

Chapter 17.68

CONDITIONAL USE PERMITS

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17.68.010 **Generally.**

Certain uses listed in the zone districts are permitted only when subject to a conditional use permit. Uses are subject to all applicable property development standards of the district in which they are to be located. The procedure set forth in this chapter applies to all uses permitted subject to a conditional use permit. (Ord. 1-5-87A § 32(part))

17.68.020 **Application.**

Application for a conditional use permit may be made by the owner, purchaser under contract, or lessee of the property for which the permit is sought, or his agent duly authorized in writing and shall:

A. Be in writing on forms furnished by the planning department setting forth such information as may be prescribed by the planning commission to assist in determining the validity of the request.

B. The director of planning may require the applicant to submit a site plan. (Ord. 1-5-87A § 32(A))

17.68.030 **Fee.**

The fee for a conditional use permit will be paid when the application is filed. (Ord. 1-5-87A § 32(B))

17.68.040 Public hearing--Date.

A hearing date will be set by the director of planning not less than ten or more than forty days after the receipt of an application. The hearing will be held not more than sixty-five days after initiation of proceedings seeking a conditional use permit. (Ord. 1-5-87A § 32(C) (1))

17.68.050 Public hearing-Notice.

A. Notice of all public hearings will be given and contain the name and place of the hearing and other pertinent data presented in the application.

B. At least ten days before the date set for public hearing, the director will give notice by mail of the time, place and the nature of the hearing to owners of property within a distance of three hundred feet of the exterior boundaries of the subject property, as the owners appear in the last adopted tax roll of the county. (Ord. 1-5-87A § 32(C) (2))

17.68.060 Public hearing-Decision.

A. The planning commission will hold a public hearing not less than thirteen days after the mailing of the notice of the conditional use permit application, thereof.

B. The planning commission will issue its decision by resolution prior to the conclusion of the public hearing. The resolution shall set forth the findings of the planning commission and any recommended or required conditions, including time limit, deemed necessary to protect the health, safety and welfare of persons in the neighborhood and the community as a whole. Notification of the action of the planning commission will be mailed to the application at the address shown on the application within five working days. (Ord. 1-5-87A § 32(C) (3))

17.68.070 Public hearing-Effective date of decision.

The decision of the planning commission is final unless appealed and becomes effective five working days after issuance of such decision. (Ord. 1-5-87 A § 32((C)(4))

17.68.080 Commission findings and conditions.

The planning commission, before granting a conditional use permit, shall find as follows:

A. That the site for the proposed use is adequate in size and shape to accommodate the conditional use;

B. The site for the proposed use is accessible by streets and highways adequate in width and pavement type, to carry the quantity and kind of traffic generated by the proposed use;

C. That the proposed use will have no adverse effect on abutting property or the permitted use thereof;

D. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include, but are not limited to:

1. Special yards, spaces and buffers.
2. Fences and walls,
3. Surfacing of parking areas and specifications therefore,

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4. Requiring street dedications and improvements including service roads and alleys,
5. Regulation of points of vehicular egress and ingress,
6. Regulation of signs,
7. Requiring landscaping and maintenance thereof,
8. Requiring maintenance of grounds,
9. Regulation of noise, vibration and odors,
10. Regulation for time of certain activities,
11. Time period within which the proposed use will be developed,
12. A bond for removal of such use within a specified period of time,
13. Such other conditions as will make possible the development of the county in an orderly and efficient manner in conformity with the intent and purposes set forth in this title. (Ord. 1-5-87 A § 32(D))

17.68.090 Time limit for development.

The planning commission may establish a time limit in which the subject property and the use or any stage or phase thereof will be commenced and completed. The time limit set by the planning commission will be reasonable based on the size and nature of the proposed development. The time limit may be extended by the planning commission for good cause. (Ord. 1-5-87 A § 32(E))

17.68.100 Permit revocation.

A. A conditional use permit is automatically revoked if not exercised by actual use in conformance with the permit within one year unless a longer period is specified in the approval.

B. The planning commission, on its own motion at public hearing with or without recommendation from the governing body, may revoke any conditional use permit granted by it for noncompliance with the conditions set forth by the planning commission in granting the permit. The permittee will be given written notice at least ten days prior to a public hearing on any proposed revocation. (Ord. 1-5-87 A § 32(F))

17.68.110 Appeal-Generally.

A decision of the planning commission may be appealed to the county board of county commissioners only in accordance with the provisions of Sections 17.68.120 through 17.68.160. (Ord. 1-5-87 A § 32(G)(part))

17.68.120 Appeal-Who may file.

An appeal may be filed by the applicant or any interested person; however, such appeal must be filed before five p.m. on the day the decision is to become effective. (Ord. 1-5-87 A § 32(G)(1))

17.68.130 Appeal-Filing.

An appeal will be filed with the clerk of the county board of county commissioners in writing and set forth grounds of the appeal. (Ord. 1-5-87 A § 32(G)(2))

17.68.140 Hearing.

At the next regular meeting after the filing of a written appeal, the county board of county commissioners will set a date for public hearing thereon, not less than fifteen days or more than forty days thereafter. Notice of appeal hearing shall be given as provided in Section 17.68.050. (Ord. 1-5-87 A § 32(G)(3))

17.68.150 Appeal-Decision.

The county board of county commissioners may approve with stated conditions or disapprove the conditional use permit application by resolution. The county board of county commissioners may add to or delete any of the conditions recommended or required by the planning commission. The decision shall be issued within forty days of the hearing. The action of the planning commission may be reversed or modified only by a unanimous vote of the county board of county commissioners. (Ord. 1-5-87 A § 32(G)(4))

17.68.160 Notice of decision.

Within five days after the decision is issued, the director shall cause a notice of the decision to be mailed to the applicant and each interested person who has previously filed with the planning department a written request therefore. (Ord. 1-5-87 A § 32(G)(5))