



**City Of Warrenton**  
**Planning Department**  
**Conditional Use Permit**  
**WMC 16.220**

<b>OFFICE USE</b>	FEE \$1,000
	File# CUP - _____ - _____
	Date Received _____
	Receipt# _____

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled. A property owner or designated representative may initiate a request for a conditional use by filing an application with the Planning Department according to the requirements of Section 16.208.050. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

**Property**

Address: \_\_\_\_\_

Tax Lot (s): \_\_\_\_\_

Zone: \_\_\_\_\_ Flood Zone: \_\_\_\_\_ Wetlands: \_\_\_\_\_

**Applicant**

Name (s): \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Applicant Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

**Property Owner (if different from applicant)**

Name (s): \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.*

**Description of Proposed Land Use**

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**Conditional Use Permit Review Criteria**

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.220.030

1. The proposed use is in conformance with the Comprehensive Plan.

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2. The location, size and design, and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.

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3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

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4. Public facilities and services are adequate to accommodate the proposed use.

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5. The site's physical characteristics, in term of topography, soils and other pertinent considerations are, are appropriate for the use.

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6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for the building, parking, landscaping, driveway, on-site circulation, public areas, loading areas, storage facilities, setbacks, buffers, and utilities which are required by City ordinances.

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7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

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### Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

- The proposed development site, including boundaries, dimensions, and gross area drawn to scale. **See Site Plan pg. 4**
- Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any. **See Site Plan pg. 5**
- The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any **See Site Plan pg. 4**
- N/A**  The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- N/A**  The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- N/A**  The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
- N/A**  Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- N/A**  Loading and service areas for waste disposal, loading and delivery, if any
- N/A**  Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

**N/A**  Location, type, and height of outdoor lighting.

**N/A**  Locations, sizes, and types of signs (shall comply with Chapter 16.144).

The Planning Department may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).

The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified. **See Site Plan pg. 1**

**N/A**  Identification of slopes greater than 10%.

Any areas identified as located in a designated floodplain and/or floodway, if any **See Site Plan pg. 1**

Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any. **See Site Plan pg. 5 & 6**

**N/A**  Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.

**N/A**  Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.

North arrow, scale, names and addresses of all property owners.

Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.

Letter or narrative report documenting compliance with the applicable approval criteria including the conditional use criteria, zoning development standards, and applicable design standards. Please see the Planning Staff for applicable design standards. **See CUP Supplement**

**This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.**

# Port of Astoria CUP

## Site Plan Pg1

### Vicinity



Source: Clatsop County Webmaps, annotated by Two Branches Consulting

- The subject property, the entire east bank of the Skipanon River and the peninsula are in AE-100-yr flood hazard zone.

