Section 4.184. **Conditional Use Permits – Authorization.**

(.01) Conditional Use of property may be granted by the Development Review Board after concluding a public hearing as provided in Section 4.013. A land use that is “conditional” is one that is generally not compatible with surrounding uses unless mitigating conditions of approval are established. In acting on applications for Conditional Use Permits, the DRB may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of this Code, based on information in the record.

A. Authorization to Grant or Deny Conditional Uses: A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether a conditional use permit shall be approved, or determining appropriate conditions of approval, the Development Review Board shall weigh the proposal’s positive and negative features that would result from authorizing the particular development at a location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

1. The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City.

2. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

3. All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

(.02) Private parks shall be reviewed in accordance with the Park Standards set forth in the Comprehensive Plan and the Open Space and Recreation Standards set forth in Section 4.113.

(.03) Municipal and government buildings shall be developed in accordance with the Planned Development Commercial Standards and Sections 4.178.

(.04) **Conditional Use Regulations – Churches.**

A. Zone In Which Conditionally Permitted: All Residential Zones.

B. Condition Standards:

1. Minimum Lot Area: Ten thousand (10,000) square feet.

2. Minimum Street Frontage: One hundred (100) feet.
3. Maximum Coverage: Fifty percent (50%) for all buildings.
4. Maximum Building Height: Fifty (50) feet.
5. Minimum Depth: One hundred twenty-five (125) feet.

(.05) **Conditional Use Regulations - Public, Private and Parochial Schools.**

A. Zone In Which Conditionally Permitted: Any. (Public schools are permitted outright in any Public Facility zone.)

B. Dimensional Standards:
   1. Minimum Land Area: Five (5) acres, unless the Development Review Board finds a lesser area is appropriate to the use and the location.
   2. Front, Rear and Side Yard Setbacks: A minimum of fifty (50) feet.

C. Off-Street Parking: As required in Section 4.155.

(.06) **Conditional Use Regulations - Public Utility Structures.**

A. Except as provided in this Section and Section 4.800, all transmission and public utility structures, including, but not limited to, distribution lines and poles, sub-transmission structures, lines and poles, double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, microwave towers, satellite antennas, pumping stations and treatment plants shall be regulated as conditional uses in all zones.

B. Underground pipes and conduits as provided in Sections 4.300 to 4.320 and any existing above ground electric distribution, sub-transmission and transmission, communication and signal lines and poles of a single pole system and existing above ground transformers which are not in violation of Sections 4.300 to 4.320 and any current or future applicable franchise agreement shall be a permitted use in any zone. This section shall not be construed as permitting any substantial intensification of use.

(.07) **Conditional Use Regulations - Service Stations**

A. The Development Review Board shall approve Conditional Use Permit applications for new service stations only where the design, location and use are compatible with and do not adversely impact the surrounding uses.

B. No gasoline station shall be located closer than two hundred (200) feet from any school, public playground, church, or hospital. Where the subject property is less than five (5) acres in area, the required separation shall be measured to the property line.

C. Dimensional Standards:
   1. Minimum Front Yard Setback:
      a. Building or Structures: Thirty (30) feet from property line.
      b. Signs, gasoline pumps, pump islands, and enclosed buildings, excluding attached or detached canopies: Fifteen (15) feet from property line.
c. Attached or Detached Canopies: Two (2) feet from property line.
2. Minimum Rear Yard Setback: As required in the particular district.
3. Minimum Side Yard Setback: As required in the particular district.
4. Minimum Street Frontage: One hundred (100) feet.
5. Minimum Lot Depth: Sixty (60) feet.
6. Minimum Lot Size: Twelve thousand (12,000) square feet.
7. All other dimensional standards as required in the particular district.

D. Vehicles: All vehicles for service, parked or under the control of any employee shall be on private property and shall not be on any required landscaped area.

E. Permitted Services: Sales and services shall be limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. Those may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting, and body and fender work are excluded.

F. Access, Parking and Circulation Requirements:
1. Each developed site shall not have more than two (2) accessways to any one street.
2. On-site parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.
3. No vehicles subject to the control of the operator of the premises may temporarily be parked on sidewalks, parkways, driveways, alleys or other public ways.

G. Site Screening: Where a service station abuts property in a residential district, a six (6) foot high, solid masonry wall, site-screening decorative fence, or dense evergreen hedge shall be constructed and maintained on such abutting lines. When the wall, fence, or screening reaches the required front yard setback, it shall decrease to a height of three (3) feet. See landscape standards, Section 4.176.

H. Lighting: All outside lighting shall be so arranged and shielded so as not to shine into adjacent residential areas and to prevent any undue glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property. All lighting used shall be erected only on the same premises with the use. The Certificate of Occupancy shall not be issued until compliance with this standard has been verified.

I. All proposed service stations may be subject to design review by the City depending upon the particular site to be utilized in the establishment thereof.
J. Service stations shall, in addition to the above, meet the following requirements:

1. No vehicle may be parked on the premises and offered for sale, lease or rent.

2. Automotive repair and lubricating operations and all sales other than petroleum products shall be conducted within the service station building.

3. Signs shall not cause any glare or reflection of light on other property or building.

4. No banner or pennants shall be permitted except by Temporary Permit.

5. Landscaping:
   a. A minimum of One Hundred (100) square feet of raised planting area shall be installed and maintained at the intersection of the property lines at a street corner.
   b. A minimum of Twenty (20) square feet of raised planting area shall be installed and maintained along the building facades fronting on a street.
   c. Entrances of all restrooms shall be screened from view of adjacent properties or street right-of-way.
   d. All outside recycling, trash, garbage, and refuse areas shall be enclosed on at least four (4) sides, and each side shall be at least six (6) feet in height.

(.08) Conditional Use Regulations – Willamette River Greenway Development.

A. The Development Review Board shall approve Conditional Use Permit applications for new development in the Willamette River Greenway only as specified in Section 4.500 and this Section.