCUPATION

The purpose of this section is to permit the operation of certain small-scale business activities, hereafter described as "home occupations", which are conducted as an accessory use to a dwelling in zones which allow such activities as conditional uses. Home occupations are not recognized as any full-scale commercial or professional activity ordinarily required to be conducted in a commercial or industrial zone.

A home occupation shall conform to the following:

- A. The home occupation shall be secondary to the main use of the property as a residence.
- B. The home occupation shall be limited to either an accessory structure or a dwelling in which more than 50% of the dwelling is devoted to residential use. If located within an accessory structure, the home occupation shall not utilize over 1200 square feet of floor area.
- C. Structural alteration shall not detract from the outward appearance of the property as a residential use.
- D. No more than one person other than members of the immediate family may be engaged in the home occupation.
- E. No lighted window display and no sample commodities displayed outside the building shall be allowed. Signs and displays shall not be located in the street right-of-way. The sign shall identify only the home and occupation of the resident.
- F. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, smoke, odor, interference with radio or television reception, or other factors.
- G. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- H. No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience.

3. MINERAL, AGGREGATE OR GEOTHERMAL RESOURCE EXTRACTION AND/OR PROCESSING.

Standards for extraction and processing of minerals, aggregate or geothermal resources.

- A. Submitted plans and specifications shall contain sufficient information to allow the County Staff or Planning Commission to set standards pertaining to:
- (1) Location, quality, and quantity of resource available.
 - (2) Setback from property lines.
 - (3) Location of vehicular access points.
 - (4) Protection of pedestrians and vehicles through the use of fencing.
 - (5) Prevention of the collection and stagnation of water at all stages of the operation.
 - (6) Location and type of processing facilities.
 - (7) Rehabilitation of the land upon termination of the operation.
- B. Asphalt plants, concrete products manufacture, cement plants, and similar uses often associated with extraction of earth products shall be permitted in conjunction with extraction operations on a temporary basis and subject to an annual review, except in industrial zones where they are allowed on a permanent basis.
- C. Environmental Limitations:
- (1) Mining equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, dust which are injurious or substantially annoying to persons living in the vicinity or to crops or livestock being in the vicinity.
 - (2) Contamination of the groundwater table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction and/or processing activity beyond that allowed by the rules and regulations administered by the Oregon Department of Environmental Quality. All operations which include some form of washing process must make application with the Oregon Department of Environmental Quality and comply with the applicable laws, rules and regulations.

- (3) All extraction and/or processing activities which will produce noise, air, dust, odors, and other pollutants shall acquire an air contaminant discharge permit from the Oregon Department of Environmental Quality and/or comply with the applicable laws, rules and regulations.

4. MOBILE HOME PARKS

In addition to the general provisions of this section, a mobile home park may be permitted as a conditional use provided it meets the following requirements:

A. Site Plan Application

(1) Preliminary Site Plan Application Requirements.

The application to construct a new Mobile Home Park or to expand an existing Mobile Home Park shall be accompanied by a plot plan showing the general layout of the entire Mobile Home Park and drawn to a scale not smaller than one-inch representing 40-feet. The drawing shall show the following information:

- (a) Name of the person who prepared the plan.
- (b) Name of the Mobile Home Park and address.
- (c) Scale and north point of the plan.
- (d) Vicinity map showing relationship of Mobile Home Park to adjacent properties.
- (e) Boundaries and dimensions of the Mobile Home Park.
- (f) Location and dimensions of each Mobile Home site, and designate each site by number, letter, or name.
- (g) Location and dimensions of each existing or proposed building.
- (h) Location and width of park streets.
- (i) Location and width of walkways.
- (j) Location of each lighting fixture for lighting the Mobile Home Park.
- (k) Location of recreational areas and buildings, and area of recreational space.

