

## Chapter 4.4 - Conditional Use Permits

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**4.4.100 Purpose.** There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Article 2 - Land Use Zones. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

### **4.4.200 Approvals Process**

- A. Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.400). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.
- B. Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

**4.4.300 Application Submission Requirements.** In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (A-G), as applicable to the particular request as determined by the Planning Official (for a description of each item, please refer to Section 4.2.400.C - Site Design Review Application Submission Requirements):

- A. Existing site conditions;
- B. Site plan;
- C. A landscape plan;
- D. Architectural drawings of all structures;
- E. Drawings of all proposed signs;

- F. A copy of all existing and proposed restrictions or covenants;
- G. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

**4.4.400 Criteria, Standards and Conditions of Approval.** The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

**A. Use Criteria**

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The 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; and
3. All required public facilities have adequate capacity to serve the proposal.

**B. Site Design Standards.** The Site Design Review approval criteria (Section 4.2.400.D) shall be met.

**C. 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:

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

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.2);
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.300 in particular.

#### **4.4.500 Additional Development Standards**

- A. Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.
- B. Additional Development Standards.** Development standards for specific uses are contained in Article 2 - Land Use Zones.

#### **4.4.600 Revocation of Conditional Use Permit**

- A.** Any previously granted conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
  1. Failure to comply with the conditions of approval.
  2. Discontinuance of the use for a period in excess of two years.
  3. Failure to comply with other applicable provisions of the Baker City Development Code regarding design, dimensional or use requirements.

4. A change in the Baker City Development Code or standards of the land use zone within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such zone.
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- B. Revocations initiated under (A)(1) or (2) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under (A)(1), (2), and (3) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under (A)(4) above shall have the effect of making the previously granted conditional use a non-conforming use.

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