

- 9.8100** **Conditional Use Permit Approval Criteria- Needed Housing.** The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the general criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a conditional use based on compliance with the following criteria:
- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
 - (2) If applicable, the proposal complies with the standards contained in EC 9.5500 Multiple-Family Standards.
 - (3) For areas not included on the city’s acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with all of the following:
 - (a) The proposal complies with EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.
 - (b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource” are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.
 - (4) The proposal complies with all applicable standards, including, but not limited to:
 - (a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
 - (b) EC 9.6710(6) Geological and Geotechnical Analysis.
 - (c) EC 9.6730 Pedestrian Circulation On-Site.
 - (d) EC 9.6735 Public Access Required.
 - (e) EC 9.6750 Special Setback Standards.
 - (f) EC 9.6775 Underground Utilities.
 - (g) EC 9.6780 Vision Clearance Area.
 - (h) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
 - (i) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
 - (5) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
 - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
 - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.

(Section 9.8100, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; and amended by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014; amended by Ordinance 20584, effective August 24, 2017)