

Chapter 17.46 – Conditional Use Permits

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17.46.010 Application–Filing–Contents.

An application for conditional use permit shall be filed with the clerk by at least one owner of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant;
- B. Legal description of property (with street address, if possible);
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the condition use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title;
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

The City reserves the right to request more information.

17.46.020 General standards applicable to conditional uses.

The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established in this title for the zoning district involved, in that it is not already defined as a permitted use in;

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- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance;
- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, or other factors determined to be nuisances;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

17.46.030 Supplementary conditions and safeguards may be required.

In granting any conditional use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title.

17.46.040 Public hearing required–Notice of time and place.

Prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the commission. At least fifteen days prior to the hearing, notice of the time any place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio or television stations serving in the jurisdiction for use as a public service announcement. Notice of the hearing shall also be provided by the applicant by regular mail to property owners and residents within the land being considered, three hundred (300) ft beyond the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed conditional use as determined by the commission. Property owners or residents who reside outside the postal service zip code mailing limits of the city, and whom the commission determines may be impacted by the proposal change, shall be given notice of the public hearing by certified mail. When notice is required to two hundred or more property owners or residents, in lieu of the mailing notification, three notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten days prior the public hearing.

17.46.050 Commission action.

- A. Within forty-five (45) days after the public hearing, the commission shall give approval, conditional approval, or disapproval of the application for conditional use permit as presented.
- B. Upon granting of a conditional use permit, conditions may be attached to a conditional use permit including, by not limited to, those:
 - 1. Minimizing adverse impact on other developments;
 - 2. Controlling the sequence and timing of development;
 - 3. Controlling the duration of development;
 - 4. Assuring that development is maintained properly;
 - 5. Designating the exact location and nature of development;
 - 6. Requiring the provisions for on-site or off-site public facilities or services;
 - 7. Requiring more restrictive standards than those generally required in an ordinance.
- C. Prior to granting a conditional use permit, the commission may request studies from the applicant or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.
- D. The commission shall insure that any favorable recommendations for conditional use permits are in accordance with the comprehensive plan and established goals and objectives.
- E. Upon granting or denying an application the commission shall specify:
 - 1. The ordinance and standards used in evaluating the application;
 - 2. The reasons for approval or denial;
 - 3. The actions, if any, that the applicant could take to obtain a permit.

17.46.060 Applicant notification/appeal.

Within ten days after a decision has been rendered, the clerk shall provide the applicant with written notice of the action on the request. Such notice shall include notification of an appeal period pursuant to Section 17.60.060. The applicant will have ten (10) days to appeal the commission decision to the City Council.