

**From:** Bob Blythe  
**Sent:** Monday, June 08, 2015 1:39 PM  
**To:** Bradley Priest  
**Cc:** Jack Simoneau  
**Subject:** Special Use Permit - Banquet Facility

Brad ,

You have asked about two situations in the Board considering a special use permit for a banquet facility in the Rural District, specifically as to certain conditions. As general proposition, since the permit is issued as a quasi-judicial proceeding, there is an inherent right to impose reasonable conditions on the permit so long as they are based upon competent evidence and are related to the requirements of the ordinance. However, this power is not without limitation.

On the first question – can they impose a time limit on the permit – I had indicated that my first reaction was it could be done. However, after doing some research and reading, I have come to the opinion that this would not be a proper condition. It is somewhat like giving it a trial run to see if there are reasons not to grant a permit, and I can't see what evidence could be presented that a "temporary" permit would be warranted. If, after granting the permit there appeared to be substantial violations of the ordinance, no doubt actions could be brought to revoke the permit.

The second is whether the Board could attach conditions on use. 9.59 provides events are allowed for the public "such as" and then several types of events are listed. I understand the question to be whether the conditions can be placed so as to not permit certain uses not listed in the "such as" uses. I believe that certain types of public events, not the ones listed, upon proper evidence that those other uses do not fit within the contemplation of the ordinance in the first place. I'm not sure how they would describe them, or what kind of evidence that can be based on, but believe that this would be the better, more defensible approach, rather than just say the the listed ones are the only uses.

If you have any questions, please let me know.

Bob

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