

**Chapter 18.48  
CONDITIONAL USES**

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**18.48.020 Conditional use approval**

A. Hearing Examiner approval. Certain uses, because of their unusual size, infrequent occurrence, special requirements, possible safety hazards or detrimental effects on surrounding properties and other similar reasons, are classified as conditional uses. These uses may be allowed in certain districts by a Conditional Use Permit granted by the Hearing Examiner or as provided below. Prior to granting such a permit the Hearing Examiner shall hold a public hearing, unless otherwise provided for in this code, and determine that all applicable conditions will be satisfied. If the conditional use proposed in a residential zone exceeds 5,000 square feet in floor space, it must also be reviewed by the Design Review Board.

B. Permit content and enforcement. Conditional Use Permits shall state the location, nature and extent of the conditional use together with all conditions that were imposed and any other information deemed necessary for the issuance of said permit. A copy of this permit shall be kept on file in the Community Planning and Development Department and if, at any time, it is found that the conditional use no longer complies with the conditions therein specified, the owner shall be declared in violation of this Title and shall be subject to its penalties.

C. Expansion of Approved Conditional Uses. The Director may authorize up to a twenty-five (25) percent expansion, in any five (5) year period, of an approved conditional uses gross floor area, height, parking and occupancy (e.g., number of seats, classrooms and students). The Director may also authorize alterations to the site design, including landscaping, fences, lighting, signs and similar site features. If the expansion in a residential zone exceeds 5,000 square feet in floor space, it must receive review by the Design Review Board. All such modifications shall be consistent with the original conditions of approval and applicable regulations. Notice of the proposed expansion or alteration shall be sent to property owners within three hundred (300) feet of the subject site, consistent with the notice requirements specified in Chapter 18.78. If anyone requests a public hearing in writing within the specified comment period, the Director shall refer the request to the Hearing Examiner. Copies of all Director decisions shall be mailed to everyone who commented on the project or requested a copy of the decision. Director decisions may be appealed to the Hearing Examiner consistent with Section 18.75.020, Appeals of Administrative Decisions.

D. SEPA-exempt Conditional Uses. The Director may authorize any conditional use that is exempt from the State Environmental Policy Act. See OMC 14.04.065 and WAC 197-11. Part Nine. Notice of such proposed use shall be sent to property owners within three hundred (300) feet of the subject site, consistent with the notice requirements specified in Chapter 18.78. If anyone requests a public hearing in writing within the specified

comment period, the Director shall refer the request to the Hearing Examiner. If the conditional use is in a residential zone and exceeds 5,000 square feet in floor space, it must be reviewed by the Design Review Board. Copies of all Director decisions shall be mailed to everyone who commented on the project or requested a copy of the decision. Director decisions may be appealed to the Hearing Examiner consistent with Section 18.75.020, Appeals of Administrative Decisions.

(Ord. 6967 §27, 2015; Ord. 6408 §26, 2006; Ord. 5759 §1, 1998; Ord. 5664 §11, 1997; Ord. 5517 §1, 1995).

#### **18.48.040 Additional conditions**

The Hearing Examiner or Director, as applicable, may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood or the general welfare of the public. The conditions may:

- A. Increase requirements in the standards, criteria or policies established by this Title;
- B. Stipulate an exact location as a means of minimizing hazards to life, limb, property, traffic, or of erosion and landslides;
- C. Require structural features or equipment essential to serve the same purpose set forth in item B above;
- D. Impose conditions similar to those set forth in items 2 and 3 above to assure that a proposed use will be equivalent to permitted uses in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters;
- E. Ensure that the proposed use is compatible with respect to the particular use on the particular site and with other existing and potential uses in the neighborhood.
- F. Assure compliance with the Citywide Design Guidelines, Unified Development Code Chapter 18.20, as recommended by the Design Review Board.

(Ord. 6967 §28, 2015; Ord. 5759 §2, 1998; Ord. 5664 §11, 1997; Ord. 5517 §1, 1995).

#### **18.48.060 Compliance**

Noncompliance with the conditions of the permit shall be grounds for rehearing before the Hearing Examiner. The Hearing Examiner may suspend or revoke a conditional use permit pursuant to this section and/or impose penalties, for violation of any of the provisions of this title or original conditions of approval.

(Ord. 5517 §1, 1995).

#### **18.48.080 Appeals**

The action by the Hearing Examiner on an application for a Conditional Use Permit shall be final and conclusive unless appealed in the manner and within the time limits set forth in Chapter 18.75 of this Development Code.

(Ord. 5517 §1, 1995).

#### **18.48.100 Transferability**

A Conditional Use Permit shall be transferable provided that the transferee complies with the conditions. If at any time the conditional use no longer complies with the conditions of the permit, the owner shall be declared in violation of this title and shall be subject to its penalties, and the Hearing Examiner may suspend or revoke the

permit.

(Ord. 5517 §1, 1995).