# Port of Astoria CUP

## Site Plan Pg2/Mitigation Site Location

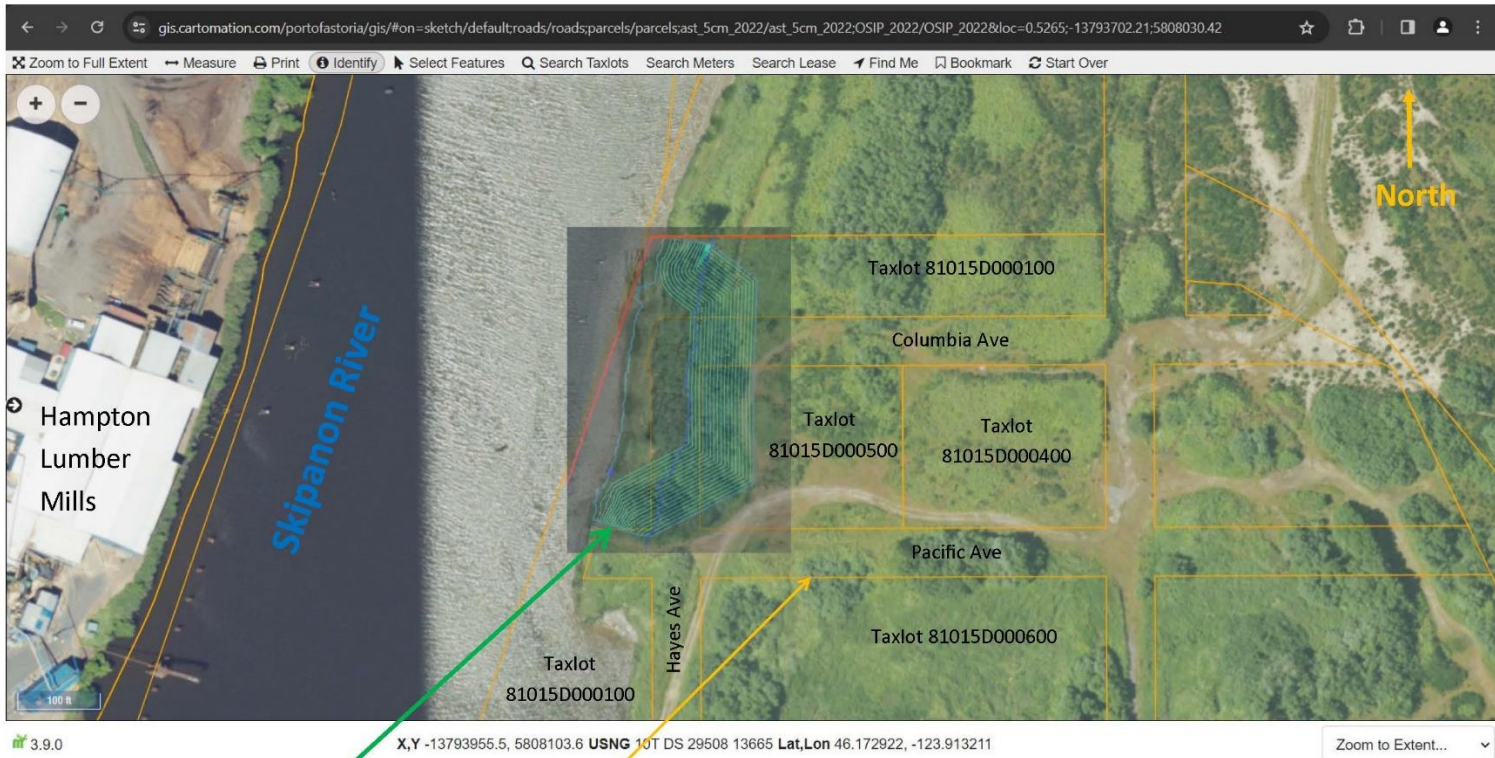


Source: Port of Astoria

# Port of Astoria CUP

## Site Plan Pg3/Mitigation Site & Tax Lots

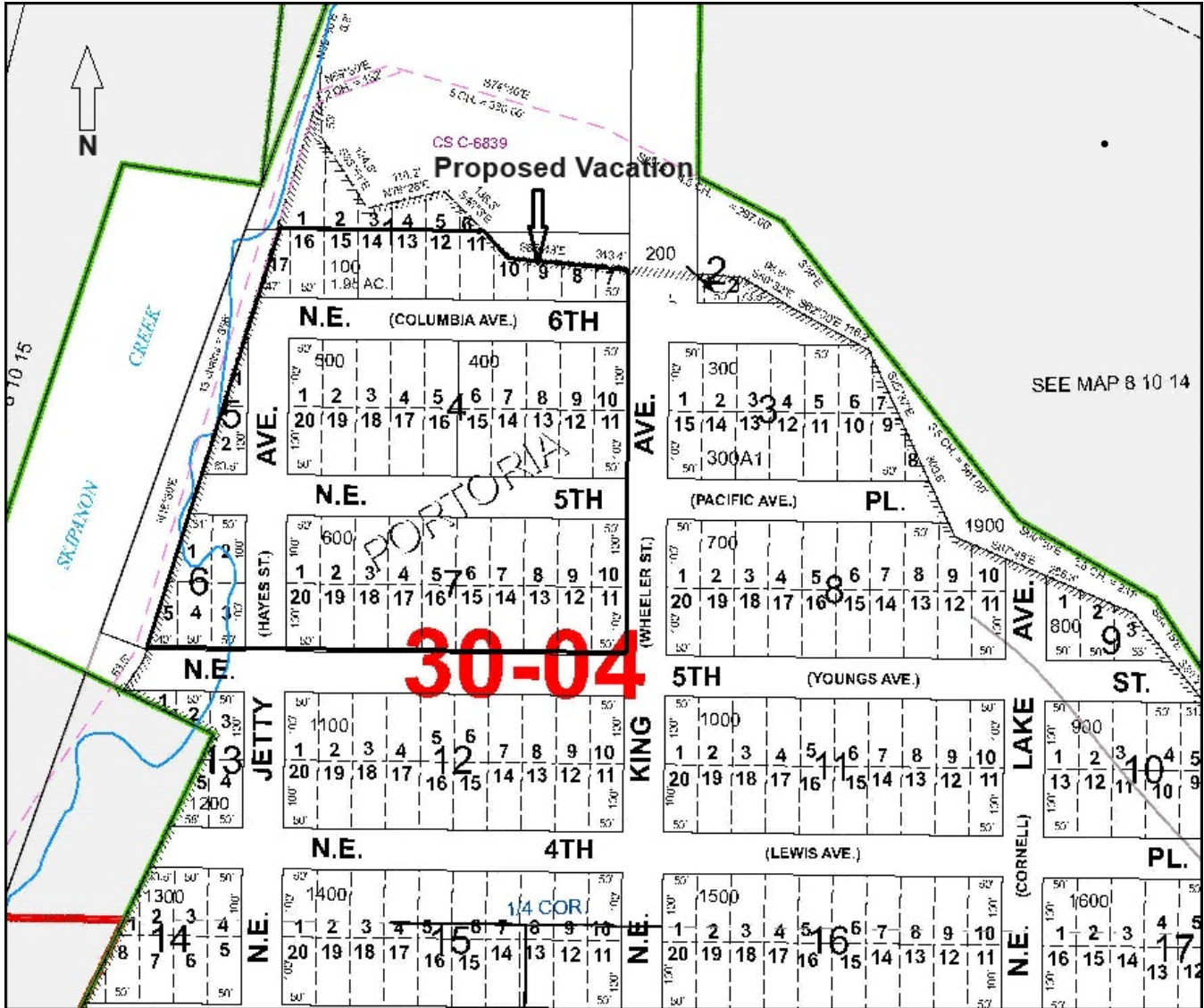
All labeled tax lots in the below diagram are owned by the Port of Astoria; however, as can be seen, the mitigation site will occupy areas currently platted as streets



