

PART II PERMIT & APPROVAL TYPES & CRITERIA

3.20 DECISION CRITERIA

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3.20.010 Conditional Use & Administrative Conditional Use Permits.

A. The County, whether the Director or the Hearing Examiner in the appropriate case, will consider the following criteria in reviewing conditional use permit applications, and shall approve an application if the applicant demonstrates that all of the criteria are met:

1. The proposal is consistent with the goals and policies of the Comprehensive Plan and Subarea Plan where applicable;
2. Environmental impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;
3. It is designed in a manner which is compatible with the character of existing development in the vicinity of the subject property;
4. It is not in conflict with the health and safety of the community;
5. The conditional use will be supported by adequate services and facilities, including any services and facilities that the applicant funds or provides.

B. Essential public facilities are also subject to the criteria of 3.20.050.

3.20.020 Zoning Reclassification (Rezone).

A. The County will consider the following criteria in reviewing applications for zoning reclassifications, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. The proposal is consistent with the goals and policies of the Comprehensive Plan and Subarea Plan where applicable;
2. Environmental impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;
3. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses in the proposed zoning classification;
4. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification, or because the proposed classification is appropriate for reasonable development of the subject property;
5. The reclassification does not reflect special treatment of the subject property; and
6. The reclassification would promote the general health, safety and welfare of the community.

3.20.030 Variances.

A. The County will consider the following criteria in reviewing applications for variances, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. Strict enforcement of the requirements of this Title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
2. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
3. The need for the variance is not created by the deliberate actions of the applicant or property owner;
4. The variance does not create health or safety problems;
5. The variance from height or setback requirements does not infringe upon or interfere with easement or covenant rights of responsibilities; and
6. The variance is the minimum necessary to grant relief to the applicant.

B. A variance is not appropriate and shall not be granted to change a use or to allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located. Granting of a variance shall not relieve an applicant from complying with any other standard or requirement of this Title unless and only to the extent that such standard or requirement is specifically addressed as part of the decision on the requested variance.

3.20.035 Preliminary Subdivisions and Short Subdivisions.

A. The County will consider the following criteria in reviewing applications for preliminary subdivisions and short subdivisions, and may only grant preliminary approval if the applicant demonstrates that all of the criteria are met

1. Provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection and other public facilities. The decision maker shall consider all other relevant facts, including the physical characteristics of the site, the presence or absence of sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, and shall determine whether the public interest will be served by the subdivision and dedication.
2. If the decision maker finds that the proposed Preliminary Subdivision/Short Subdivision makes appropriate provisions for the matters listed in SCC 3.20.035(1) and enters written findings that the subdivision/short subdivision conforms or will conform to all applicable development regulations, then it shall be approved.
3. If the decision maker finds that the proposed subdivision/short subdivision does not make appropriate provisions or that development regulation requirements, including critical area requirements, are not and will not be met, or that the public use and interest will not be served, then the decision maker shall deny the proposed preliminary subdivision/short subdivision.
4. Lots within the subdivision/short subdivision have been designed to minimize potential impacts to critical areas resulting from stormwater discharge and impervious surfaces. Where required, potential environmental impacts resulting from stormwater discharge and impervious surfaces have been properly mitigated pursuant to SCC Title 13 and SCC 3.80

(SEPA). (Ord. 3-2009 – effective 2-4-09)

5. Dedication of land or payment of fees may be required as a condition of preliminary Subdivision/Short Subdivision approval. Evidence of such dedication and/or payment shall accompany final Subdivision/Short Subdivision approval.

3.20.040 Final Subdivisions & Short Subdivisions.

A. The County will consider the following criteria in reviewing applications for final Subdivisions and Short Subdivisions, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. The proposal satisfies the requirements of Chapter 3.20.035 of this Title.
2. The decision maker finds that the proposed Subdivision/Short Subdivision makes appropriate provisions for road maintenance for private roads and private driveways.
3. The proposal satisfies the conditions imposed as part of Preliminary Subdivision or Short Subdivision approval.

