
16.03.050 Conditional uses.

- A. Purpose. In order to provide flexibility and help diversify uses within a zoning district, specified uses are permitted subject to the granting of a conditional use permit. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the city at large. Conditional uses may be permitted subject to such conditions and limitations as the city may prescribe to ensure that the location and operation of the conditional use will be in accordance with the conditional use criteria and the intent of this code and each zoning district. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.
- B. Conditional use review process.
1. Step 1: Conditional use application. The applicant shall submit one (1) copy of the complete conditional use application package to the city and shall request that the application be reviewed by the planning commission and city council. Conditional use requests shall include:
 - a. An application fee per the city fee schedule (as adopted).
 - b. A conditional use application form.
 - c. A title commitment or proof of ownership.
 - d. A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
 - e. A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
 - f. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
 - g. Such additional material as the city may prescribe or the applicant may submit pertinent to the application.
 - h. A list of the names and addresses of property owners within one hundred fifty (150) feet and mineral interest owners and lessees.
 2. Step 2: Conditional use application certification of completion and report to planning commission. Within a reasonable period of time, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the city. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, staff shall prepare a report to the planning commission explaining how the application is or is not consistent with the conditional use application review criteria.
 3. Step 3: Planning commission review of the conditional use application. The planning commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The planning commission will then recommend to the city council approval, approval with conditions or denial.

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4. Step 4: Set conditional use public hearing date and notify public of hearing before the city council. The city shall send notice of the public hearing to the applicant and the parties for whom the applicant has provided contact information and to the referral agencies deemed appropriate by city staff. Such notice shall be sent within a reasonable length of time before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The city shall publish notice in a newspaper of general circulation. The hearing may be held a reasonable length of time after the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the city council, one (1) public hearing may be held on both applications.
 5. Step 5: City council public hearing and action on the conditional use. The city council shall hold a public hearing on the conditional use application. Following the public hearing, the city council may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria and the intent of this code. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to conditions as the city council may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds and prescription of development schedules.
- C. Conditional use review criteria. The city shall use the following criteria to evaluate the applicant's request:
1. The conditional use will satisfy all applicable provisions of this code unless a variance to a provision of this code is being requested.
 2. The conditional use will conform with or further the goals, policies and strategies set forth in the master plan.
 3. The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
 4. The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.
 5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
 6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address the following impacts:
 - a. Traffic;
 - b. Activity levels;
 - c. Light;
 - d. Noise;
 - e. Odor;

f. Building type, style and scale;

g. Hours of operation;

h. Dust; and

i. Erosion control.

7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

(Ord. 962 §§1, 2, 2007)