- (l) Location and type of landscaping, planting, fence, wall, or combination of any of these, or other screening material
 - (m) Location of point where Mobile Home Park water system connects with public system.
 - (n) Location of available fire and irrigation hydrants.
 - (o) Location of public telephone service for the park.
 - (p) Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.
- (2) Final Site Plan Submission Requirements

If approval is given to the preliminary site plan, the owner may satisfy final site plan requirements for a permit to construct by submitting four copies of the following required detailed plans:

- (a) New structures.
- (b) Water supply and sewage disposal systems.
- (c) Electrical systems.
- (d) Road, sidewalk and patio construction.
- (e) Drainage system.
- (f) Recreational area improvements.

B. Access, Park Streets and Walkways

(1) Access

A Mobile Home Park shall not be established on any site that does not have frontage on and access to a County or public road which has a minimum right-of-way width of 60-feet.

(2) Park Streets

A park street shall connect each mobile home site to a public street or road. The park street shall be a minimum of 30-feet in width, with a surface width of 20-feet if no parking is allowed, and 30-feet if parking is allowed.

(3) Walkways

Walkways of not less than three-feet in width shall be provided in accordance with the approved service buildings and recreation areas.

- (4) Paving
Park streets and walkways shall be paved with a crushed rock base and asphalt or concrete surfacing, according to the structural specifications.

C. Area Dimensions

- (1) Mobile home sites shall be no less than 4,000 square feet with minimum width of 40-feet and minimum length of 80-feet.
- (2) Mobile homes shall meet the applicable setback requirements from property line within respective zone.
- (3) A mobile home and accessories thereto shall be separated from adjoining mobile home and its accessories by a minimum of 15-feet.
- (4) Not more than 5-percent of the total Mobile Home Park area may be used to accommodate persons wishing to park their motor homes or camping vehicles overnight.

D. Other Site Requirements

- (1) All signs shall conform to the sign requirements of the applicable zone.
- (2) At least 200 square feet of recreational area shall be provided for each mobile home site. This area may be in one or more locations in the park, and shall be suitably improved and maintained for recreational purposes.
- (3) Accessory structures shall be limited to such structures as an awning, patio, carport, garage or storage building. No other structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner.
- (4) Oregon Revised Statutes Chapter 466 and Rules and Regulations governing the construction and statutory operation of travelers' accommodations and tourist parks, adopted by the Oregon State Board of Health, shall be applicable in the development and operation of Mobile Home Parks.

5. PLANNED UNIT DEVELOPMENT

- A. Purpose: The Planned Unit Development (PUD) is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individual comprehensive planning. Often based on the concept of cluster planning, it allows flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking area, and best utilization of potential sites characterized by special features such as geography, topography, size and shape. The product is a development which would be as good or better than that resulting from the traditional lot by lot development, while substantially maintaining the same development density and area coverage permitted in the applicable zone.

- B. Area of Application: Planned Unit Development may be established only in the R-1 and R-2 Zones on parcels of land which are greater than five acres in size and suitable for and of sufficient size to be planned and developed in a manner consistent with the purpose and objectives of this section.

- C. Planned Unit Development Procedure: PUD shall follow the procedure and submission of plans required by County Subdivision Regulations plus the following additional elements:
 - (1) The preliminary plan shall include the following information:
 - (a) Proposed land uses, building locations and housing unit densities.
 - (b) Proposed circulation pattern indicating the status of street ownership.
 - (c) Proposed open space uses.
 - (d) Proposed grading and drainage pattern.
 - (e) Proposed method of water supply and sewage disposal.
 - (f) Economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.
 - (g) Relation of the proposed development to the surrounding area and the comprehensive plan.
 - (2) Prior to discussion of the Plan at a Planning Commission meeting, the Planning Director shall distribute copies of the proposal to appropriate agencies for study and comment.
 - (3) The Planning Commission shall consider the Preliminary Development Plan at a meeting at which time the comments of persons

receiving the Plan for study shall be reviewed. In considering the Plan, the Planning Commission shall seek to determine that:

- (a) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
 - (b) Resulting development will not be inconsistent with the Comprehensive Plan provision or zoning objectives of the area.
 - (c) The area around the development can be planned to be in substantial harmony with the proposed plan.
 - (d) The plan can be completed within a reasonable period of time.
 - (e) Any proposed commercial or industrial development can be justified economically.
 - (f) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 - (g) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- (4) The Planning Commission shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.
 - (5) In addition to the requirements of this section, the Planning Commission may attach conditions it finds are necessary to carry out the purpose of this ordinance.
 - (6) Building permits in a planned unit development shall be issued only on a basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to the approved plan.

