Public Hearing on Use Permit

City reviews application, sets Public Hearing, notifies surrounding residences within 300'. Hearing Officer convenes public hearing and can approve, conditionally approve, or deny a Use Permit (see §20.91A.040). City Council serves as appellate body (not de novo), also during a public hearing.

At the Public Hearing

Residents may:
- Testify as to past impacts.
- Support or oppose the application.
- Speak to specific concerns.
- Ask questions of applicant or City.

Applicant presents application contents (§20.91A.030), answers City’s, public’s and Hearing Officer’s questions.

City reports to Officer as to:
- Issues within application.
- Past practices of applicant, including violations (State and local).
- Other facilities nearby.
- Other relevant issues.

HEARING OFFICER

Hearing Officer will review the application at the Public Hearing to determine if these Development and Operational Standards (§20.91A.050) are met:
- No 2nd hand smoke
- Management Plan
- No treatment offered in unlicensed facilities.
- 2 residents per bedroom + 1
- Proper certifications
- Names of owners/managers (and persons cannot have violations)
- List of similar managed facilities in the state.

CITY COUNCIL

Reviews the application in an appellate manner and can:
- Offer new conditions and approve; or
- Sustain the HO’s denial of the Use Permit.

Approves or Denies

DENIES

APPROVES OR DENIES

CONDITIONALLY APPROVED

Applicant can appeal Hearing Officer’s decision to the City Council and/or can apply for Reasonable Accommodation

APPEALS

Applicant considers asking for Reasonable Accommodation (§20.90 et seq)

Doesn’t Ask

END: Use Permit Issued.
City’s Code & Water Quality Enforcement Division enforces Conditions of Approval. UP can be revoked if conditions not met (§20.96.040.E).

End: Use must cease within Abatement period.

Use Permit Conditions of Approval

Hearing Officer (or City Council) makes findings before issuing a Use Permit (§20.91A.060), including but not limited to:
- Use conforms to the Development and Operational Standards.
- Traffic/parking impacts mitigated.
- Suitable structures.
- Goods delivery impacts minimized.
- Use is “compatible with neighborhood” and doesn’t change neighborhood character. HO can consider:
  - Proximity of schools, parks, bars, more.
  - Nonstandard lot sizes.
  - Whether to apply APA standard of one or two per block. HO directed to consider a block typical City of NB Block size outside of a designated "Nonstandard Sub-division Area," but HO can choose other distance at his/her discretion.

Approves or Denies

DENIES

Ends: Use Permit Issued.