Approximate Area of Mitigation Site  
(parallel green lines)

County Tax Lot Lines

Port of Astoria CUP  
 Site Plan Pg4/Tax Map excerpt  
 Project Area as Proposed Vacation



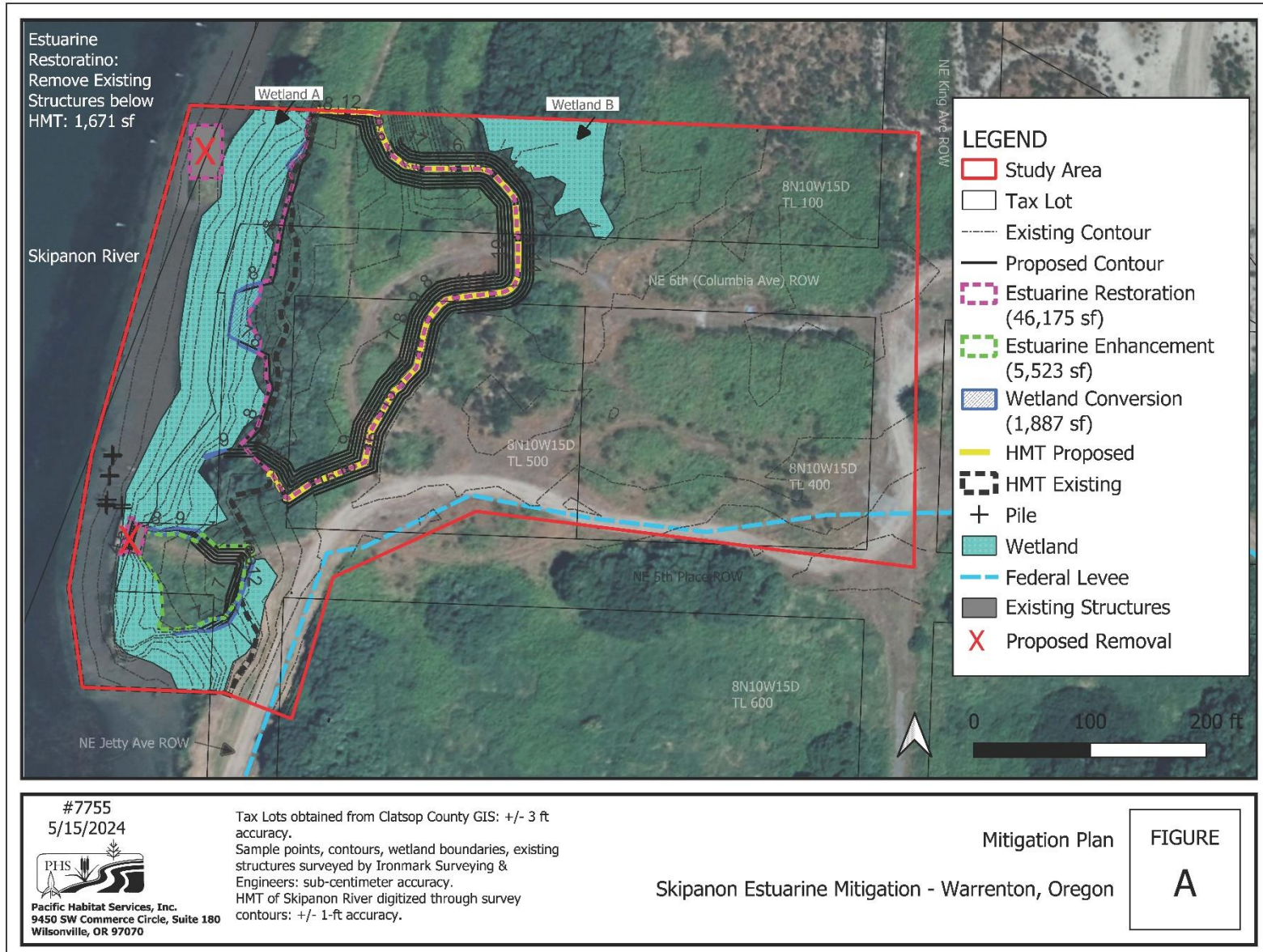
Source: Clatsop County Webmaps

