

CHAPTER 41 SPECIAL PERMITS

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41.1.0 GENERAL PROVISIONS. Unclassified uses, 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 Ordinance. 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 in this chapter may be permitted only in their respective districts. Unclassified uses may be permitted within any district where not otherwise prohibited.

41.2.0 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) Community service facilities.
- (4) Correctional institutions, juvenile delinquency homes and facilities, and other similar facilities for incarceration or detainment.
- (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) Group homes.
- (7) Group care facilities.
- (8) Golf courses, pitch and putt courses, miniature golf courses, and similar facilities for public, private or membership use.

- (9) Monasteries, convents or other functionally similar facilities.
- (10) Mines, quarries and gravel pits.
- (11) Landfills, garbage dumps, and resource recovery facilities.
- (12) 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.
- (13) Electrical substations and load transfer stations, natural gas booster stations, and other similar utility facilities.
- (14) 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.
- (15) Agricultural use (commercial) in U.G.A.'s except in areas within 1,000 feet of a residential zoning district, subdivision or dwelling unit.
- (16) Parks.
- (17) Fire Stations – Police Stations.
- (18) Portable classrooms – associated with a permitted school (private/public).
- (19) Mobile structures (factory assembled structures) not meeting the requirements of this ordinance or other County Ordinances.
- (20) Exotic or wild animals.
- (21) Power generating facilities.

41.3.0 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.
- (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 County may consult with the Washington State Office of Archaeology and Historic Preservation to insure compliance with this requirement.

41.4.0 TEMPORARY USES. A temporary special permit for any use not otherwise permitted within the applicable district, may be approved by the Board of Commissioners, 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.

41.5.0 AGRICULTURAL USES, in U.G.A.'s.

- (1) Any new Commercial agricultural uses within designated Urban Growth Area Boundaries – excluding Agriculturally zoned areas, listed as

conditional or unclassified uses in this ordinance shall conform to the following prior to the issuance of a conditional and/or 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 FSA (Farm Service Agency) Soil Conservation Service.

41.6.0 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) A Certificate of Ownership and a list of owners, with addresses, of all property within five hundred feet of the applicant's property within an Urban Growth Area Boundary and one mile outside of Urban Growth Area Boundaries, as provided and certified by the County Assessor's Office or a licensed title company, and being current within thirty (30) days from the date of the application.
- (6) Any other pertinent information that may be necessary to determine if the use meets the requirements of this ordinance.

41.7.0 PUBLIC HEARING REQUIRED. Upon the filing of a complete application for

a special permit, the application shall be scheduled for a open record pre-decision hearing before the Planning Commission. Notice of such open record hearing shall be given as provided for in Amendments and Rezones. 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 Board of Commissioners in accordance with the provisions below.

41.8.0 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.
- (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.

41.9.0 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 Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

41.10.0 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 (10) calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planning and Building Director stating the basis of appeal from said recommendation.
 - (b) Other Person. Within ten (10) calendar days from the date of the Planning Commission recommendation, file written appeal with the Planning and Building Director stating the basis of appeal from the Planning Commission recommendation.
 - (c) A proper and timely filed appeal shall cause the Board of Commissioners to schedule a closed record appeal hearing, notice of which shall be given in accordance with Chapter 42.4.0 Amendments and Rezones to consider the appeal of the Planning Commission's recommendation. A closed record appeal hearing will occur with no new testimony or information allowed to be presented to the Board of Commissioners. Only appeal argument, based on the Planning Commission's meeting record, will be allowed. The Board of Commissioners may ask questions of persons in attendance based upon the Planning Commission record.

- (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.

41.11.0 BOARD OF COMMISSIONERS CONSIDERATION.

- (1) Unless a proper and timely appeal is filed or the Board by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be effected by proper action of the Board without further review. In the event the Board deems further review is necessary, it shall conduct a closed record hearing, notice of which shall be given in accordance with Amendments and Rezones.
- (2) In those cases which require further review, the Board 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.

41.12.0 EFFECTIVE DATE. Special permits shall become effective on the day after the date of the decision of the Board.

41.13.0 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.

41.14.0 REVOCATION OF PERMIT. Any special permit may be revoked by the Board of Commissioners if, after a public hearing, notice of which shall be given in accordance with Amendments and Rezones, 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 Board is final.

41.15.0 EXPANSION OF A SPECIAL PERMIT. An approved conditional and/or special use permit may be expanded by no more than 20% of the square footage of the permitted use or structure, without amending the original conditional and/or special use permit in accordance with this chapter. The expansion must also be determined to be incidental, accessory and appurtenant to the already permitted special use.

41.16.0 REAPPLICATION. No request for a Conditional/Special Use Permit shall be considered by the Planning Commission within the twelve-month period immediately following a previous denial of such request.