

**CITY OF KALAMA
CONDITIONAL USE PERMIT
INFORMATION AND INSTRUCTIONS**

Conditional Use Permits (CUP) are allowed as per Kalama Municipal Code Chapter 17.54. Applications for Conditional Use Permits are processed by the City Clerk's office. A public hearing is held before the Kalama Hearing Examiner at which time the applicant, the City staff and the public have an opportunity to comment on the proposed project.

Applications for a Conditional Use Permit must include a master permit application, a conditional use permit attachment (on the opposite side of this sheet), a site plan drawn to scale, and any other applicable information which could include a SEPA checklist or critical area report if required.

Once an application is submitted , a pre-application conference is held between the applicant and the City Planner. Once the City Planner agrees the application is complete the application is accepted and the fees are due.

A \$150.00 application fee is due upon submittal of the complete application and is non-refundable. In addition to the application fee, the applicant will be responsible for the actual costs of processing the application which may include postage, copies, hearing examiner and city planner costs.

The City Hearing Examiner will set a date for the public hearing which will not exceed 45 days after the acceptance of the application. The City Planner shall prepare a written report and forward it to the Hearing Examiner no later than 5 working days prior to the hearing date.

The applicant can be required to post the site with a sign no less in size than 18" by 24" on color laminated or equally weather resistant material with printing no smaller than one-half inch. The text of the sign shall contain the type of activity and the date and time of the public hearing at least 3/4 inch in size. The requirement for the posting of the sign will be indicated at the time of the pre-application conference.

The City Hearing Examiner will evaluate the application based on the criteria set out in KMC Chapter 17.54.050. A full copy of KMC Chapter 17.54 is included in this packet for your convenience.

Upon conclusion of the public hearing the Hearing Examiner shall have 10 working days to submit a written decision which will include findings of fact, the decision of whether to grant, impose and grant with conditions, or deny the application and a statement that the decision will become final in 14 days unless appealed to the Cowlitz County Superior Court. Upon receipt of the Hearings Examiner's decision the City shall forward the decision to the applicant within 5 working days.

**CITY OF KALAMA
CONDITIONAL USE PERMIT ATTACHMENT**

Please address each criteria and submit with the Master Application. The following are questions that address the items that must be considered when granting a Conditional Use Permit (CUP). Please complete and include a Site Plan drawn to scale. The site plan should also address these questions where applicable.

Describe the proposal/activities/uses for the site in detail: _____

1. ZONING

a.a Is the use applied for listed as a conditional use or significantly similar to one or more of the listed uses? List use and explain. _____

b. Will the proposal expand any non-conforming uses? Explain. _____

2. IMPACT ON THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE NEIGHBORHOOD - How will the proposal affect:

a. The character and use of adjoining buildings or those in the vicinity? _____

b. Other property and improvements in the neighborhood? _____

c. Neighboring residents? _____

d. Vehicular traffic in the neighborhood? _____

3. PUBLIC INFRASTRUCTURE - Do all required public facilities (i.e. water, sanitary sewer, drainage and streets) have adequate capacity to serve the proposed use?

4. EMERGENCY RESPONSE - How will adequate ingress and egress be available for fire and other emergency equipment? _____

5. OFF-STREET PARKING - How will adequate off street parking to prevent congestion of public streets be accomplished? _____

CONDITIONAL USE PERMITS

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17.54.010 Purpose.

It is recognized that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. These uses are called conditional uses. It is the intent and policy of the city that such uses be dealt with in such a way that shall not allow a deterioration of the intent of the district in which the application is intended nor shall there be a grant of any special privilege not available to other properties of the same district. (Ord. 1074 § 1 (part), 2001).

17.54.020 Application.

Only a property owner or his designee may file an application for a conditional use permit from the hearing examiner. It shall be presented to the city clerk-treasurer along with a filing fee as established by resolution of the city council. The filing fee shall not be refundable. A site plan will be attached to the application showing the existing property and surrounding area land uses and the uses that the applicant proposes for the subject property. The application together with the site plan shall be forwarded to the city planner. The city planner shall hold a pre-application conference with the applicant prior to the acceptance of the actual application or any fees. (Ord. 1074 § 1 (part), 2001).

