

Chapter 18.740
CONDITIONAL USES

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18.740.010 Purpose

The purpose of this chapter is to provide an appropriate review process for evaluating and establishing conditional uses to ensure that they are appropriately located within the community, reasonably compatible with surrounding uses, and advancing the community’s vision to become a walkable, healthy, and inclusive city.

Conditional uses are not allowed by right. Although they may serve important public and private interests, conditional uses are subject to conditional use review because their size, operation, or characteristics require case-by-case evaluation to identify and mitigate impacts to surrounding properties, public facilities, or the environment.

A conditional use approval does not constitute a zone change and is subject to any modifications, conditions, or restrictions deemed appropriate by the approval authority. (Ord. 18-28 §1)

18.740.020 Applicability

This chapter applies to all new or existing uses identified in this title as conditional uses. (Ord. 18-28 §1)

18.740.030 General Provisions

- A. Conditional use approval is required to establish a new conditional use or to substantially redevelop an existing conditional use. Substantial redevelopment is defined as a proposal that involves substantial changes to uses, structures, site improvements, operating characteristics, or original findings of fact.
- B. Conditional use approvals do not expire once utilized, except through discontinuation as described in Section 18.740.080.
- C. Conditional use approvals or existing conditional uses may be modified as allowed by Chapter 18.765, Modifications. (Ord. 18-28 §1)

18.740.040 Approval Process

A conditional use application is processed through a Type III-HO procedure as provided in Section 18.710.070, using approval criteria in Subsection 18.740.050. (Ord. 18-28 §1)

18.740.050 Approval Criteria

The approval authority will approve or approve with conditions a conditional use application when all of the following criteria are met:

- A. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- B. The operating and physical characteristics of the proposed use are reasonably compatible with surrounding properties, public facilities, or sensitive lands;
- C. Any impacts from the proposed use are mitigated to the extent practicable;
- D. The proposed use is located and designed to support pedestrian access, safety, and comfort on and adjacent to the site where practicable;
- E. The proposed use complies with all applicable development standards and requirements of this title, except where an adjustment has been approved; and
- F. Adequate public facilities are available to serve the proposed use at the time of occupancy. (Ord. 18-28 §1)

18.740.060 Conditions of Approval

The approval authority may impose conditions of approval on the proposed use that are suitable and necessary to ensure compatibility with surrounding properties, protect the public from adverse impacts, or advance the community's vision to become a walkable, healthy, and inclusive city. Conditions may include but are not limited to the following:

- A. Limiting the hours, days, place, and manner of operation;
- B. Requiring design features that minimize adverse operational impacts such as those caused by noise, vibration, air pollution, glare, odor, and dust;
- C. Requiring the protection and preservation of existing trees, vegetation, land forms, and habitat areas;
- D. Requiring a front, rear, or side setback larger than that required by the base zone or plan district;
- E. Limiting building height, size, or location or limiting lot coverage;
- F. Limiting or otherwise designating the size, number, or location of vehicle access points;
- G. Requiring pedestrian access within the development and between the development and the surrounding community;
- H. Requiring additional landscaping or screening of structures, off-street parking, or service areas;
- I. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting; or
- J. Requiring and designating the size, height, location, and materials of fences. (Ord. 18-28 §1)

18.740.070 Pre-Existing Conditional Uses

- A. A pre-existing conditional use is any established use currently identified in this title as a conditional use where the use was not initially subject to city regulations when established, but became subject to city regulations through annexation or incorporation. A pre-existing conditional use is the same as an approved conditional use for purposes of this chapter.
- B. A pre-existing conditional use is not a nonconforming use and is therefore not subject to the provisions of Chapter 18.50, Nonconforming Circumstances. However, any nonconforming development associated with a pre-existing conditional use is subject to the provisions of Chapter 18.50, Nonconforming Circumstances. (Ord. 18-28 §1)

18.740.080 Discontinuation of Existing Conditional Uses

A conditional use automatically loses its conditional use status when either of the following occurs:

- A. The property owner replaces the conditional use with a use allowed by right or obtains approval to establish a different conditional use; or
- B. The conditional use is discontinued for more than one year. Calculation of the one-year period begins on the earliest date that any of the following events occurs:
 - 1. The conditional use physically vacates the location where it was approved to operate;
 - 2. The conditional use ceases to provide the service or activity that was the subject of the conditional use approval;
 - 3. The lease or contract allowing the conditional use to operate at the approved location is terminated; or
 - 4. A final reading of the water or power meter serving the conditional use is made by the applicable utility provider. (Ord. 18-28 §1) ■