

CHAPTER 18.66  
CONDITIONAL USE PERMITS

**§ 18.66.010. Applicability.**

- A. The regulations set out in this chapter shall apply to the granting of conditional use permits. Uses may be permitted by the planning commission in zones from which they are prohibited by this chapter where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan.
- B. Any use which is distinguished or characterized by matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities" shall be exempt from the provisions of this chapter and shall instead be subject to the provisions of Chapter 18.56 et seq., of this code.

(Ord. 1719 § 1, 2010)

**§ 18.66.020. Application—Contents.**

Applications for conditional use permits shall be accompanied by the following information:

- A. A plot plan and description of the property involved showing the location of all existing and proposed buildings; plans and descriptions of the proposed use of the property with ground plans and elevations for all proposed buildings;
- B. A reference to the provisions of this title under which application is sought;
- C. A verified list of the name and address of each property owner within three hundred feet of the exterior boundaries of the property involved, using for this purpose the last-known name and address of such owners as shown upon the last assessment roll of the city or county.

(Ord. 1719 § 1, 2010)

**§ 18.66.030. Application—Filing.**

- A. Applications for conditional use permits shall be made in writing to the planning commission in such form as is approved by the planning commission. The planning commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements.
- B. Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the planning commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

(Ord. 1719 § 1, 2010)

**§ 18.66.040. Applications—Investigation.**

The planning commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and

purpose of this title and with previous actions of the commission and city council.  
(Ord. 1719 § 1, 2010)

**§ 18.66.050. Public hearing—Scheduling—Notice.**

Following the receipt in proper form of any such application, the secretary of the planning commission shall fix a time and place of public hearing thereon. Not less than ten days before the date of such public hearing, notice of the date, time, place of hearing and location of the property and the nature of the request shall be given in the following manner:

- A. By publishing once in a newspaper of general circulation in the city;
- B. By mailing a notice, postage prepaid, to the applicant, to each member of the planning commission, and to the owners of all property within three hundred feet of the exterior boundaries of the property involved, using for this purpose the last-known name and the address of such owners as shown upon the last assessment roll of the city or county.

(Ord. 1719 § 1, 2010)

**§ 18.66.060. Public hearing—Conduct.**

Public hearings as provided for in this chapter shall be held before the planning commission at the time and place for which public notice has been given as required in Section 18.66.050. The planning commission may establish its own rules for the conduct of such hearings. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case. Any such hearing may be continued; provided, that prior to the adjournment or recess thereof, the presiding officer at such hearing shall announce the time and place to which such hearing will be continued.

(Ord. 1719 § 1, 2010)

**§ 18.66.070. Planning commission action.**

- A. Within thirty-five days after the conclusion of a public hearing, the planning commission shall render its decision on the matter so heard. The failure of the planning commission to render such decision within thirty-five days after the conclusion of the hearing shall be deemed to constitute a denial.
- B. The planning commission shall announce and record its actions by formal resolution, and such resolution shall recite the findings of the planning commission upon which it bases its decision.
- C. The planning commission shall make the following required findings before any conditional use permit may be approved:
  - 1. The granting of such conditional use permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.
  - 2. The subject site is physically suitable for the type of land use being proposed.

3. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.
4. The granting of this conditional use permit is consistent with the comprehensive general plan.

(Ord. 1719 § 1, 2010)

**§ 18.66.080. Appeal.**

- A. The granting, either with or without conditions or the denial of such application by the planning commission shall be final unless within ten working days from the date of the decision of the planning commission the applicant, or any other person aggrieved, appeals there from in writing to the city council by presenting such appeal to the city clerk. The city clerk, after the filing of such appeal, shall set a date for a public hearing; giving of notice and conduct of the hearing shall be consistent with the provisions of the chapter for hearing by the planning commission, except that at the commencement of the public hearing set for the appeal before the city council, the appealing party shall set forth the basis for any such appeal and any evidence or argument in support of the appeal. Thereafter, any person or applicant in response to the appeal may set forth any evidence or argument to rebut the appeal. The decision appealed from shall be affirmed unless reversed by a vote of not less than a majority of the voting members of the city council.
- B. No permit or license shall be issued for any use involved in an application for a conditional use permit until the permit has become final by reason of the failure of any person to appeal or by reason of the action of the city council.

(Ord. 1719 § 1, 2010)

**§ 18.66.090. Term—Extension.**

- A. If the use authorized by any conditional use permit is or has been unused, abandoned or discontinued for a period of one year, the conditional use permit shall become null and void and of no effect.
- B. The planning commission or the city council may, upon their own initiative or upon the request of the applicant, extend the use authorized by the conditional use permit for a period not to exceed one year. Such action shall be initiated prior to the original expiration date of the conditional use permit. This action shall be by administrative procedure and shall not require a public hearing. A maximum of one extension may be granted.

(Ord. 1719 § 1, 2010)

**§ 18.66.100. Violation.**

- A. Upon violation of any applicable provision of this title or, if granted subject to conditions, upon failure to comply with conditions, or due to a change in conditions occurring after the original grant of the conditional use permit which change in conditions makes the continuation of the permit incompatible with the general welfare of the surrounding neighborhood, a conditional use permit shall be suspended automatically.
- B. The planning commission shall hold a public hearing within forty days in accordance with

the procedures prescribed in this chapter for appeals, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within fifteen days following the date of a decision of the planning commission revoking a conditional use permit, the secretary shall transmit to the city council written notice of the decision. The decision shall be final thirty days following the date on which the conditional use permit was revoked unless an appeal has been filed.

(Ord. 1719 § 1, 2010)