3.20.045 Binding Site Plans.

To approve a binding site plan, the Director must find that the newly created lot will continue to function as operate as one site, and that the binding site plan complies and is consistent with the following criteria:

1. The proposed uses are permitted in the underlying zone established by Chapter 3.03 of this Title;
2. The proposal is consistent with any development standards applicable to proposed uses by Chapters 3.04 and/or 3.06 of this Title;
3. Adequate provision is made for the public health, safety, and general welfare, for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection and other public facilities;
4. The binding site plan is consistent with all applicable County requirements, including but not limited to road, right-of-way, drainage and other public works standards and requirements, shoreline requirements, protection of critical areas, mitigation of environmental impacts, and construction codes.

3.20.050 Essential Public Facilities.

A. The Hearing Examiner and the Board will consider the following criteria in reviewing applications for essential public facilities, and may only approve an application if the applicant demonstrates that the proposal meets all of the criteria:

1. The proposal is consistent with the goals and policies of the Comprehensive Plan, any adopted Subarea Plan and applicable provisions of the County Code;
2. The applicant has conducted a site selection process that has evaluated alternative sites within the county or the region;
3. Appropriate public participation in the siting decision has occurred consistent with state law, and reasonable mitigation measures have been developed that are appropriate in light of the project's scope, applicable requirements of the County Code, and state and federal law;
4. The project site meets the facility's minimum site requirements, including setbacks, access, support facilities, public services, topography, geology, and on-site mitigation needs;

5. The proposal incorporates specific features to ensure that it responds to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property; and
 6. The proposal, as reasonably mitigated or conditioned, adequately addresses impacts to life, property, the environment, public health and safety, transportation systems, economic development, displaced or affected businesses, and other identified impacts where appropriate.
- B. Essential public facilities must also satisfy the criteria in 3.20.010 for a conditional use permit.
- C. Where an application for an EPF requires an Administrative Conditional Use Permit or a Conditional Use Permit, the criteria in 3.20.050 should be used for approval or denial of that permit.

3.20.060 Development Agreements.

- A. Stevens County may enter into development agreements with property owners as authorized by RCW 36.70B.170 et seq. Development agreements are intended to be used to address and establish development standards, mitigation requirements, vesting provisions and review procedures that will apply to and govern large, complex and/or phased development proposals located within the County during the term of any agreement.
- B. Any development agreement shall be consistent with applicable County development regulations except as such regulations may be modified in the development agreement. For purposes of this Chapter, “development standards” include but are not limited to:
1. Project elements such as uses, densities and intensities of land uses and buildings;
 2. Mitigation measures, conditions and other requirements identified pursuant to RCW 43.21C;
 3. Design standards such as maximum heights, setbacks, landscaping and other development features;
 4. Road and sidewalk standards;
 5. Affordable housing;
 6. Water, sewer, storm drainage, water quality, and other infrastructure and utility requirements;
 7. Parks and open space preservation, and recreation facilities;
 8. Phasing of development and construction;
 9. Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the County for review processes;
 10. A build-out or vesting period for applicable development standards;
 11. A process for amending the development agreement; and
 12. Any other appropriate development requirement or procedure.
- C. During the term specified in the development agreement, a development permit or approval issued by the County shall be consistent with the standards in such agreement. The standards contained in the development agreement shall govern during the term of the agreement and may not be subject to an amendment of County development standards or regulations adopted after the effective date of the development agreement. Provided, that the development agreement shall reserve to the County the authority to impose new or different regulations to the extent required by a serious threat to public health and safety.
- D. A development agreement shall be recorded with the real property documents of Stevens County. During the term of the agreement, it shall be binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area or

property subject to the development agreement. Unless terminated, the agreement shall be enforceable by a party to the agreement.

E. A development agreement shall be reviewed and adopted following a public hearing pursuant to the procedures and requirements set forth in SCC 3.30.070.