

Article 9

CONDITIONAL USE PERMIT

SECTION 9.010, PURPOSE: A conditional use is an activity which is similar to uses permitted in a particular zone but may not be entirely compatible with permitted uses. The Conditional Use Permit provides a mechanism for review of compatibility with permitted uses in a zone and with the general and specific purposes of this ordinance.

SECTION 9.015, REVIEW PROCEDURE: Application for a Conditional Use Permit shall be subject to the public hearing review process.

SECTION 9.020, REVIEW CRITERIA: After taking into account location, size, design, and the general nature of the proposed use; the hearing body must determine that the development will comply with all of the following criteria to approve a Conditional Use Permit.

01. The proposed use will be consistent with the purpose of [and is allowed conditionally in] the zone in which the use proposed.
02. The use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.
03. The proposed use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.
04. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size.
05. The proposed use will not interfere with uses permitted on adjacent parcels.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
07. In addition to the above:
 - A. For uses within the Timber Grazing Zone, when the predominant use is determined to fall under Goal IV guidelines or the Timber Commercial Zone the following shall be found:

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1. The proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands.
2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
3. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized by subsections 16.020.06, 16.020.13, 16.020.19, 16.020.20, and 16.020.22 and in the Timber Grazing Zone or 27.020.06, 27.020.13, 27.020.19, 27.020.20 and 27.020.22 in the Timber Commercial Zone.
4. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - a. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - b. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - c. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - d. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
 - e. The use is or can be made compatible with existing uses and other allowable uses in the area.

B. For uses within the Exclusive Farm Use Zone the following shall be found:

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1. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 2. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
08. SALMON HABITAT RESTORATION: Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.
09. SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS: Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.

SECTION 9.025, SPECIAL CONDITIONS: In granting a Conditional Use Permit, the review authority may impose any of the following conditions:

01. Limit the manner in which the use is conducted including the time an activity may take place and restraints to minimize noise, dust, glare, and odor.
02. Designate the size, number, location, or nature of vehicle access points.
03. Increase the amount of required street dedication, roadway width, or improvements within the street right-of-way.
04. Limit or otherwise designate the number, size, location, and height or lighting of signs.
05. Limit the location and intensity of outdoor lighting or require its shielding.
06. Require landscaping or screening to protect nearby property.
07. Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.
08. Specify other conditions to permit the development of the County in conformity with the intent and purpose of the land use plan.

SECTION 9.030, TIME LIMIT ON CONDITIONAL USE PERMITS: A Conditional Use Permit shall expire two years from the date of final decision unless:

01. The applicant submits a written request to the County Planning department for a one year extension prior to the expiration date of the permit; or

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02. The permit is “perfected” by initiation of the approved use as evidenced by:
03. In the case of new construction, completion of any two of four substantial development actions:
 - A. A domestic water well (or connection to a permanent water system).
 - B. A septic system (or connection to a permanent sewer system).
 - C. Electric power to the residence site (or permanent alternative electric generating system adequate for the proposed use).
 - D. Construction of the foundation of the principal residence.
04. In the case of reconstruction, remodeling, alteration or other approved uses, evidence similar to that required for new construction may be accepted by the Planning Department.
 1. When construction is not included in the approved action, commencement of the approved activity within the approval period.
05. Validation of commencement of the approved activity or completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the County Planning Department that the approved action has been initiated and a finding by the Department that the permit has been exercised and perfected.
06. Conditional Use Permits that were valid as of initial application of this ordinance (September 7, 1998) are eligible for one year extensions from the date of permit expiration and are eligible to be “perfected” under the procedures of 9.030(02)(03).
07. A Conditional Use Permit, once exercised and perfected, shall become invalid, null, and void if the use approved by the Conditional Use Permit is discontinued for any reason for a continuous year.

NOTE: Permittees who were not informed of their rights to extend or perfect their permits, may receive those rights upon application to the Planning Department and a finding by the Department that the applicant was not informed of their rights.