

**CHAPTER 15.05
CONDITIONAL USE PERMITS**

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15.05.010 – Purpose and Applicability.

A. All proposals for development that propose a use listed as being conditionally allowed in the applicable zone are allowed through a Type II process as provided in Chapter 15.07 *Administration and Procedures*. Applicants should look to the zoning regulations for the underlying zone to determine which uses are conditionally allowed. A conditional use may only be allowed if all of the approval standards in this Chapter are met. In addition, certain conditional uses are further limited by definition in Chapter 15.01 *Introductory Provisions* or by special provisions in Chapter 15.03 *Supplemental Provisions*.

B. Impacts of Conditional Uses. It is assumed that any listed conditional use, in at least some form, is acceptable and allowed in the zone in which it is listed, but there are also assumed to be certain adverse impacts or characteristics inherent in a conditional use that require conditions to avoid, mitigate or eliminate those impacts. For listed conditional uses, the focus of the permitting process is to assess the likely impacts and the appropriate conditions of approval to avoid, mitigate or eliminate those impacts. Only where the impacts cannot be avoided, eliminated or mitigated to an acceptable degree, may the use be denied. Applicants must submit a site plan in accordance with this chapter. Any conditions so imposed on a conditional use permit are considered to be legally binding and enforceable on the holder of the permit. Any violation of, or failure to comply with, those conditions will subject the property owner, permit holder, or person engaged in the use to enforcement and possible revocation of any permit. Where a use is not specifically listed as being conditionally allowed, the applicant may seek a similar use determination under Chapter 15.04 *Permits: Nonconforming Uses, Variances, Similar Uses, Formal Code Interpretations, Modification of a Prior Approval* of this ordinance through a Type II process.

15.05.020 – Site Plan Required. Site Plan Requirements. All conditional use permit applications shall include:

A. A site plan, which shall be drawn to scale and include all information required for Site Plan Review, per Section 15.06.030.

B. A detailed description of any requested variance shall also accompany the conditional use permit application prior to the application being determined complete.

15.05.030 – Approval Criteria. No conditional use permit shall be approved unless the applicant demonstrates compliance with, and provides substantial evidence that, the following standards are met:

A. The use proposed is listed as a conditionally allowed use in the zoning regulations applicable to the subject property.

B. The characteristics and location of the subject property are suitable to accommodate the proposed use, including availability and capacity of sanitary sewer, storm drainage facilities, water, transportation and pedestrian facilities.

C. The proposed use will not have any unacceptable adverse impacts upon any use existing or allowed on any properties in the area and will not be materially detrimental to the health, safety, or general welfare of persons residing or working in the area. In making this determination, the city shall consider any possible conditions or limitations that may be placed on the use or activity so as to avoid or reduce impacts to the minimum practicable level and mitigate any impacts that cannot be avoided or minimized. The use may be subject to a periodic or annual review requirement to verify that impacts, in fact, have been eliminated or mitigated to an acceptable level.

D. All needed public facilities including sewer, water, stormwater drainage and transportation are available to the subject property with adequate capacity to serve the proposed use.

F. Approval of the proposed use does not conflict with any provision of the Comprehensive Plan, applicable city ordinance or regulations, nor any previously approved permit.

15.05.040 – Authority and Basis for Conditions. The city has the authority to impose any reasonable conditions it deems necessary to ensure compliance with the approval criteria, including any reasonable limitation on physical or operational characteristics of the use, such as those listed in this section. In the event that the approval criteria for any conditional use permit cannot be met through the imposition of reasonable conditions, the request shall be denied.

A. Natural Features. Where existing natural or topographic features are present, they shall be used to enhance the development; (*i.e.*, the use of small streams in the landscaping design, rather than culvert and fill).

B. Public Facilities. Where any required public facility is not available with adequate capacity to serve the property or proposed use, the permit may be denied or the applicant may be required to correct or pay for the correction of the deficiency or mitigate in some other way.

C. Traffic. Dedication of land for streets, sidewalks, bikeways, paths, or accessways will be required where the existing transportation system, including sidewalks, will be impacted by or is inadequate to handle the additional burden caused by the proposed use. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use shall be required where the existing transportation system may be burdened by the proposed use.

D. Compatibility - The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity.

E. Design - Variety of detail, form and siting shall be used to provide visual interest. Buildings may be required to modulate the façade if a single uninterrupted length of façade will dominate the streetscape. Selection and use of building materials shall promote harmony with surrounding structures and sites. Architectural features such as those in Figure 15.03-B may be required as necessary to help ensure compatibility of the proposed use.

F. Operational Characteristics – The nature of the use including hours of operation may be limited as necessary to ensure the use will not have undue adverse affects on surrounding permitted uses.

G. Duration of the Permit – A limit on the duration of the permit and/or a periodic review process with the possibility of termination.

15.05.050 – Change in Use or Conditions. Any conditional use permit approved under this chapter is specific and limited to the particular use described in the permit. The permit runs with the land and is not personal to the applicant. Changes to the use or conditions attached to the permit are not allowed without a new conditional use review, evaluation of impacts and consideration of appropriate conditions of approval.