17.54.030 Investigation, report, and public hearing.

The city planner shall make an investigation of the application and shall prepare a written report to the hearing examiner with a copy of the report forwarded to the applicant at least five working days prior to the hearing date. The hearing examiner shall establish a date, time, and place for the public hearing, not to exceed forty-five days after acceptance of the application and ensure that all public notices and postings are made in conformance with the requirements of this chapter. (Ord. 1074 § 1 (part), 2001).

17.54.040 Notices and public hearing.

Before a request for a conditional use permit is acted upon by the hearing examiner it shall first be considered at a public hearing. Notice of the public hearing shall be given as specified in either subsections A and B of this section.

A. By sending copies of the notice by mail not less than seven days prior to the date of hearing to all property owners whose property abuts, touches, or adjoins, or is directly across a street or an alley from the property involved, using for this purpose the names and addresses of owners as shown upon the records of the county assessor's office. Failure to send notice to a person shall not invalidate any proceedings in connection with the application for a conditional use.

B. The site shall be posted and removed by and at the cost of the applicant with signs "Notice of Pending Land Use Action." The signs shall be no less in size than eighteen inches by twenty-four inches on color laminated or equally weather resistant material with printing no smaller than one-half inch. The text containing the type of activity and date and time of the hearing shall be at least three-fourths inch in size.

C. By such additional advertisement as may be deemed necessary through the radio or press at the discretion of the hearing examiner. (Ord. 1074 § 1 (part), 2001).

17.54.050 Evaluation criteria.

A. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to

the health, safety, or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city. In making such a determination the examiner shall be guided by the following considerations and standards;

1. The use applied is either listed in the conditional uses allowed in the district or significantly similar to one or more of the listed uses and does not expand any nonconforming use.

2. That the use will not be detrimental to the character and use of adjoining buildings or those in the vicinity.

3. The use will not create a hazard in the immediate area either for the residences, people or vehicular traffic.

4. All required public facilities (i.e. water, sanitary sewer, drainage and streets) have adequate capacity to serve the proposed use.

5. Adequate ingress and egress will be available for fire and other emergency equipment.

6. Adequate off street parking will be provided to prevent congestion of public streets.

B. The hearing examiner may impose reasonable conditions to insure that the use, if granted, will meet the criteria set forth above, limit the term of the use, and require such bonds or other security devices as may be reasonably necessary to insure continued compliance with the conditions of the use permit. These conditions may include, but are not limited to the following:

1. Increased or reduced setbacks, lot size or lot dimensions.

2. Additional design features necessary to minimize impacts of the conditional use which could include landscaping, fencing, additional off-street parking etc.

3. Limitations on building height, lot coverage, signs, or lighting.

4. Restrictions on hours, days, place and manner of operations.

5. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

C. The hearing examiner shall render a decision as required in Kalama Municipal Code Section 2.34.130 and notify the applicant of that decision within five days after the public hearing. The decision of the hearing examiner shall be final unless appealed as outlined in Kalama Municipal Code Section 2.34.150.

D. A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval unless, within that time, the required building construction, alteration, or enlargement has been commenced and diligently pursued, or if no such construction, alteration or enlargement is required, the permitted activity is being regularly conducted on the premises. The hearing examiner may extend the permit for a period of one year. (Ord. 1074 § 1 (part), 2001).

17.54.060 Revocation of conditional use permit.

The Kalama city council may revoke a conditional use permit upon receiving written findings outlining violations of a conditional use permit as issued by the hearing examiner. The city clerk-treasurer shall notify the original applicant of the city's intention to hold a public hearing for the purpose of revoking the conditional use permit for violations of standards and conditions imposed. The applicant shall be given full opportunity to show just cause of any violations or show city error in violation determination. (Ord. 1074 § 1 (part), 2001).

17.54.070 Frequency of and time limitations.

The original applicant can resubmit, only one time, the unamended application within one year after rejection by the examiner for no additional fee. (Ord. 1074 § 1 (part), 2001).

17.54.080 Conditional use permits--Fee.

An conditional use permit application fee of seventy-five dollars is established to cover the administrative expenses incurred by the city in the processing of the application, due at the time of application. (Res. 414 § 1, 2001).

17.54.090 Reimbursements.

In addition to the application fee, the applicant for a conditional use permit will be responsible for the reimbursement to the city all actual costs associated with the application including but not limited to the publication costs, and the costs for the processing of the permit. At the applicant's expense the site is required to be posted with a sign as described in Section 17.54.040(B). These cost reimbursement are due prior to the issuance of the conditional use permit. (Res. 414 §2, 2001).