

ORDINANCE BILL NO. 3 for 2011
ORDINANCE NO. 1225

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 17.80
PERTAINING TO CONDITIONAL USES.

Now therefore, the City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section 17.80 is amended to read as follows:

Chapter 17.80

CONDITIONAL USES

Sections:

- 17.80.010 Purpose.
- 17.80.020 Process.
- 17.80.030 Application Requirements.
- 17.80.040 Use Criteria.
- 17.80.050 Conditions of Approval.
- 17.80.060 Modification to Approved Plans and Developments and Transfers.
- 17.80.070 Expiration of Approval.
- 17.80.080 Termination of a Conditional Use.

17.80.010 Purpose. Certain uses require a case-by-case review and analysis due to the nature of their potential impacts on surrounding land uses and public facilities. These are identified as *Conditional Uses*. A Conditional Use is an activity which is basically similar to other uses permitted in the zone. It is the intent of this Chapter to provide standards and procedures so that these uses may be permitted, enlarged or altered in a manner that will not be detrimental to the public health, safety and general welfare, or to adjacent properties. Nothing in this Chapter guarantees that a Conditional Use Permit will be issued.

17.80.020 Process. An application for a Conditional Use Permit shall be processed as a quasi-judicial land use decision. Notice will be provided as per Sweet Home Municipal Code Section 17.12.120. The Planning Commission will hold a public hearing following the procedures in Sweet Home Municipal Code Section 17.12.130. Ministerial decisions will be made without public notice or hearing.

17.80.030 Application Requirements. An application for a Conditional Use must meet the submittal requirements and the decision criteria noted below.

1. The applicant shall file an application with the City. Within thirty (30) days following the filing of the application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed in accordance with this Title.
2. The application form shall be accompanied by the following information:
 - a. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
 - b. Narrative describing the proposed use and the impacts on the neighborhood;
 - c. For commercial activities, a proposed plan of business operation;
 - d. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
 - e. The location and dimensions of entrances and exits;

- f. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- g. Landscape plans;
- h. A signage plan, if applicable;
- i. Drawings of the exterior for new buildings;
- j. Photographs of existing buildings if no changes are to be made to the exterior of the building.

17.80.040 Use Criteria: The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a Conditional Use, will be based on findings with respect to each of the following standards and criteria.

- A. The request complies with the requirements of the underlying zone or overlay zone, City codes, state and federal laws.
- B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:
 - 1. Building size
 - 2. Parking
 - 3. Traffic
 - 4. Noise
 - 5. Vibration
 - 6. Exhaust and emissions
 - 7. Light and glare
 - 8. Erosion
 - 9. Odor
 - 10. Dust
 - 11. Visibility
 - 12. Safety
 - 13. Building, landscaping or street features.
- C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval that include but are not limited to those listed in this Chapter.
- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed use.

17.80.050 Conditions of Approval: In approving a Conditional Use Permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the City as a whole.

- A. These conditions may include, but are not limited to, the following:
 - 1. Requiring larger setback areas, lot area, and/or lot depth or width;
 - 2. Limiting the hours, days, place and/or manner of operation;
 - 3. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;
 - 4. Limiting the building height, size or lot coverage, or location on the site;
 - 5. Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;
 - 6. Increasing the number of required parking spaces;
 - 7. Requiring street right-of-ways to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development.
 - 8. Limiting the number, size, location, height and lighting of signs;

9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
 10. Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;
 11. Designating sites for open space or outdoor recreation areas;
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources.
 13. Requiring ongoing maintenance of buildings and grounds;
 14. Setting a time limit for which the Conditional Use is approved.
- B. Uses existing prior to the effective date of this Chapter and classified in Title 17 as a Conditional Use shall meet the criteria for modification of approved plans and developments.
- C. The Planning Commission may require the applicant of an approved Conditional Use Permit to enter into an agreement with the City for improvements in accordance with the provisions of Sweet Home Municipal Code Chapter 16.24. This is to assure that the Conditions of Approval are completed according to the plans as approved by the Planning Commission.

17.80.060 Modification to Approved Plans and Developments and Transfers:

- A. Acceptable modification requests of an approved plan or existing development may be processed as a ministerial decision with, no notice or hearing, by the City Planner only if the following threshold criteria can be met:
1. There will be no change in land use.
 2. The proposed change does not result in an increase in the overall impacts to adjacent properties.
 3. There is no increase in the amount of operational activity.
 4. The proposed change does not violate the standards of the land use zone.
 5. The proposed change does not result in a change to lot or parcel boundary lines.
- B. Proposed changes that do not meet the above criteria shall be processed as a new application.
- C. Transfers:
1. A Conditional Use Permit is transferable to an applicant's successors within six months of a change in ownership or management of an approved use if it complies with the approval of the original application and meet the criteria for an acceptable modification.
 2. Between six months and one year from a change of ownership or management, the City Planner may review and approve a transfer of the Conditional Use Permit if it complies with the approval of the original application and meets the criteria for an acceptable modification.

17.80.070 Expiration of approval: A Conditional Use Permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period.

- A. Substantial establishment of a use will be determined based on the following:
1. The approved use has been lawfully established, or
 2. New construction required for the operation of the Conditional Use Permit has been permitted and construction has progressed in a timely manner as determined by the Building Permit process.
 3. All Conditions of Approval have been met or any failure to fully comply is not the fault of the applicant and progress continues to be made towards compliance.
- B. The City Planner may grant one extension of up to one year for a Conditional Use Permit that

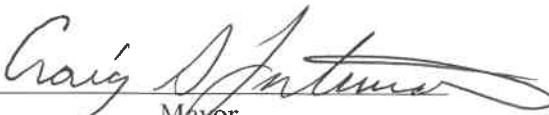
contained a one year initial duration upon written request of the applicant and prior to the expiration of the approved period.

- C. Requests other than a one year request made prior to the expiration of the approved period must be approved by the Planning Commission.
- D. A Conditional Use Permit not meeting the above time frames will be expired and a new application will be required.

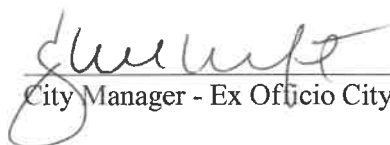
17.80.080 Termination of a Conditional Use. A Conditional Use Permit may be terminated by the Planning Commission. A termination will be processed in the same manner as a new Conditional Use application.

- A. The following persons may initiate a termination hearing:
 - 1. The owner of the subject property
 - 2. The Planning Commission
 - 3. The City
- B. A termination shall be based on facts including any one or more of the following:
 - 1. Approval of the Conditional Use was obtained by misrepresentation;
 - 2. The use does not meet the conditions specifically established in the Conditional Use approval;
 - 3. The use is in violation of any provision of this Title or any other applicable City codes, or statutes.
 - 4. The use has been inactive for a period exceeding one year.

PASSED by the City Council and approved by the Mayor this 8th day of November, 2011.


Mayor

ATTEST:


City Manager - Ex Officio City Recorder