



# Conditional Use Review for Residential Uses in Employment and Industrial Zones

## EG1, EG2, IG1, IG2, and IH Zones, Zoning Code Chapter 33.815

### What is a Conditional Use?

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

### Application Requirements

Refer to the Land Use Review Checklist (<http://www.portlandoregon.gov/bds/article/71802>) for a complete list of items that must be submitted with your conditional use application. Of note:

**Written Statement:** The written statement is your opportunity to describe your proposal in detail and address the approval criteria. In addition to the written statement, you must include a site plan and other documents which demonstrate how your proposal meets the approval criteria.

**Site Plan:** A site plan (<http://www.portlandoregon.gov/bds/article/92693>) is a graphic representation of the site's property lines, buildings, parking, drives, paving, trees, landscaping and any other structures that are part a development project. Existing and proposed elements are shown. Property line dimensions and distances from property line to existing and proposed structures are identified. In some cases, you will also submit building elevations, floor plans and/or landscape plans which help demonstrate how the development standards are met.

### What is the review process for my proposal?

Your conditional use proposal will be reviewed in either a Type II (<http://www.portlandoregon.gov/bds/article/71806>) or Type III (<http://www.portlandoregon.gov/bds/article/71828>) procedure, as described in Zoning Code Chapter 33.815. For more information about Conditional Use Review Procedures, visit the Development Services Center and ask to speak with a city planner, or call the Zoning Information Line, 503-823-7526.

### Conditional Use Approval Criteria

Conditional use approval criteria promote preservation of land for industrial use while allowing residential uses in limited situations where they do not interfere with industry. Residential uses in these zones are only protected from nuisance impacts to the same standard as industrial uses and other uses that are allowed outright in the E and I zones. Examples of nuisance impacts are noise, dust, vibration, and odor.

The site's zoning affects which set of approval criteria apply. Refer to the chart below to determine which criteria apply.

Zones	IG1, IG2, or IH	EG1 or EG2
<b>Applicable Approval Criteria</b>	<b>A + B + C + D</b>	<b>A + B + C + either D or E</b>

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The burden of proof is on the applicant to show how the request meets the approval criteria. A written response to all applicable approval criteria must be part of your application. Identify the specific approval criteria with all responses. Conditional use requests will be approved if the review body finds that all of the applicable approval criteria have been met. Be sure to address each item.

## Approval Criteria:

### 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. In the IG1, IG2, and IH zones, criterion A., B., C., and D. must be met. In the EG1 and EG2 zones, criterion A., B., and C. must be met and either D. or E. The approval criteria are as follows:

- A.** The proposed use will not have a significant adverse effect on truck and freight movement.
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- C.** City-designated scenic resources are preserved; and
- D.** The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses; or
- E.** The proposal is for new development where:
  - 1.** The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and
  - 2.** The proposal includes a design, landscape, and transportation plan which will limit conflicts between residential, employment, and industrial uses.

For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

For current Zoning Code visit: [www.portlandoregon.gov/zoningcode](http://www.portlandoregon.gov/zoningcode)

Information is subject to change.