

5-3-3: CONDITIONAL USE PERMIT PROCEDURES:

The following provisions shall apply to conditional use permits:

A. Every use which requires the granting of a conditional use permit is declared to possess characteristics such as to require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. The commission may require higher standards of site development than listed specifically in this title in order to correlate the proposed use to other property and uses. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in this section under specific conditions and when it is not in conflict with the comprehensive plan.

B. Applications for conditional use permits shall be filed with the city clerk on forms prescribed by the commission accompanied by such data and information necessary to assure the fullest presentation.

C. The commission shall conduct at least one public hearing on each conditional use permit application in which interested persons shall have opportunity to be heard. Notice procedures shall comply with 67-6512, Idaho Code. When notice is required to two hundred (200) or more property owners or purchasers of record, an alternative form of procedure of official notice shall be that the public hearing notice shall be published in the official newspaper or newspaper of general circulation two (2) consecutive times.

D. The commission shall cause to be made by any of its own members or by any member of its staff, such investigation of facts bearing upon the application as in the opinion of the commission will serve to provide the necessary information to enable the commission to act.

E. Upon the granting of the conditional use permit, conditions may be attached, including, but not limited to, those:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of development;
3. Controlling the duration of the use and/or development;
4. Assuring that development is maintained properly;
5. Designating the location and nature of development, including signs;
6. Requiring the provision for on site or off site public facilities or services;
7. Requiring more restrictive standards than those generally required in an ordinance;
8. Specifying the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit;
9. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

F. Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed use. A conditional use permit shall not be considered as establishing a binding precedent and shall not be transferable from one parcel of land to another.

G. Whenever the commission grants or desires a conditional use permit, it shall specify in writing:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

H. The applicant or any affected person having an interest in real property within a three hundred foot (300') radius of the exterior boundaries of the subject property may appeal the decision of the commission provided written notice of such an appeal is filed with the city clerk within fifteen (15) days after the written decision of the commission is signed.

I. In reviewing an appeal pertaining to the conditional use permit, the council shall hold a de novo public hearing using the public hearing notice and procedures prescribed for the commission. The council may approve, disapprove or modify the action of the commission. (Ord. 527, 3-14-2005)