

shall be approved only upon city receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 17.14.260. A temporary public facility is any facility not constructed to the applicable city or district standard, subject to review by the city engineer,

c. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal, and

d. An application for phasing may be approved after site plan review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Article VI of this chapter). (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

ARTICLE V. CONDITIONAL USE PERMITS

17.14.280 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 Chapter 17.12, General Provisions. The purpose of Article V of this chapter 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. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.290 Approvals process. A. Initial Application. An application for a new conditional use shall be processed as a Type III procedure (Section 17.14.060). The application shall meet submission requirements in Section 17.14.300, and the approval criteria contained in Section 17.14.310.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Article VII of this chapter, Modifications. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.300 Application submission requirements. In addition to the submission requirements required in Article II of this chapter, an application for conditional use approval must include the following information (subsection A through H of this section), as applicable. For a description of each item, please refer to Section 17.14.240, Site Plan Review Application Submission Requirements:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants;
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 17.14.310. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.310 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 following standards and criteria:

- A. Use Criteria.
 - 1. Conformity with the Cave Junction comprehensive plan,²
 - 2. 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,
 - 3. 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
 - 4. All required public facilities have adequate capacity to serve the proposal.
- B. Site Plan Standards. The criteria for site plan review approval (Section 17.14.250) 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 may include, but are not limited to, the following:

1. Modify yard setbacks, coverage, and height to accomplish specified ends;
2. Screen unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls;
3. Require walls, fences, hedges, screen planting to accomplish specified ends;
4. Require planting of ground cover or other surfacing to prevent erosion or reduce dust;
5. Retain trees or other natural features for buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational use;
6. Require adequate off-street parking and loading-unloading facilities;
7. Modify access provisions for safety reasons;
8. Modify sign requirements to meet specified ends;
9. Require landscaping and lighting plans to accomplish specified ends;
10. Require on-going maintenance of buildings and grounds;
11. Require adequate additional right-of-way and road improvements to promote traffic safety; dedication of land for streets, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use;
12. Require abatement of noise, vibration, odors;
13. Require time limitation for certain activities;
14. Require a time period within which the proposed use shall be developed;
15. Additional conditions which may be necessary to implement the Cave Junction comprehensive plan. (Ord. 447 S1(part), 2004: Ord. 438 S3 Exh. C (part), 2003)

² From the current Cave Junction code.

17.14.320 Additional development standards for conditional use types.

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 Title 17, Zoning. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

ARTICLE VI. RESERVED*

17.14.330--17.14.440 Reserved.

ARTICLE VII. MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

17.14.450 Purpose.

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve city resources. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

***Editor's note**—Ord. No. 536, § 2, adopted August 24, 2010, repealed §§ 17.14.330--17.14.440, which pertained to master planned developments and derived from Ord. No. 438, 2003 and Ord. No. 447, 2004.