- All tax lots within the Proposed Vacation/Project Area are owned by:  
 Port of Astoria  
 422 Gateway Ave. Ste 100  
 Astoria, OR 97103



# Port of Astoria CUP

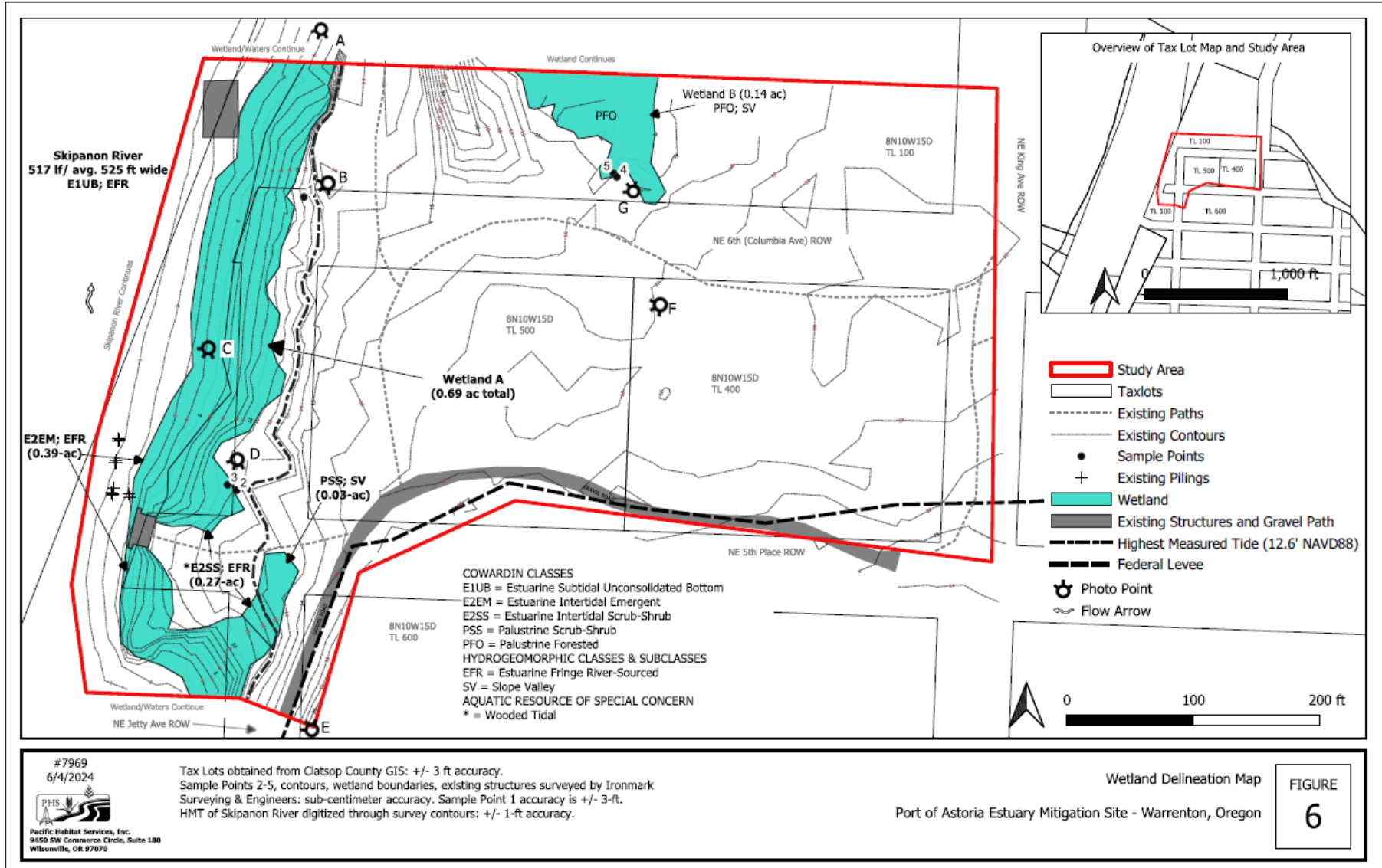
## Site Plan Pg5/Mitigation Plan (Fig. A)



Source: Pacific Habitat Services, Inc.

