



**CITY OF PASCO
SPECIAL PERMITS
CHAPTER 25.86**

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25.86.010 GENERAL PROVISIONS. Unclassified uses enumerated in Section 25.86.020, conditional uses listed within each district, and any other uses specifically referred to this chapter shall be subject to the regulations contained in this chapter, in addition to all applicable requirements of this Title. All such uses, due to their nature, are deemed to require special review to consider, on a case by case basis, their impacts on which would serve them. Conditional uses and other uses specifically referred to this chapter may be permitted only in their respective districts. Unclassified uses may be permitted within any district where not otherwise prohibited. (Ord. 3354 Sec. 2, 1999.)

25.86.020 UNCLASSIFIED USES. The following uses shall be considered unclassified:

- (1) High schools, colleges, universities, vocational schools, business colleges and other similar academic or skills training facilities or institutions not heretofore permitted within any district;
- (2) Cemeteries, crematories, mausoleums, and other places of burial or interment of remains;
- (3) Churches;
- (4) Community service facilities, as defined in Sections 25.12.155 and 25.12.156;
- (5) Airports, heliports, or any other landing or maneuvering space for aircraft, together with terminals and other customary facilities accessory to the unclassified use;
- (6) Golf courses, pitch and putt courses, miniature golf courses, and similar facilities for public, private or membership use;
- (7) Monasteries, convents or other functionally similar facilities;
- (8) Mines, quarries and gravel pits;
- (9) Landfills, garbage dumps, and resource recovery facilities;
- (10) Off-site parking lots, except those required for a residential use, provided such parking area is not more than five hundred feet from the building;
- (11) Electrical substations and load transfer stations, natural gas booster stations, and other similar utility facilities;
- (12) Park and ride lots, off-street transfer stations or other similar facility involving the storage, start-up, idling and movement of public or private operated carrier, charter or transit buses, vans, and similar vehicles; and

(13) Agricultural use (commercial) except in areas 1,000 feet from a residential zoning district, subdivision or dwelling unit. (Ord. 3514 Sec. 7, 2001; Ord. 3354 Sec. 2, 1999.)

25.86.025 HISTORIC PLACES. A special permit for the preservation by adaptive re-use of an historic place, accepted on the National Register of Historic Places, may be requested for uses not otherwise permitted within the applicable district:

(1) A special permit granted under this section is personal to the applicant and shall permit only the applicant to exercise the adaptive re-use authority, and shall not be assigned, transferred, conveyed or passed to heirs or beneficiaries of the applicant's estate; and

(2) Each applicant granted a special permit shall be required to substantially preserve the intrinsic qualities of the historic place which led to its acceptance on the National Register of Historic Places. Prior to issuance of any building permits the City may consult with the Washington State Office of Archaeology and Historic Preservation to insure compliance with this requirement. (Ord. 3354 Sec. 2, 1999.)

25.86.030 TEMPORARY USES. A temporary special permit for any use not otherwise permitted within the applicable district, may be approved by the City Council, provided that such use is clearly of a temporary nature and does not involve the erection of a permanent structure. Requests for temporary special permits shall be applied for and processed in the same manner as herein established for uses requiring a special permit, including such conditions as will safeguard the public health, safety and general welfare for the duration of the permit. This Section shall not apply to temporary structures permitted under Section 25.70.145. (Ord. 3465 Sec. 2, 2001; Ord. 3354 Sec. 2, 1999.)

25.86.035 AGRICULTURAL USES. (1) Commercial agricultural uses listed as conditional or unclassified uses in this Title shall conform to the following prior to the issuance of a special permit:

(a) Special permits for agricultural uses (commercial) may be granted for tracts of land over ten acres in size within 1,000 feet of a residential zoning district, subdivision or a dwelling unit excluding dwellings associated with agriculture uses.

(b) The applicant for a special permit shall be required to submit a conservation plan approved by the Farm Service Agency. (Ord. 3354 Sec. 2, 1999.)

25.86.040 APPLICATION REQUIREMENTS. Applications for special permit shall include the following:

(1) Present use of the land and structures, if any;

(2) Detailed description of the proposed use;

(3) Description of any existing zoning ordinance violation;

(4) A site map or plan drawn neatly and to scale, showing the following:

(a) Exterior property lines and any adjacent public street or alley rights-of-way.

(b) Existing and proposed buildings and other structures.

(c) Existing and proposed points of ingress and egress, drives and driveways and circulation pattern.

(d) The location of existing and proposed parking areas with each parking space shown.

(e) Existing and proposed open spaces and landscape areas.

