

ORDINANCE 2017-1042

**AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING
SECTIONS OF THE WAITSBURG MUNICIPAL CODE**

WHEREAS, the Waitsburg Planning Commission has identified necessary changes to the City's Municipal Code associated with sections of its development code; and

WHEREAS, a text amendments was required to make changes to the City development code; and

WHEREAS, the City posted notice as required and held a public hearing by the City's planning Commission; and

WHEREAS, the no one testified against the amendment and no comments were received by the City from the State of Washington; and

WHEREAS, the Waitsburg Planning Commission recommends approval of the text amendments; and

NOW THEREFORE, the City Council of the City of Waitsburg ordains as follows:

Section I. Code Sections to be Amended.

The following provisions of the Waitsburg Municipal Code are hereby amended, the bolded language ("bolded language") indicating insertions and the stricken language ("~~stricken language~~") indicating deletions:

Chapter 10.1I. - Conditional Use Permits

Sections:

10.1I.010 Purpose

10.1I.020 Authority of the Planning Commission

10.1I.030 Burden of Proof

10.1I.040 Authorization for Filing

10.1I.050 Application Filing

10.1I.060 Filing Fees

10.1I.070 Public Hearings and Notice

10.1I.080 Review Criteria

10.1I.090 Conditions

10.1I.100 Notice of Decision

10.1I.110 Appeals

10.1I.120 Duration of Conditional Use Permit

10.1I.130 Revocation

10.1I.010. Purpose. The purpose of this chapter is to provide a procedure for approval of minor conditional permits.

10.1I.020. A Conditional use Permit may be issued upon approval of the Planning Commission pursuant to this chapter, TITLE 10A - DEVELOPMENT CODE ADMINISTRATION, and

associated conditional use provisions for affected zone. The Planning Commission acting together shall hear and decide all applications for conditional use permits. In granting any conditional use permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to ensure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event that a conditional use permit is not approved the applicant may proceed pursuant to WMC 10.1I.110

10.1I.030. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1I.040. Application. Application for a conditional use permit may be initiated by the record owner or owners of the subject property or authorized agent thereof.

10.1I.050. Application Form. Applications for conditional use permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1I.060. Filing Fees. Filing fees, in an amount specified by resolution of the City Council, shall be paid upon the filing of each application for a minor conditional use permit.

10.1I.080. Review Criteria. A conditional use permit shall be granted only if the Planning Commission concur in making written findings of fact that:

A. The proposed use meets the criteria of a conditional use as defined in section 10.1B.020.512 above; and

B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment; and

C. The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property; and

D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use; and

E. Granting the permit will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan; and

F. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

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10.1I.090. Conditions. The Planning Commission shall have the authority to establish conditions to ensure that approval of the conditional use permit is consistent with the review criteria.

10.1I.100. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1I.110. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may

appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1I.120. Duration. Every right or privilege authorized by the grant of a minor conditional use permit shall terminate one year after the granting of such permit, unless the work necessary to implement such minor conditional use has been completed. The Planning Commission may grant an extension for cause, not to exceed one year.

10.1I.130. Revocation. The Planning Commission shall have continuing jurisdiction over any conditional use permit. To consider the revocation of a conditional use permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the conditional use permit, in whole or in part, reaffirm the permit, modify the conditions, or impose new conditions.

A conditional use permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The permit was obtained by fraud or misrepresentation; or
- B. The permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.

10.1N.040. Conditional Uses. The following uses may be permitted in the Flexible C-R (CR) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Any use defined in Sections 10.1K (R-1 Residential), 10.1L (C-1 Central Commercial), or 10.1M C-2 General Commercial) may be considered for conditional use permit approval within a flexible C-R zone. Conditions for approval will be established by the Planning Commission in accordance with WMC 10.1I.

Chapter 10A.09 - Review and Approval Process

Sections:

- 10A.09.010 Administrative Approvals Without Notice
- 10A.09.020 Administrative Approvals Subject to Notice
- 10A.09.025 Home Occupation Permit Applications
- 10A.09.030 Planning Commission Review and Recommendation
- 10A.09.040 City Council Action
- 10A.09.050 Procedures for Public Hearings
- 10A.09.060 Procedures for Closed Records Appeals
- 10A.09.070 Reconsideration
- 10A.09.080 Remand
- 10A.09.090 Final Decision
- 10A.09.010. Administrative Approvals Without Notice.

A. The Director may approve, approve with conditions, or deny the following without notice:

- 1. Lot line adjustments.
- 2. Extension of time for approval.
- 3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: (i) overall project character, (ii) increase the number of lots, dwelling units, or density or (iii) decrease the quality or amount of open space.

4. Adjustment to yard requirements.

B. Director's decisions under this section shall be final on the date issued.

10A.09.020. Administrative Approvals Subject to Notice.

A. The Director may grant preliminary approval or approval with conditions, or may deny the following actions subject to the notice and appeal requirements of this section:

1. Short Subdivisions.

3. Development permits required under Chapter 10.07 of this Waitsburg Municipal Code. (Ord. No. 745; Jan. 1998.)

Section II. This Ordinance shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 19th day of April, 2017.

APPROVED

APPROVED AS TO FORM

Mayor Marty Dunn

City Attorney Jared Hawkins

ATTEST:

City Clerk Randy Hinchliffe