

Chapter 18.16

USES PERMITTED BY ADMINISTRATIVE APPROVAL

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18.16.010 Purposes and application.

A. The purpose of requiring administrative approval of certain enumerated uses is to determine whether or not, in any particular case, a use listed under a section of district regulations entitled "Permitted Uses—Administrative Approval" should be treated as a conditional use because of the peculiar circumstances and conditions of the case. This chapter sets forth the procedure for approval of such use by an administrative act where findings can be made that such use is in conformance with the intent and provisions of the district regulations and other applicable regulations of this title. The provisions of this chapter take cognizance of the impracticality of listing certain uses as categorically possessing the characteristics of those uses listed under either the "Permitted uses" or "Conditional Use—Council Approval" sections of the various districts provided in this title.

B. Except as provided in Sections 18.16.050 and 18.16.070 of this chapter, the provisions of Sections 18.16.010 through 18.16.060 shall apply to all uses listed as permitted uses, subject to administrative approval.

C. As a matter of policy, any use listed as subject to administrative approval shall be considered

as if it were a permitted use in the district where listed unless otherwise found to require modifications under the review procedures provided in this chapter. (Ord. 437 § 1 (part), 1989)

18.16.020 Procedure.

A. An application for administrative approval shall be submitted to the community development director on a form prescribed by the director. The application shall include a statement of the use proposed and a site plan prepared in accordance with and subject to the provisions of Chapter 18.18.

B. The director shall review the proposed use to ascertain all facts pertinent thereto, and in writing, shall state either approval or approval with conditions of the proposed use, together with his findings and reasons for such decision within fifteen days, excluding Saturdays, Sundays and legal holidays, of the filing of the application.

C. In approving the use, the director shall impose such conditions and requirements as may be applicable as listed under Sections 18.17.080 and 18.18.060. (Ord. 437 § 1 (part), 1989)

18.16.030 Findings.

The director may grant an application for administrative approval as the permit was applied for or in modified form, if, on the basis of the application and evidence submitted, the director is able to make the findings prescribed under Section 18.17.070, plus the following additional findings:

A. That the use will not involve any process, equipment or materials which, in the opinion of the director, will be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.

B. That the proposed use will be harmonious with existing structures and use of land in the vicinity. (Ord. 437 § 1 (part), 1989)

18.16.040 Notice of decision.

One copy of the written decision of the director shall be signed and dated by the director and mailed to the applicant. (Ord. 437 § 1 (part), 1989)

18.16.050 Appeals.

A. In the event the applicant is not satisfied with any condition or conditions of approval imposed by the director, the applicant may submit an application to the city council for a conditional use permit in the manner prescribed in Chapter 18.17. In submitting an application for a conditional use permit, only that information and data required under Chapter 18.17 need be submitted which is required in addition to that previously submitted as part of the application for administrative approval.

B. Except as provided in subsection C of this section, in the event the application for administrative approval is disapproved by the director, the application, upon written appeal from the applicant within fifteen days following the notice of the decision date pursuant to the provisions of this section, shall automatically become an application for conditional use permit and shall be processed in the manner prescribed in Chapter 18.17. The applicant shall submit such additional information and data required by the provisions of Chapter 18.17 as not previously submitted with his application for administrative approval, within five days following the filing of an appeal.

C. Appeals filed in the event of director disapproval of an application for a mobile home on a permanent foundation shall be processed as provided under subsections D, E and F of this section.

D. Within fifteen days following the date of a decision by the director, the decision may be appealed in writing to the city council by the applicant or any interested party. An appeal shall be filed with the department, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the director, or wherein the decision is not supported by the evidence in the record.

E. The director shall give notice in writing to the applicant and to the appellant (if the applicant is not the appellant) of the time when the appeal will be considered by the city council.

