



## DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street, Port Townsend, WA 98368

Tel: 360.379.4450 | Fax: 360.379.4451

Web: [www.co.jefferson.wa.us/communitydevelopment](http://www.co.jefferson.wa.us/communitydevelopment)

E-mail: [dcd@co.jefferson.wa.us](mailto:dcd@co.jefferson.wa.us)

## CONDITIONAL USE PERMIT

### Purpose

The purpose of the conditional use permit process is to provide flexibility in the application of the use regulations contained in the Jefferson County Code (JCC) in order to accommodate uses that may be appropriate in an established district under certain circumstances, but inappropriate in the same district under other circumstances.

The conditional use permit information sheet is designed to help you provide all the information necessary to facilitate a timely and well-informed decision on your application. You will use the Master Land Use Permit Application Form for all Conditional Use applications. Conditional use approval may involve either a Type II or Type III review process under the JCC, depending on the specific type of use.

No conditional use permit can be granted unless consistency with the performance standards of JCC 18.20, the development standards of JCC 18.30, the procedural requirements of Article VIII, Chapter 18.40 JCC, and other applicable requirements of the JCC have been satisfied.

### Types of Conditional Uses

Conditional uses are typed and identified in Table 3-1 of the JCC, or may be classified as such by the Administrator pursuant to Article II, Chapter 18.15 JCC. There are three broad types of conditional uses identified in the JCC.

**Conditional ["C"] Use:** Proposed uses that require a discretionary approval process and a public hearing before the Hearing Examiner. Applications for uses listed as a "C" in Table 3-1 of the JCC are processed according to the procedures for Type III land use decision established in Article VIII, Chapter 18.40 JCC.

**Conditional Administrative ["C(a)] Use:** Proposed uses that require approval by the Administrator but do not require a public hearing. Applications for uses listed as an administrative conditional use permit (i.e., "C(a)") in Table 3-1 of the JCC are processed according to the procedures for Type II land use decisions established in Article VIII of Chapter 18.40 JCC.

**Conditional Discretionary ["C(d)] Use:** Proposed uses that, at a minimum, require approval by the Administrator but that, at the discretion of the Administrator, may be referred to the Hearing Examiner for a public hearing and final decision. Applications for uses listed as discretionary conditional use permits (i.e., "C(d)") in Table 3-1 of the JCC are, at a minimum, processed according to the procedures for Type II land use decisions established in Article VIII of Chapter 18.40 JCC. However, pursuant to JCC 18.40.520, the Administrator may on a case-by-case basis refer a discretionary conditional use permit application to the Hearing Examiner to be processed according to the procedures for Type III land use decisions.

In order to refer a "C(d)" application to the Hearing Examiner, the Administrator must make one of the following findings:

- In the exclusive, discretionary judgment of the Administrator, the application involves potentially significant issues relating to location, design, configuration, and potential impacts to surrounding properties and the community that can be more appropriately considered and addressed through a public hearing before the Jefferson County Hearing Examiner; or
- In the exclusive, discretionary judgment of the Administrator, the application seeks approval of a use involving complex legal issues necessitating special expertise in the decision-maker.

### Process

**Step 1 – Pre-Application Conference:** A pre-application conference is required for all conditional use permits. Conceptual plans, county requirements, future permit requirements, etc., and answers to related questions are discussed at the conference. Information provided by Department of Community Development staff helps the applicant to prepare a better application and potentially decreases code-related questions and time required for formal review.

**Step 2 – Determination of Completeness:** Following submittal of your application, county staff will make a determination within 28 days as to whether your application is substantially complete.

**Step 3 – Formal Application Review and Decision:** Following the determination of completeness, a final decision must be made by the county within 120 calendar days. The final decision may be made by either the Administrator (for all "C(a)" and certain "C(d)" uses) or the Hearing Examiner (for all "C" and certain "C(d)" uses) depending on the type of conditional use. Public hearings before

the Hearing Examiner are required for all "C" uses and may be required for certain "C(d)" uses. In all conditional use permit cases the decision may be appealed.

## Approval Criteria

Your conditional use application will be evaluated on the basis of the criteria listed in the relevant section of the Jefferson County Code (see JCC 18.40.530), and in some instances, inspection of the property.