6. SINGLE-FAMILY RESIDENTIAL DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE

- A. The Planning Commission shall not grant final approval of an application for the establishment of a nonfarm dwelling on land in the A-1, A-2, A-3 & A-4 EFU Zones that are or have been receiving special assessment for forest or farm use without evidence that the lot or parcel upon which the dwelling is

proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815.

- B. The Planning Commission may grant "tentative" approval to establish a nonfarm dwelling upon making the findings for a non-farm dwelling. Final approval shall be given by the Planning Director upon receipt of evidence that the lot or parcel upon which establishment of the nonfarm dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815.
- C. The owner of a lot or parcel upon which the establishment of a nonfarm dwelling has been tentatively approved shall within 60-days after the date tentative approval was granted, simultaneously:
 - (1) Notify the County Assessor that the lot or parcel is no longer being used as farm land; and
 - (2) Request that the County Assessor disqualify the lot or parcel for valuation at true cash value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815.

7. TEMPORARY USE PERMIT

- A. Purpose: A temporary use permit is to allow on a temporary basis, structures, activities or uses which are temporary or seasonal in nature provided such structure, activity or use is consistent with the intent of the zone in which it is located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege of permanently rezoning or a special privilege not shared by other properties in the same zone.
- B. Criteria: A temporary use permit shall be approved, denied or conditionally approved by the Planning Commission upon finding that the proposed structure, activity or use:
 - (1) Will not be contrary to the public interest or the intent and purpose of this section and the particular zone involved.
 - (2) Will not cause a substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.
 - (3) Is requested under such circumstances or conditions which are not the result of any act of the applicant subsequent to the adoption of the particular zoning regulations from which relief is sought; and

(4) Will relate only to property that is under control of the applicant.

C. Conditions: Reasonable conditions may be imposed by the Planning Commission in connection with the temporary use permit as necessary to meet the purposes of the applicable zone. Guarantees and evidence may be required that such conditions will be or are being complied with. Any temporary use permit shall clearly indicate the time period for which the permit is issued, not to exceed two years. No temporary use permit shall be transferable to any other owner or occupant, but may be renewable upon the approval of the Planning Director.

D. Application: An application for a temporary use permit shall be made to the Planning Department on a form prescribed by this Ordinance, together with a letter of intent. The application will be processed according to Section 24.02 through 24.04.

8. BIG GAME FEEDING SITES

A. Permanent Big Game Feeding Sites are defined as areas, public or private, which are primarily used for perpetual winter feeding of big game with food other than natural forage and browse. Permanent big game feeding sites may be established as conditional uses under procedural standards in Sections 21.01 through 21.05 and Sections 24.01 through 24.04, and under the following site plan standards and clear and objective criteria.

(1) SITE PLAN STANDARDS

The applicant shall submit a site plan with the following information:

(a) Property boundaries and specific feeding site(s).

(b) Operation plan:

1) Agriculture, timber and grazing land uses and management practices.

2) Facilities development plan to include structures, fences and access routes.

3) Feeding practices and duration.

4) Anticipated migration routes both seasonal and diurnal.

5) Anticipated animal numbers.

(2) CRITERIA - The applicant shall demonstrate in the site plan how the proposed site can meet the following criteria:

- (a) The feeding station shall be located on areas inventoried as big game winter range.
- (b) That there is a problem and other management techniques, for example hazing, fencing, haystack panels, trapping/removal, and reduction in herd size have been examined and shown not to solve the identified problems.
- (c) That the feeding site shall be "sufficient in size" to accommodate the projected number of big game animals; or that additional management techniques such as game fences can be designed to overcome anticipated limitations of the parcel's size. A Planning Commission judgment relative to the "sufficiency of size" shall be based upon the applicant demonstrating that the size has adequate air, land, and water resource carrying capacity as measured by the following elements:
 - 1) number of animals;
 - 2) topography as it relates to -
 - A) thermal cover;
 - B) bedding areas;
 - C) hiding cover;
 - 3) access; and
 - 4) proximity to public lands. Adequacy of the site carrying capacity or additional management techniques will be measured against successful capacities or techniques established at historic Oregon Department of Fish and Wildlife permanent feeding sites.
Where the proposed site is not anticipated to meet all of the feeding season needs, criterion e. will be carefully examined.
- (d) How the feeding program will minimize or mitigate damage on private property and that there is a reasonable expectation the proposed feeding site will reduce the damage.
- (e) That a program for mitigating off-site damage is instituted if the feeding program creates adjacent or nearby damage problems. The program shall include the full array of management techniques listed in b. above where applicable.

- (f) That the feeding sites will comply with all applicable state and federal air and water quality standards, such as animal waste control provisions of the 208 water quality program.
- (g) That the site plan provides measure for monitoring and controlling weed pollution.
- (h) That the site plan provides measures for monitoring and controlling animal disease problems.

B. Emergency Big Game Feeding Sites are where:

- (1) feeding is done in the winter to keep animals from starving or, (2) feeding is done to control depredation. There are no provisions for permanent developments on emergency sites.
- (1) Emergency big game feeding sites are an allowed use but must be reported to the County Planning Department on an annual basis. A list of reported sites will be provided to the County Weed Department each April to monitor potential weed problems.
- (2) Emergency sites used more than three out of five years or four out of ten years will be subject to the conditions for a permanent big game feeding site.

C. Conditions of Approval:

- (1) The following condition shall be attached to any permit issued for a permanent feeding site: The feeding site and associated activities must remain in compliance with the terms and conditions imposed by its conditional use permit designed to assure compliance with the approval standards of Section 21.07 of this Ordinance.
- (2) The County shall review the status of permanent big game feeding sites once each year at the County Staff or Planning Commission level and shall make a report to the Board of Commissioners on whether the conditions of approval have been or are being satisfied, and make recommendations requiring correction or readjustment if damage from the big game has not been adequately mitigated.

9. Churches in R-3 Farm-Residential Zones

- A. The church or activities associated with the church will not force a significant change in or significantly increase the cost of accepted farming or forest practices on adjacent or nearby lands devoted to farm or forest use. The significant test requires a demonstration that best management practices will

not need to be changed due to the approval of the church or associated activities.

- B. The church or activities associated with the church will be compatible with existing commercial farm uses as defined in Section 1.08 on the subject property. The compatibility test requires a demonstration that the approval of the church or associated activities will not cause a change in the best management practices for existing commercial farm uses on the subject property.
- C. The church or activities associated with the church will not be in conflict with other adjacent or nearby non-agricultural uses. The conflicts test may require an examination of the associated improvements, i.e., parking, access, hours of operation, playgrounds, or other outdoor activities.

SECTION 21.08 NONFARM PARTITIONS INCLUDING NONFARM DWELLINGS

1. The County Planning Commission shall review nonfarm partition applications in exclusive farm use zones through a Conditional Use review process per UCZPSO Sections 21.01 through 21.05 and other applicable notification requirements prescribed by Oregon Revised Statutes and Oregon Administrative Rules.
2. An applicant may submit a Conditional Use application to create up to two new parcels (nonfarm parcels) on predominantly agriculture land smaller than the minimum lot size prescribed by ORS 215.780, each to contain a dwelling not provided in conjunction with farm use (nonfarm dwelling)if:
 - A. The original parcel meets or exceeds the applicable ORS 215.780 minimum lot size; and
 - (1) The nonfarm dwelling(s) have been approved under ORS 215.284(7);
 - (2) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - (3) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under ORS 215.780; and
 - (4) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel

can reasonably be put to farm or forest use in conjunction with other land.

3. The original parcel is 40 acres or larger but equal to or smaller than the minimum size established under ORS 215.780.
 - A. The nonfarm dwellings have been approved under ORS 215.284(7);
 - B. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - C. The parcels for the nonfarm dwellings are:
 - (1) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and
 - (2) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;
 - D. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
 - E. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.