F. The city council shall hear the appeal at its next regular meeting to be held not less than fourteen days after the filing of the appeal. The council may affirm, modify or reverse a decision of the community development director; provided, that if the decision is modified or reversed, the council shall, on the basis of the record and such additional evidence as may be submitted, make the determination required under Section 18.17.070 of this title. (Ord. 437 § 1 (part), 1989)

18.16.060 Revocation.

Upon violation of any applicable provisions of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for noncompliance by the building official. Within thirty days of the suspension, the city council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the city council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions. (Ord. 437 § 1 (part), 1989)

18.16.070 Building permit.

Before a building permit shall be issued for any building or structure proposed as part of an approved application for administrative approval, the community development director shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions as approved. (Ord. 437 § 1 (part), 1989)

18.16.080 Review of utility towers and lines.

A. Application. The provisions of this title shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of any use coming under the jurisdiction of the Public Utilities Commission, which uses are related to the public utility purposes of water and gas pipes, mains and conduits, telegraph and telephone lines, pole-mounted repeaters, telephone booths, sewers and sewer mains, electric light and power distribution and transmission lines, except as provided in subsection B of this section.

B. Procedure.

1. The routes of proposed gas or electric transmission lines shall be submitted to the community development director for review and recommendations. The director shall confine its review to the route, placement and height of such towers or lines and the effect on land use. Power transmission lines shall be those lines which are intended to transmit gas or electric energy from the source of such energy to a receiving substation or from a receiving substation to a distribution substation.

2. Prior to the acquisition of rights-of-way, the following plans and information shall be submitted to the director for review and recommendations:

- a. The location of the proposed route.
- b. Type of towers and transmission lines.
- c. Approximate height of towers or size of lines.
- d. Widths of rights-of-way.
- e. Other pertinent data.

3. The director may, when in the public interest, recommend such modifications as deemed necessary to protect the health, safety and welfare.

4. The director shall complete the review and make findings within sixty days after the filing of said plans and data.

C. Appeals. The recommendations of the community development director may be appealed to the city council within fifteen days of the completion of the review and findings. The appeal shall be placed on the agenda of the council's next regu-

lar meeting. The council shall review the findings and recommendations and shall act to uphold, modify or disapprove the recommendations of the director. (Ord. 437 § 1 (part), 1989)

18.16.090 Wireless communication facilities.

A. Definition. Wireless communication facilities are those facilities or structures that emit, broadcast or repeat signals intended primarily for commercial use beyond the immediate site where the facility is located. These facilities include cellular phone, enhanced specialized mobile radio, personal communication systems, and other communication technologies based on wireless radio wave transmission.

B. General Standards.

1. Building mounted antennas are encouraged, provided that the facility is compatible with the building design and does not negatively impact surrounding areas.

2. Where building mounting is not possible, an attempt should be made to screen new monopoles from public view and to co-locate new antennas on existing monopoles.

3. In order to minimize overall visual impact, wireless communication facilities should be designed to promote facility and site sharing.

4. Wireless communication facilities should avoid any unreasonable interference with views enjoyed by neighboring properties.

5. Wireless communication facilities should be painted colors which are most compatible with their surroundings.

C. Review Process. Wireless communication facilities are allowed on properties zoned CC, CS, CH, mixed use, IL, IH, and RCO, and shall not be permitted on residentially zoned properties. These facilities shall be subject to the building height limits of the underlying zone.

1. The following wireless communication facilities shall be subject to the administrative approval process of Chapter 18.16.

a. One building mounted facility, per site, which does not extend more than fifteen feet above the roof line of the building; or

b. One standalone/pole mounted facility, per site, which does not extend more than twenty-five feet above the average finish grade of the lot.

2. The following wireless communication facilities shall be subject to the site plan review process of Chapter 18.18.

a. Any project resulting in more than one facility per property.

b. Any building mounted facility that extends fifteen to twenty-five feet above the roof line of the building.

c. Any standalone/pole mounted facility that extends twenty-five to fifty feet above the average finish grade of the lot.

3. The following wireless communication facilities shall be subject to the conditional use permit process of Chapter 18.17.

a. Any building mounted facility that extends more than twenty-five feet above the roof line of the building.

b. Any standalone/pole mounted facility that extends more than fifty feet above the average finish grade of the lot.

Any wireless communication facility which exceeds the building height limit of the underlying zone shall also be subject to the variance process of Chapter 18.21. (Ord. 486 § 19, 1997)