# Port of Astoria CUP

## Site Plan Pg6/Wetland Delineation



Source: PHS

## Port of Astoria CUP Application/Supplemental Responses

### Site selection:

Pacific Habitat Services Inc. (“PHS”) conducted a comprehensive review of all Port of Astoria-owned properties in the Astoria/Warrenton area to search for estuarine mitigation opportunities for the Pier 2 West project. The Pier 2 West project will impact approximately one acre of shallow water habitat within the Columbia River.

PHS first conducted a desktop review of the properties and then a field visit to confirm the findings. PHS prepared maps with LiDAR contours to identify areas below HMT (Highest Measured Tide), as well as mapped hydric soils, wetland overlays from the Local Wetland Inventory and the National Wetland Inventory, and aerial imagery. Most areas along the estuarine fringe of the Port of Astoria-owned properties are below HMT and are functioning intertidal wetlands, which excluded them from further evaluation.

Another evaluation method included areas that would require impacts to existing federal levees to implement estuarine mitigation. Several of these areas are on the landward side of an existing levee and above HMT, which would be ideal for estuary mitigation if a hydrologic connection could be created. A hydrologic connection would require trenching, piping, or removing portions of berm/levee to achieve the appropriate hydrologic connection to tidally influenced areas. These areas were also eliminated as potential mitigation opportunities due to the Section 408 process with the US Army Corps of Engineers, which would preclude alteration of the levees. A complete list of all evaluated sites is available upon request.

### Scope & Timeline:

“The proposed estuarine wetland mitigation area will be part of the joint permit application to be submitted to the state and federal agencies. Upon approval of the state and federal permits, the estuarine mitigation area can be excavated.

- Excavation of the wetland mitigation area can occur prior to its physical connection to the Skipanon River; however, the connection to the river must be made between July 1 – September 15
- Planting of the estuarine wetland and the slopes that surround the wetland can occur once the mitigation area has been excavated. Planting above the HMT should occur when there is sufficient rainfall to ensure the new plantings will not dry out. Planting below the HMT can occur as soon as the mitigation area has been excavated and its hydroperiod can be observed (i.e., specific plants will be located where the hydrology of the wetland best suits their growth requirements).”

*Source: PHS*

## Compliance Narrative:

Applicant's narrative is in italicized points following each compliance item;

### Comprehensive Plan

#### Article 3. Land and Water Use

##### Section 3.300 Policies

##### Section 3.330 Industrial Lands

(b) Water-Dependent Industrial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- (i) deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;
- (ii) potential for aquaculture;
- (iii) protected areas subject to scour which would require little dredging for use as marinas;
- (iv) potential for recreational utilization of coastal waters or riparian resources.

Uses of Water-Dependent Industrial Shorelands areas shall maintain the integrity of the estuary and coastal waters. Water-dependent uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for, but only when they do not foreclose options for future higher priority uses and do not limit the potential for more intensive uses of the area.

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- This mitigation project does not have the characteristics listed above which, notably, are not criteria, but because the principal work and result are estuarine, the project incidentally fits the definition of a water-dependent use;
  - The upland area of the site will remain developable per its continued zoning. I\_8?Water\_Dependent.Industrial.Shorelands;...
  - ..

## Article 4. Natural Features

Section 4.100. Findings, p. 34:

OAR 660-023-0024 (2) establishes that the requirements of Statewide Planning Goal 16 and 17 supersede the requirements of Statewide Planning Goal 5 for natural resources also subject to and regulated by those goals. As a result, whether and under what circumstances development may impact wetlands and riparian corridors in estuarine and coastal shoreland areas is governed by the policies implementing Goals 16 and 17 rather than the City's adopted Goal 5 implementation program.

Wetlands and riparian corridors are important to the citizens of Warrenton as natural resources. To ensure that this goal is attainable, wetland and riparian corridor mitigation, restoration creation and enhancement shall be allowed in all zoning district where practicable.

- The project is explicitly wetland and riparian corridor mitigation as described and is consistent with the finding;

Goal 5 Natural Resources, Scenic and Historic (Open Space)

- Generally N/A per Article 0 Finding above. See Article 1 below;

Goal 16 Estuarine Resources

- See Article 1 below

Goal 17 Coastal Shorelands

- See Article 1 below

## Article 5. Columbia River Estuary and Estuary Shorelands

### **Section 5.100 Findings**

Water-Dependent Development Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- (1) Deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;
  - (2) Potential for aquaculture;
  - (3) Protected areas subject to scour which would require little dredging for use as marinas;
-

(4) Potential for recreational utilization of coastal waters or riparian resources.

