

Chapter 25.08

CONDITIONAL USES AND VARIANCES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

<u>Sections</u>	<u>Page</u>
25.08.010 Purpose.....	1
25.08.020 Applicability.....	1
25.08.030 Process.....	1
25.08.040 Decision Making Authority.....	1
25.08.050 Application Procedures .....	1
25.08.060 Criteria for Approval.....	1
25.08.070 Term .....	3
25.08.075 Revisions to Approved Variances and Conditional Use Permits .....	3
25.08.080 Appeals.....	3
25.08.090 Findings of Variance.....	3
25.08.100 General Conditions.....	3

1 **25.08.010 Purpose**

- 2
- 3 (a) Conditional Use: provide flexibility in the implementation of GCC Titles 22, 23 and 24. By providing
- 4 for the control of undesirable impacts through the attachment of specific conditions to the approval of
- 5 a proposed land use, the variety of uses permitted under each land use designation can be expanded.
- 6
- 7 (b) Variance: To ensure that all persons and their property are guaranteed equal rights and opportunities
- 8 under similar circumstances. A variance shall never be used to endow certain persons or property
- 9 with special privileges denied to all others under similar circumstances. Variances may only be
- 10 granted for dimensional, bulk, and area requirements specified by GCC Titles 22, 23 or 24. For
- 11 changes from use or density standards, only the procedures for a site-specific re-designation as
- 12 delineated in GCC § 25.12 shall be used.
- 13

14 **25.08.020 Applicability**

- 15
- 16 (a) Conditional Use: as delineated in GCC Title 23.
- 17
- 18 (b) Variance: From the development standards delineated in GCC § 23.12 and/or the protection standards
- 19 of GCC § 24.08.
- 20

21 **25.08.030 Process**

- 22
- 23 (a) General: Conditional use permit and variance requests shall be classified and processed as Type III
- 24 procedures as delineated in GCC § 25.04. The burden of proof shall be on the person requesting the
- 25 conditional use permit or variance to bring forth evidence in support thereof.
- 26
- 27 (b) Notice and Public Hearing: A notice of application and public hearing is required for all conditional
- 28 use permit and variance requests as delineated in GCC § 25.04.
- 29

30 **25.08.040 Decision Making Authority**

- 31
- 32 (a) The Decision Maker shall be as specified in GCC § 25.04.080.
- 33

34 **25.08.050 Application Procedures**

- 35
- 36 (a) Requests for conditional use permits or variances shall be submitted on forms provided by the
- 37 Department. A narrative statement shall be included with the application forms demonstrating how
- 38 the request conforms to the criteria for approval specified in GCC § 25.08.060, and shall include an
- 39 explanation as to why, if a Variance is denied, the Applicant would be denied all reasonable use of his
- 40 or her property.
- 41

42 **25.08.060 Criteria for Approval**

- 43
- 44 (a) Conditional Use Permits: The Decision Maker, as defined in GCC § 25.04.080 shall grant a
- 45 conditional use only if the applicant demonstrates that the requested conditional use conforms to all of
- 46 the criteria set forth below:
- 47 (1) The proposed use will not be contrary to the intent or purposes and regulations of the Grant
- 48 County Code or the Comprehensive Plan;
- 49 (2) The proposal is appropriate in design, character and appearance with the goals and policies for
- 50 the land use designation in which the proposed use is located;

- 1 (3) The proposed use will not cause significant adverse impacts on the human or natural  
2 environments that cannot be mitigated by conditions of approval;
- 3 (4) The cumulative impact of additional requests for like actions (the total of the conditional uses  
4 over time or space) will not produce significant adverse effects to the environment that cannot be  
5 mitigated by conditions of approval;
- 6 (5) The proposal will be served by adequate facilities including access, fire protection, water,  
7 stormwater control, and sewage disposal facilities;
- 8 (6) The location, size, and height of buildings, structures, walls and fences, and screening vegetation  
9 for the proposed use shall not unreasonably interfere with allowable development or use of  
10 neighboring properties;
- 11 (7) The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to  
12 existing and anticipated traffic in the neighborhood;
- 13 (8) Land uses, activities, and structures that are allowable as conditional uses must also comply with  
14 any required performance standards specified in GCC § 23.08;
- 15 (9) The proposal does not include any use or activity that would result in the siting of an  
16 incompatible use adjacent to an airport or airfield (RCW 36.70); and
- 17 (10) The proposal conforms to the standards specified in GCC § 23.12.