The county may approve or approve with modifications an application for a conditional use permit (i.e., uses listed in Table 3-1 as "**C(a)**," "**C(d)**" or "**C**") only if all of the following criteria are satisfied:

- The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property;
- The conditional use will be served by adequate infrastructure including roads, fire protection, water, wastewater disposal, and storm water control;
- The conditional use will not be materially detrimental to uses or property in the vicinity of the subject parcel;
- The conditional use will not introduce noise, smoke, dust, fumes, vibrations, odors, or other conditions or which unreasonably impact existing uses in the vicinity of the subject parcel;
- The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the conditional use will not unreasonably interfere with allowable development or use of neighboring properties;
- The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the vicinity of the subject parcel;
- The conditional use complies with all other applicable criteria and standards of this Code and any other applicable local, state or federal law; and more specifically, conforms to the standards contained in 18.20 and 18.30 of this Code;
- The proposed conditional use will not result in the siting of an incompatible use adjacent to an airport or airfield;
- The conditional use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated through conditions of approval;
- The conditional use has merit and value for the community as a whole;
- The conditional use is consistent with all relevant goals and policies of the Jefferson County Comprehensive Plan; and
- The public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative effect of similar actions in the area.

In instances where all of the above findings cannot be made, the application shall be denied.

The County, in accordance with JCC 18.40.540, may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The county may add conditions which:

- Increase requirements in the standards, criteria or policies established by the JCC;
- Stipulate an exact location for the conditional use on the subject property as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;
- Require structural features or equipment as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic; or
- Contain restrictions or provisions deemed necessary to establish parity with uses permitted in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic and physical hazards.

Approval of the conditional use is effective for three (3) years from the date of original approval. If a building permit has not been issued within the three (3) year period, the conditional use approval will expire. Minor modifications to a previously approved conditional use may be approved subject to the provisions of JCC 18.40.570.



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### SUPPLEMENTAL APPLICATION CONDITIONAL USE

MLA # _____	PROJECT/APPLICANT NAME: _____
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The purpose of the conditional use permit process is to provide flexibility in the application of the use regulations contained in the Jefferson County Code (JCC). No conditional use permit can be granted unless consistency with the performance standards of JCC 18.20, the development standards of JCC 18.30, the procedural requirements of JCC 18.40.280, and the approval criteria of JCC 18.40.530, and other applicable requirements of the UDC have been satisfied. Approval of the conditional use is effective for three (3) years from the date of original approval. If a building permit has not been issued within the three (3) year period, the conditional use approval will expire.

The following questions will assist in the evaluation of the conditional use request:

1.	Describe the requested conditional use.
2.	Explain how the conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the vicinity and with the physical characteristics of the subject property.
3.	Describe the infrastructure including but not limited to roads, fire protection, water, wastewater disposal, and stormwater control which will serve the requested conditional use.
4.	Describe the location, size, and height of buildings, structures, signage, walls and fences, and screening vegetation for the use.
5.	Describe any noise, smoke, dust, fumes, vibrations, odors, outdoor lights or other impacts will be generated by the conditional use.
6.	Describe the pedestrian and vehicular traffic and parking area associated with the conditional use.

7.	Will the proposed conditional use result in the siting of an incompatible use adjacent of an airport or airfield?
8.	Are there any significant adverse impacts on the human and natural environments caused directly by the conditional use? If yes, can these impacts be mitigated?
9.	Describe how granting the conditional use will not be materially detrimental to uses or property in the vicinity of the subject parcel.
10.	Describe how granting the conditional use will not be substantially detrimental to the public interest.
11.	Does the conditional use have merit and value for the community as a whole?
12.	Describe how the conditional use complies with all other applicable criteria and standards of the Jefferson County Code (JCC) and any other applicable local, state or federal law; and more specifically, conforms to the standards contained in JCC 18.20 and JCC 18.30.
13.	Describe how the conditional use is consistent with all relevant goals and policies of the Jefferson County Comprehensive Plan.

**ACKNOWLEDGEMENT**

By signing the application form, the applicant/owner attests that the information provided herein is true and correct to the best of his/her knowledge. Any material falsehood or any omission of a material fact made by the applicant/owner with respect to this application packet may result in this permit being null and void.

\_\_\_\_\_ (APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE)

\_\_\_\_\_ (DATE)

[NOTE: Representative authorization is required if application is not signed by the Owner.]