

**CONDITIONAL USES****§ 35.6300- PURPOSES**

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 35.6305 GENERAL PROVISIONS**

(A) Application for approval of a Conditional Use shall be subject to the provisions for Type III decisions in MCC Chapter 37.

(B) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority.

(C) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC 35.6315 and in the district provisions.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 992, Amended, 09/26/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 35.6315 CONDITIONAL USE APPROVAL CRITERIA**

(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

- (1) Is consistent with the character of the area;
- (2) Will not adversely affect natural resources;

(3) The use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(4) Will not require public services other than those existing or programmed for the area;

(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

(6) Will not create hazardous conditions; and

(7) Will satisfy the applicable policies of the Comprehensive Plan.

(B) Except for off-site stockpiling, subpart (A) of this subsection shall not apply to applications for mineral extraction and processing activities. Proposals for mineral extraction and processing shall satisfy the criteria of MCC 35.6520.

(Ord. 1186, Amended, 10/13/2011; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 35.6325 DESIGN REVIEW**

Uses authorized under this section shall be subject to design review approval under MCC 35.7000 through 35.7060.

(Ord. 1079, Amended, 07/27/2006; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 35.6330 DESIGN REVIEW EXEMPTION**

Exempted from the Design Review criteria of MCC 35.7000 through 35.7060 (A), include:

- (A) Single family residences.

(B) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

(C) Commercial photovoltaic solar power generation facility.

(Ord. 1192, Amended, 05/17/2012; Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 35.6335      CONDITIONAL USE PERMIT**

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the approval authority or Board of County Commissioners, in addition to those specifically set forth in this Chapter.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**§ 35.6340      ADDITIONAL APPROVAL  
CRITERIA FOR CERTAIN  
TRANSPORTATION USES IN  
THE EXCLUSIVE FARM USE  
ZONING DISTRICT**

For the transportation uses listed in MCC 35.2630(Q), (R), and (S), the Hearing Authority shall find that Multnomah County has:

(A) Identified reasonable build alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.

(B) Assessed the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands.

(C) Selected from the identified alternatives, the one, or combination of identified alternatives

that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(Ord. 1186, Amended, 10/13/2011; Ord. 1128, Add, 01/29/2009)

**§ 35.6350      CONDITIONAL USES  
PERMITTED**

(A) Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved under this Chapter.

(B) The uses listed as conditional uses within each district, subject to the findings, criteria and standards stated therein.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)