These areas are managed for water-dependent recreational, commercial and industrial uses. These areas are in the City's Marine Commercial Zone (C-2), and Water-Dependent Industrial Zone (I-2). An inventory of these sites is included in Section 5.301 (Table 1 and Table 2).

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- *The project will not detract from or diminish the potential of the site for water-dependent development as characterized above.*

### **Section 5.150. Mouth of the Skipanon River Subarea Findings**

(1) General Description - This subarea contains filled and diked shorelands north of Harbor Drive and east of Skipanon Drive; the Skipanon River from the Harbor Drive Bridge to its mouth; the East and West Skipanon Peninsulas; and adjacent Columbia River waters out to the navigation channel. Parts of downtown Warrenton are also included.

(2) Aquatic and Shoreland Designations

(c) Development Shoreland:

[includes] The area north of Harbor Drive on the east side of the Skipanon waterway.

- *The finding is locational yet further memorializes the Development Shoreland designation applied to the subject property.*

*[continued on next page]*

## Goal 5.300 Policies

### Section 5.301. Deep-Water Navigation, Port and Industrial Development

(6) The following development sites described in the *Economic Evaluation of the Columbia River Estuary* are suitable for development of expansion of marine terminal facilities:

Tansy Point	West Skipanon Peninsula
East Skipanon Peninsula	East Hammond
Port of Astoria	East Astoria
Tongue Point	Bradwood
Driscoll Slough	Wauna.

These sites are in Water-Dependent Development Shorelands, Development Shorelands, and Development Aquatic designations in the *Columbia River Estuary Regional Management Plan*. Development of new marine terminal facilities at any of these sites (except at the Port of Astoria) will trigger a reassessment of whether the remaining undeveloped marine terminal sites are still needed.

Table 1 (below) includes acreage estimates for water-dependent shorelands in Warrenton as required under Statewide Planning Goal 17.

Table 1: Current and Former Water-Dependent Acreage

SITE	CURRENT (acres)	FORMER (acres)	TOTAL (acres)
East Skipanon Peninsula	-	49	49
West Skipanon Peninsula	65	-	65
Warrenton Mooring Basin	18	-	18
Tansy Point	50	-	50
Hammond Mooring Basin	20	-	20
TOTALS	153	49	202

Based on this data, Warrenton needs to protect at least 202 acres as water-dependent development shorelands. Data about these five sites are in the following paragraphs.

East Bank of the Skipanon Peninsula: This 172-acre (approximately) site consists of both shoreland and aquatic areas. The northern 96 acres of the site includes approximately 40 acres of shorelands which were added to the inventory of ESWD Shorelands by an amendment adopted in 2005. The remainder of the northern 96 acres is aquatic area that is zoned A-1. The southern 76 acres are designated Other Shorelands and are in the City's Urban Recreation/Resort zone.

- *The project will not result in the loss of any developable shorelands and is therefore Consistent with The Goal 17 protection of water-dependent development shorelands.*

### **Section 5.305 Dredging and Dredged Material Disposal**

These policies are applicable to all estuarine dredging and dredged material disposal in the Columbia River Estuary, shall be allowed only:

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(1) If, allowed by the applicable zone and required for one or more of the following uses and activities:

- (d) Adverse impacts are minimized, avoided, and mitigated; and
- (e) An approved restoration project;

- *The I-2 Zone allows mitigation. Project design and the pending approval of the parallel state/federal project will demonstrate compliance with both (d) and (e) above. The state/federal permit will comply with the permit approval and dredge disposal criteria in subsections (2) through (5).*

(8) When identifying land dredged material disposal sites, emphasis shall be placed on sites where (not in priority order):

- (a) The local designation is Development provided that the disposal does not preclude future development at the site;

- *As previously stated, the local designation is Development and the project will not preclude future development at the site*

### **Section 5.321 Mitigation and Restoration**

These policies apply to estuarine restoration and mitigation projects on Columbia River Estuary aquatic areas and shorelands.

#### **Mitigation Policies for Aquatic Areas and Non-tidal Wetlands**

(1) Any fill activities that are permitted in Columbia River Estuary aquatic areas or dredging activities in intertidal and shallow to medium depth subtidal areas shall be mitigated through project design and/ or compensatory mitigation (creation, restoration or enhancement) to ensure that the integrity of the estuary ecosystem is maintained. The Comprehensive Plan shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of aquatic area proposed for dredging or filling.