(5) Certificate of ownership and a list of owners, with addresses, of all property within three hundred feet of the applicant's property, as provided and certified by a licensed Title company; and

(6) Any other pertinent information that may be necessary to determine if the use meets the requirements of this Title. (Ord. 3354 Sec. 2, 1999.)

25.86.050 PUBLIC HEARING REQUIRED. Upon the filing of a complete application for a special permit, the application shall be scheduled for an open record pre-decision hearing before the Planning Commission. Notice of such open record hearing shall be given as provided for in Section

25.88.015. Except that in the case of commercial agricultural uses, the notification distance shall be increased to 1,000 feet. The open record hearing may be continued as deemed necessary by the Planning Commission, provided the applicant consents to any such continuance. In the event the applicant does not consent to a continuance, the Planning Commission shall close the public hearing and render a recommendation to the City Council in accordance with the provisions of Sections 25.86.060 and 25.86.070. (Ord. 3354 Sec. 2, 1999.)

25.86.060 FINDINGS OF FACT BY PLANNING COMMISSION. Upon conclusion of the open record pre-decision hearing, the Planning Commission shall make and enter findings from the record and conclusions thereof as to whether or not:

- (1) The proposal is in accordance with the goals, policies, objectives, maps and/or narrative text of the Comprehensive Plan;
- (2) The proposal will adversely affect public infrastructure;
- (3) The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
- (4) The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof;
- (5) The operations in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district; and
- (6) The proposal will endanger the public health, or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district. (Ord. 3354 Sec. 2, 1999.)

25.86.070 RECOMMENDATION OF PLANNING COMMISSION. After a open record pre-decision hearing on a proposed temporary, conditional or unclassified use, the Planning Commission shall render a recommendation to the City Council as to whether the proposal be denied, approved, or approved with modifications and/or conditions. (Ord. 3354 Sec. 2, 1999.)

25.86.080 APPEAL - FILING REQUIREMENTS. (1) Any recommendation of the Planning Commission regarding a special permit application may be appealed in accordance with one of the following methods:

- (a) Applicant. Within ten calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the City Planner stating the basis of appeal from said recommendation.
 - (b) Other Person. Within ten calendar days from the date of the Planning Commission recommendation, any person aggrieved by said decision files written appeal with the City Planner stating the harm to be experienced by such person as a result of the Planning Commission's recommendation.
 - (c) A proper and timely filed appeal shall cause the City Council to schedule a closed record hearing, notice of which shall be given in accordance with Section 25.88.040 to consider the appeal of the Planning Commission's recommendation.
- (2) Either method of appeal shall include payment of an appeal fee in the amount of one hundred dollars (\$100) at the time of filing said appeal. (Ord. 3354 Sec. 2, 1999.)

25.86.090 CITY COUNCIL CONSIDERATION. (1) Unless a proper and timely appeal is filed or the City Council by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be effected by proper action of the City Council without further review. In the event the City Council deems further review is necessary, it shall conduct a closed record hearing, notice of which shall be given in accordance with Section 25.88.040;

- (2) In those cases, which require further review, the City Council shall at the conclusion of a closed record hearing make and enter findings of fact and take one of the following actions:

- (a) Approve the special permit with or without conditions.
- (b) Deny the special permit. (Ord. 3354 Sec. 2, 1999.)

25.86.100 EFFECTIVE DATE. Special permits shall become effective on the day after the date of the decision of the City Council. (Ord. 3354 Sec. 2, 1999.)

25.86.110 EXPIRATION. Unless otherwise specified within the special permit, the applicant shall commence the special use authorized or obtain a building permit for construction of authorized facilities within six months after the effective date of the special permit, or the special permit shall expire. In the case of temporary special permits, unless otherwise specified within the permit, the permit shall expire after six (6) months from its effective date. Within thirty (30) days after the date of expiration, the applicant shall have removed from the premises the temporary use and any improvements of a temporary nature authorized by the permit. (Ord. 3354 Sec. 2, 1999.)

25.86.120 EXTENSIONS. A one-time extension of a special permit may be granted provided the extension does not exceed six months and an application for extension is submitted to the City Planner no later than thirty days after the expiration date of the special permit. This provision does not apply to temporary special permits. (Ord. 3354 Sec. 2, 1999.)

25.86.130 REVOCATION OF PERMIT. Any special permit may be revoked by the City Council if, after a public hearing, notice of which shall be given in accordance with Section 25.88.040, it is found that the conditions upon which the special permit was authorized have not been fulfilled or if the use authorized has changed in size, scope, nature or intensity so as to become a detriment to the surrounding area. The decision of the City Council is final. (Ord. 3354 Sec. 2, 1999.)