18 In reviewing the permit application, the Decision Maker shall consider testimony provided at any  
19 public hearing and recommendations provided by interested and affected agencies and jurisdictions.  
20

21 (b) Variances: The Decision Maker, as defined in GCC § 25.04.080 shall grant a variance only if the  
22 applicant demonstrates that the requested variance conforms to all of the criteria set forth below:

- 23 (1) That special conditions and circumstances exist that are peculiar to the land such that literal  
24 interpretation and application of the provisions of GCC Titles 22, 23 and 24 would deprive the  
25 applicant of the rights commonly enjoyed by other properties in the same district under the terms  
26 of GCC Titles 22, 23 and 24;
- 27 (2) Allowing the variance will be in harmony with the intent and spirit of GCC Titles 22, 23 and 24;
- 28 (3) A variance is necessary for the preservation and enjoyment of a property right possessed by  
29 other property in the same vicinity or district, but which is denied to the property in question  
30 because of special circumstances on that property;
- 31 (4) That the special conditions and circumstances described in subsection (1), above, are specifically  
32 related to the property and are the result of unique conditions such as specifically irregular lot  
33 shape, size, or natural feature, and the application of GCC Titles 22, 23 or 24, and not, for  
34 example, from deed restrictions or the applicant's own actions;
- 35 (5) That the granting of the variance requested will not confer on the person seeking the variance  
36 any special privilege that is denied by this Chapter to other lands, structures, or buildings under  
37 similar circumstances;
- 38 (6) That the variance requested is the minimum necessary to afford relief;
- 39 (7) That to afford relief the requested variance will not create significant impacts to critical areas  
40 and will not be materially detrimental to the public welfare, injurious to the right of other  
41 property owners in the vicinity, or contrary to the public interest; and
- 42 (8) The variance will not permit a use prohibited by GCC Title 23 in the district in which the subject  
43 property is located.

44 In reviewing the variance application, the Decision Maker shall consider testimony provided at any  
45 public hearing and recommendations provided by interested and affected agencies and jurisdictions.  
46  
47  
48  
49  
50

1 **25.08.070 Term**

- 2  
3 (a) Unless a shorter time period is specified in permit conditions, development authorized as an allowable  
4 use through a conditional use or variance permit shall be completed within five (5) years of the date  
5 of permit approval or the permit shall become null and void. An extension of up to one year may be  
6 granted by the Decision Maker if the permittee demonstrates good cause for an extension.  
7

8 **25.08.075 Revisions to Approved Variances and Conditional Use Permits**

- 9  
10 (a) Minor revisions to an approved conditional use permit may be approved by the Administrative  
11 Official, when processed as a Type I ministerial approval. Minor revisions shall be limited to  
12 changes to the following:  
13 (1) Changes that do not introduce new uses that would require approval of a new conditional use  
14 permit; and,  
15 (2) Changes that do not expand the approved footprint by more than 25 percent; provided however,  
16 that the expansion shall not encroach on any buffer required in the original conditional use  
17 permit approval and does not violate any of the adopted performance and development standards  
18 applicable to the conditional use.  
19  
20 (b) Requests for revisions determined by the Administrative Official not to be minor in nature shall be  
21 processed as a new conditional use permit application pursuant to GCC 25.04 and this chapter. At the  
22 Administrative Official's sole discretion, proposed revisions that technically meet the limitations of  
23 GCC 25.08.075(a) but are likely to generate additional impacts as a result of the nature of the use,  
24 may be required to be reviewed as a Type III permit application.  
25  
26 (c) Requests for minor revisions to approved conditional use permits shall comply with the requirements  
27 of SEPA when applicable, and may result in new threshold determinations being necessary.  
28

29 **25.08.080 Appeals**

- 30  
31 (a) Decisions may be appealed in accordance with the procedures specified in GCC § 25.04 Article X.  
32

33 **25.08.090 Findings of Variance**

- 34  
35 (a) The Decision Maker shall make findings whether:  
36 (1) The reasons set forth in the application satisfy the criteria for approval specified in GCC §  
37 25.08.060 and with any relevant criteria found in other sections of Grant County Code.  
38 (2) The conditional use or variance is the minimum that will make possible the reasonable use of  
39 land, building or structure.  
40 (3) The granting of the conditional use or variance will be in harmony with the general purpose and  
41 intent of GCC Titles 22, 23 and 24 and other applicable provisions of the Grant County Code,  
42 and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.  
43

44 **25.08.100 General Conditions**

- 45  
46 (a) In granting any conditional use or variance, the Decision Maker may prescribe such conditions and  
47 safeguards as are necessary to secure protection of critical areas from adverse impacts.  
48  
49  
50

- 1 (b) Any conditional use or variance approved by the County, which contain conditions to be imposed on  
2 the property even after it has been sold, shall be recorded with the Auditor and shall include the  
3 following information:  
4 (1) Owner's name;  
5 (2) Parcel number;  
6 (3) Property address;  
7 (4) Complete legal description; and  
8 (5) Conditions to be imposed on the property.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50