- *Dredging and fill components will be mitigated by project design in compliance with the state/federal permit conditions. The Comprehensive Plan designations have not been applied to the project site.*



- *Since the mitigation is a component of the Pier 2 West Rehabilitation project, compliance with Subsections (2) through (7) and (9) through (20) are the purview of the state/federal permit.*
- *Subsection (8) states that a buffer from development should be agreed upon between the City and the state/federal agencies; hence, a buffering requirement should be deferred via a condition in the approval.*

### **Section 5.335. Water-Dependent Development Areas**

These policies are applicable only to those Columbia River Estuary Shorelands that are in the Marine Commercial Shorelands Zone or the Water-Dependent Industrial Shorelands Zone. The purpose of these policies and standards is to assure that adequate sites are available for water-dependent uses.

- (1) Shorelands zoned Marine Commercial Shorelands or Water- Dependent Industrial Shorelands shall be protected for water-dependent uses. Temporary uses which involve minimal capital investment and no permanent structures, and uses in conjunction with and incidental to a water-dependent use, may also be permitted in these areas.
- *The project is a temporary use, as described in Subsection (1) above, that may be permitted and will not have long-term effects on the availability of the site for water-dependent uses.*

### **Section 5.337. Implementation**

These policies are intended to assure consistent region-wide implementation of the Columbia River Estuary Regional Management Plan.

- (1) Pre-permit application meetings and site visits shall be encouraged.
- *Applicant requested a pre-application conference, which the City held on June 13, 2024 as PRE-24-6,*

### **Section 5.339. Federal Consistency**

These policies establish procedures for ensuring that federal actions are consistent with this Comprehensive Plan.

- (1) Federally licensed or permitted activities affecting the estuary and shoreland area shall be consistent with the Warrenton Comprehensive Plan. If the activity requires a local permit, the permit review will be used to establish project consistency with the plan.
- *The Compliance Narrative portion of the CUP Supplement is intended to support a decision that the project is consistent with the Comprehensive Plan.*

- (2) Federal activities in the Columbia River Estuary that are most likely to directly affect the coastal zone and require a determination of consistency with the plan include, but are not limited to, the following:
- (f) mitigation and restoration actions
- (4) An activity shall generally be considered a federal activity when at least 50% of the project design work and 50% of the construction is funded by federal agencies.
- *The project design work funding does not meet the 50% federal funding threshold; hence the project is not a federal activity.*

## ARTICLE 6 BEACH AND DUNE SHORELANDS

### SECTION 6.100 FINDINGS

Beach and dune shorelands...are characterized by a series of sand ridges roughly parallel to the ocean shoreline which are separated by low-lying (interdune) areas.

- *The project site is not within or adjacent to Beach and Dune Shorelands area and is not subject to Article 6.*

## Warrenton Municipal Code

### Chapter 16.64 Water-Dependent Industrial Shorelands (I-2) District

Section 16.64.030.C allows as a conditional use, “mitigation, restoration, creation, and enhancement” in the I2

- The major components of this mitigation project are estuarine restoration and estuarine enhancement as depicted in Site Plan Pg. 1 Mitigation Plan and described in the CUP Supplement; therefore the project is a use consistent with conditional uses described and allowed in the I\_8 District.

### **Section 16.64.040, Development Standards**

**A.** All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Development Standards in Chapter **16.160**

**C.** Uses and activities that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.

- *The project's enhancement will not preclude future water-dependent uses on the site, nor will it conflict with any existing uses on the site or in the vicinity.*

**R.** Uses that are water-dependent must meet the criteria in Section 16.160.080.  
Uses that are water-related must meet the criteria in Section 16.160.080

**T.** All developments shall comply with the wetland and riparian area protection standards of Chapter 16.156

- *See Chapters 16.156 and 16.160 following in numerical order.*

## **Chapter 16.152. Grading, Excavating, and Erosion Control Plans**

### **Section 16.152.060. Grading Permit Requirements**

Permits Required. Except as exempted in Section 16.152.040, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

- *The project will comply with the permit requirements of this chapter.*
- *A cultural resource inventory is being prepared under the state/federal process to ensure that artefacts or cultural sites are preserved.*

## **Chapter 16.156. Wetland and Riparian Corridor Development Standards**

### **Section 16.156.030**

**C.** Applications to the City of Warrenton for subdivision, partition, planned unit development, conditional use, site design review, variance, or temporary building permits that include designs of altering land within 25 feet of a mapped wetland, or grading permits or building permits that would alter land within 25 feet of a mapped wetland boundary, but not within a mapped wetland area itself, shall contain the following:

**1.** A delineation of the wetland boundary, approved by the Oregon Division of State Lands.

- *The delineation is provided on Site Plan Pg 6*

### **Section 16.156.050, Riparian Corridor Inventory.**

**A.** The *City of Warrenton Riparian Corridor Map* dated January 21, 2004, together with the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 identify the following riparian corridors map units number:

Lower Skipanon River: 0 feet (non-significant).

