

Zoning Ordinance

Section 1202.00 - Conditional Use Criteria and Requirements

[Last amended 8/13/98, Ordinance 657]

1202.01 Purpose

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

1202.02 Review Criteria

A conditional use may be authorized, subject to the Type B application procedure set forth in Section [1301](#), upon adequate demonstration by the applicant that 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 listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. 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;
- E. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
- F. The use is or can be made compatible with existing uses and other allowable uses in the area.

1202.03 Conditions of Approval

In approving an application for a conditional use, the decision-making body may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of buildings and structures;
- C. Controlling the location and number of vehicle access points;

- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.

Such conditions may be set forth in a formal affidavit executed by the applicant and Yamhill County. Said affidavit shall be recorded in the deed and mortgage records of Yamhill County.

1202.04 Performance Bond

The Commission may require an applicant, upon approval of a conditional use permit, to enter into a performance agreement with the County and to furnish the County with an appropriate financial guarantee to ensure that the required improvements are completed according to the plans approved by the Commission, and that standards established in granting the conditional use permit are observed. This guarantee, which the applicant shall file with the agreement, shall be in the following form:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon and on a form and with covenants and stipulations approved by the Commission; or
- B. Cash or certified check; or
- C. An escrow agreement between the applicant and a bank or trust company authorized to transact business in the State of Oregon, and on a form and with covenants and stipulations approved by the Board.

1202.05 General Requirements

Any conditional use authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a zoning district standard shall have the effect of rezoning the property.
- B. A conditional use may be enlarged or altered pursuant to the following:

1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application, in accordance with the Type B application procedure set forth in Section [1301](#); and
 2. Minor alterations of a conditional use may be approved by the Director if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.
- C. Where the granting of a conditional use permit is contingent upon an amendment to this ordinance and an application for such amendment has been recommended for approval by the Commission, the Commission may authorize the granting of a conditional use permit contingent upon the necessary final action of the Board in respect to the required ordinance amendment and further action by the Commission shall not be necessary.
- D. A conditional use approval involving construction shall be null and void two (2) years from the date of final approval unless completion or substantial construction has taken place. In any case where a conditional use approval does not involve construction, the approval shall be null and void one (1) year from the date of final approval unless the approval has been implemented. The Director may extend the conditional use permit for an additional period not to exceed one (1) year upon receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original conditional use approval. [Amended 8/13/98, Ord. 657]

1202.06 Compliance with Conditions

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Director may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

1202.07 Revocation of a Conditional Use Permit

The procedure for the revocation of a conditional use permit shall be as follows:

- A. If, upon review by the Director, a failure to comply with any condition imposed in granting a conditional use permit or other violations of this ordinance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the

conditional use. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section [1403](#) and may affirm, reverse, or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Boards Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the conditional use. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.

- B. If the violation is not corrected within the time required by subsection A, the Director shall notify the applicant by registered and first class mail that the conditional use permit has been revoked, and that any subsequent action on the application will require a new application for conditional use approval.

[Return to the top of the document](#)

[Zoning Table of Contents](#)

[Main Planning Page](#)