

Chapter 17.130

CONDITIONAL USE

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17.130.010 Purpose. The purpose of this chapter is to provide standards and procedures under which conditional use may be permitted, enlarged or altered if the site is appropriate and if other conditions can be met. (Ord. 634 §1 Exh. A (part), 1995)

17.130.020 Administration and approval process. A. The applicant of a conditional use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. Action on the application shall be in accordance with Chapter 17.162. (Ord. 634 §1 Exh. A (part), 1995)

17.130.030 Expiration of approval. A. Approval of a conditional use by the planning commission shall be void if:

1. Substantial construction of the approved plan has not been completed within a one-year period; or
2. Construction on the site is a departure from the approved plan.

B. The planner may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original conditional use plan as approved by the planning commission;
2. The applicant can show intent of initiating construction on the site within the one year extension period; and
3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

C. Notice of the decision shall be provided to the applicant. (Ord. 634 §1 Exh. A (part), 1995)

17.130.040 Phased development or existing development. A. The planning commission may approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for conditional use review.

B. The following criteria shall be satisfied in order to approve a phased conditional use review proposal.

1. All underground utilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary

public facility is an interim facility not constructed to the applicable city or district standard; and

3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required by an approved development proposal. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

17.130.050 Approval standards and conditions. A. The planning commission shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;
2. All required public facilities have adequate capacity to serve the proposal;
3. The applicable requirements of the zoning district are met;
4. The use is compatible with surrounding properties or will be made compatible by imposing conditions.

B. An enlargement or alteration of an existing conditional use shall be subject to the approval standards of this Chapter.

C. The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place and manner of operation;
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
3. Requiring additional setback areas, lot area, or lot depth or width;
4. Limiting the building height, size or lot coverage, or location on the site;
5. Designating the size, number, location and design of vehicle access points;
6. Requiring street right-of-way to be dedicated and the street to be improved;
7. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
8. Limiting the number, size, location, height and lighting of signs;
9. Limiting or setting standards for the location and intensity of outdoor lighting;
10. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas;
13. Requiring the dedication of sufficient open land area for a greenway adjoining and within the floodplain when land form alterations and development are allowed within the one hundred-year floodplain. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

17.130.060 Major modification. A. An applicant may request approval of modification to an approved plan by:

1. Providing the planner a reproducible copy of the proposed modified conditional use plan; and

2. A narrative addressing the proposed changes as listed in subsection B of this section.

B. The planner shall determine that a major modification(s) will result if one or more of the following changes are proposed:

1. An increase of ten percent or more in dwelling unit density, or lot coverage for residential development;

2. A change in the ratio or number of different types of dwelling units;

3. A change that requires additional on-site parking in accordance with Chapter 17.106;

4. A change in the use as defined by the Uniform Building Code;

5. An increase in the height of the building(s) by more than twenty percent;

6. A change in the type and location of access ways and parking areas where off-site traffic would be affected;

7. An increase in vehicular traffic to and from the site and the increase can be expected to exceed fifty vehicles per day;

8. An increase in the floor area proposed for a nonresidential use by more than ten percent;

9. A reduction in the area reserved for common open space and/or usable open space;

10. A reduction of project amenities where specified in the site plan:

a. Recreational facilities,

b. Screening, and/or

c. Landscaping provisions,

11. A change in land use, and

12. A modification to the conditions imposed at the time of conditional use approval which are not the subject of subdivisions (B) (1) through (11) of this subsection.

C. Upon the planner determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application for conditional use approval. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

17.130.070 Minor modifications. A. Any modification which is not within the description of a major modification as provided in Section 17.130.060 shall be considered a minor modification.

B. An applicant may request approval of a minor modification:

1. Providing the planner with three copies of the proposed modified conditional use plan; and

2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in Section 17.130.060(B).

C. The planner may approve, approve with conditions or deny a minor modification following the planner's review based on the findings that:

1. No title provisions will be violated; and

2. The modification is not a major modification.

D. Notice of the planner's decision shall be given. (Ord. 634 §1 Exh. A (part), 1995)

17.130.080 Application submission requirements. A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. Copies of the development permit proposal and necessary data or narrative which explains how the proposal conforms to the standards; and
2. Site development plans drawn to a standard engineering scale.

B. The required information may be combined on one map. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

17.130.090 Site development plans. A. Site development plan(s), data and narrative shall include the following information:

1. A vicinity map showing the proposed site and surrounding properties;
2. The site size and its dimensions;
3. The location, dimensions, and names of all:
 - a. Existing and platted streets and other public ways and easements on the site and on adjoining properties, and
 - b. Proposed streets or other public ways and easements on the site;
4. The location and dimension of:
 - a. Entrances and exits on the site,
 - b. Parking and traffic circulation areas,
 - c. Loading and services areas, where applicable,
 - d. Pedestrian and bicycle facilities, e. Utilities;
5. The location, dimensions and setback distances of all:
 - a. Existing structures, improvements and utilities which are located on adjacent property within twenty-five feet of the site and are permanent in nature, and
 - b. Proposed structures, improvements, and utilities on the site,
6. Contour lines at two-foot intervals for grades zero to ten percent and five-foot intervals for grades over ten percent;
7. A grading plan that includes:
 - a. The identification and location of the benchmark and corresponding datum,
 - b. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals, and
 - c. When requested by the planner, a statement from a registered engineer supported by factual data substantiating:
 - i. The validity of the slope stabilization proposals,
 - ii. That other off-site impacts will not be created,
 - iii. Stream flow calculations,
 - iv. Cut and fill calculations, and
 - v. Channelization measures proposed;
8. The location of drainage patterns and drainage courses;
9. The location of any natural hazard areas including:
 - a. Floodplain areas (one hundred-year floodplain and floodway),
 - b. Slopes in excess of fifteen percent;

- c. Unstable ground (areas subject to slumping, earth slides or movement),
- d. Areas having a high seasonal water table within twenty-four inches of the surface for three or more weeks of the year,
- e. Areas having a severe soil erosion potential as defined by the Soil Conservation Service, and
- f. Areas having severe weak foundation soils;
- 10. If applicable, the location of resource areas or site features including:
 - a. Wildlife habitat, and
 - b. Wetlands,
 - c. Rock outcroppings, and
 - d. Trees with six inches caliper or greater measured four feet from ground level;
- 11. The method for mitigating any adverse impacts upon wetland, riparian or wildfire habitat areas.
- 12. The location of areas to be landscaped including:
 - a. Location and height of fences, buffers and screening,
 - b. Location of terraces, decks, shelters, play areas, and common open spaces where applicable, and
 - c. Location, type, and size of existing and proposed plant materials,
 - d. Soil conditions, and
 - e. Erosion control measures that will be used. (Ord. 634 §1 Exh. A (part), 1995)