

17.39.020 Conditional use permit review.

A. Planning Commission review and recommendation.

The Planning Commission shall review all complete applications for conditional use permits and shall conduct the open-record public hearing required by this chapter. Following the close of the public hearing, the Planning Commission shall forward to the City Council a written recommendation to approve, approve with conditions, deny, or remand the application, together with recommended findings and conclusions.

B. City Council final decision.

The City Council shall be the final decision-maker on all conditional use permit applications. The City Council shall consider the Planning Commission recommendation, the staff report, the application materials, public testimony and evidence admitted into the record before the Planning Commission, and any recommended findings and conditions.

C. Record before Council.

City Council review shall be based on the record established before the Planning Commission. No new evidence or testimony shall be accepted by the City Council unless the Council remands the matter to the Planning Commission or reopens the record in a manner consistent with chapter 36.70B RCW and applicable City procedures.

D. Approval criteria and conditions.

In granting a conditional use permit, the City Council may attach reasonable requirements and conditions to ensure that the development in its proposed location:

1. Will not endanger the public health or safety;
2. Will not substantially reduce the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is located; and
4. Will conform with the Comprehensive Plan, transportation plan, or other plan officially adopted by the Council.

E. Public hearing.

At least one public hearing shall be held for each complete conditional use permit application. The public hearing shall be held before the Planning Commission unless otherwise provided by ordinance. Notice shall be given as provided in this title.

F. Final written decision.

The City Council's final decision shall be in writing and shall include findings and conclusions supporting the decision. Notice of decision shall be issued as required by chapter 36.70B RCW.

G. Judicial review.

The City Council's final decision on a conditional use permit is a final land use decision subject to judicial review under chapter 36.70C RCW.

A conditional (C) use is a discretionary use reviewed under SMC 17.39, with Planning Commission hearing and recommendation and final decision by the City Council.