**6a-1.**

Skipanon River Channel East Bank: 50 feet (see map narrative).

- *Locational information for the record.*

Chapter **16.160. Columbia River Estuary Shoreland and Aquatic Area Development Standards**

**Section 16.160.050 Dredged Material Disposal Standards**

(A) Dredged material disposal shall occur only at designated sites or at new sites which meet the requirements of the dredged material disposal site selection policies.

- *Disposal of dredged material, dike construction, revegetation and slope management as described in subsections (A), (H), (I) and (J) will be addressed in the state/federal permit. and will comply with WMC Section 16 standards.*

**Section 16.160.080 Water Dependent Uses**

**A.** Projects affecting endangered, threatened or sensitive species habitat, as identified by the U.S. Fish and Wildlife Service or Oregon Department of Fish and Wildlife, shall be designed to minimize potential adverse impacts. This shall be accomplished by one or more of the following:

1. Soliciting and incorporating agency recommendations into local permit reviews.

**B.** In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

- *Agency recommendations are generally initiated by the City's issuance of a Wetland Land Use Notice (WLUN) to the OR Dept. of State Lands (DSL); however, the state/federal permitting processes have begun. As part of the Type III Conditional Use process, the City will also mail notifications to and solicit comments from any agency with jurisdiction over the project or property.*
- *In-water construction activity will follow the recommendations.*

**Section 16.160.120 Mitigation and Restoration**

**L.** Removal and fill actions potentially exempt from estuarine mitigation requirements include:

7. Dredging or filling required as part of an estuarine resource creation, restoration, or enhancement project agreed to by local, state, and federal agencies.

- *The project is a collaborative effort with state and federal approvals pending and is potentially exempt from estuarine mitigation requirements.*

T. Shorelands in the Marine Commercial Shorelands Zone, Water-Dependent Industrial Shorelands Zone, or the Skipanon East Bank Mediated Development Shorelands Zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses.

- *The result of the project is the addition of an acre of open water to the Skipanon channel. The site will remain in I-2 zoning and the use for mitigation will not preclude or conflict with water-dependent uses.*

### **Section 16.160.130**

D. Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with mitigation and restoration standards (Section **16.160.130**)

- *Section 16.160.120.L.7 referenced above potentially exempts the project from estuarine mitigation requirements. The project is compensatory mitigation yet will include on-site mitigation for erosion control and other project aspects that have the potential for adverse environmental impacts.*

## **Chapter 16.164, Impact Assessments and Resource Capability Determination**

### **Section 16.164.020. Application of Impact Assessment Requirement.**

The following uses and activities, in addition to those so indicated in the aquatic zones, all require an impact assessment at the time a permit is reviewed:

#### **A.** New dredging;

- *An Impact Assessment is conducted under the state/federal permitting process and will be provided.*

## **Chapter 16.216, Land Divisions and Lot Line Adjustments**

- *The project will require vacating a portion of the Portoria Subdivision. The associated Subdivision Vacation application will address requirements of Chapter 216.*

## **Chapter 16.220, Conditional Use Permits**

### **Section 16.220.020. Authorization to Grant or Deny Conditional Uses.**

**A.** A new, enlarged or otherwise altered development listed in this Code as a conditional use shall be approved or denied by the Planning Commission under the procedure in this chapter. The Planning Commission shall base its decision on whether the use complies with:

1. Applicable policies of the Comprehensive Plan.
  2. Applicable Columbia River Estuary Aquatic and Shoreland Development Standards, Chapter 16.160.
  3. For certain uses in Columbia River Estuary aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Chapter 16.164.
  4. For certain activities in Columbia River Estuary aquatic areas, the findings of an impact assessment where required by Chapter 16.164.
  5. Development standards of the applicable zone.
  6. Basic conditional use standards of this section.
  7. Appropriate conditional use standards of this section.
- *Chapters 16.160 and 16.164 are discussed previously in numerical order.*

### **Section 16.220.030 Review Criteria.**

**A.** Before a conditional use is approved findings will be made that the use will comply with the following standards:

1. The proposed use is in conformance with the Comprehensive Plan.
2. The location, size, design and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on, surrounding properties.
3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.
4. Public facilities and services are adequate to accommodate the proposed use.
5. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.

**6.** The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for appropriate access points, on-site drives, public areas, loading areas, storage facilities, setbacks and buffers, utilities or other facilities which are required by City ordinances or desired by the applicant.

**7.** The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

- *[The standards listed above are addressed starting on the second page of the CUP application form under Conditional Use Permit Review Criteria.]*