



RECLASSIFICATION / REZONE PROCESS

"Zone" means an area accurately defined as to boundaries and location, and classified by the zoning ordinance as available for certain types of uses and within other types of uses are excluded.

"Comprehensive Plan" is a plan adopted by the Town of Darrington that determines community goals and aspirations in terms of community development, which dictates public policy in terms of transportation, utilities, land use, recreation, and housing.

16.04.020 - Purpose

The purpose of this title is to provide rules, regulations, requirements, and standards for subdividing land in the community, ensuring that the public health, safety, general welfare, and aesthetics of the community shall be promoted and protected; that orderly growth, development, conservation, protection and proper use of land shall be insured; that the character of the developing area is safeguarded and promoted; that proper provisions for all public facilities including circulation, utilities, open space, and services shall be made; and that the goals and policies of the Darrington Comprehensive Land Use Policy plan are furthered through the subdivision of land.

(Ord. 542 § 1 (part), 1999)

Procedure

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be subsequently undertaken. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

Within twenty-eight (28) days of receiving your application, Town staff shall determine if it is complete. If additional information and/or materials is needed to meet the approval criteria for a particular application, the Town will contact you and outline what is needed to complete the application. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall mail or provide in person written notice to the applicant, within fourteen (14) days following the receipt of the additional information.

The department shall cancel an incomplete application if the applicant fails to submit the additional information required by DMC Sections 17.104.070(A) or (C) within ninety (90) days following notification from the department that the application is incomplete. The department may extend this cancellation date up to one hundred twenty (120) additional days if the applicant submits a written request for an extension prior to cancellation. The request must clearly demonstrate that the delay is due to circumstances beyond the applicant's control (such as the need for seasonal wetland data) or unusual circumstances not typically faced by other applicants, and that a good faith effort has been made to provide the requested materials.

After the determination of a completed application, a decision from Town staff on a permit application is required within one hundred and twenty days (120).

The fact that an application is deemed complete pursuant to this section shall not, under any circumstances, prevent the Town from subsequently requesting additional information or studies regarding any aspect of a proposed project, which is deemed necessary to a complete review of the proposed project.

In order to receive preliminary approval, the applicant must submit to the Darrington Planning Department a complete application, in quantities specified by the Department, and meet the criteria for approval.

A. Application. A complete application consists of the following:

1. A completed application on a form provided by the Planning Department and fee as identified in Chapter 17.88 DMC;

FEE: \$ 700.00 plus \$ 700.00 Comprehensive Plan Amendment Non-Refundable

17.88.10 - Application fees.

Any applicant shall pay the following fees for a land use permit at the same time that said application is filed with the town

Applicant shall be required to bear any engineering and legal fees incurred by the Town in connection with the application, which are not covered by other fees. Impact fees for traffic, schools and parks shall be paid prior to building permit issuance. All fees must be paid prior to final plat approval.

2. A neat and readable plan drawn to a standard decimal (engineer) scale. A survey may be required if it is determined that level of information is needed to ensure the adjustment meets the approval criteria. The plan shall show the following information:

- a. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line,
- b. Dimensions of all property lines and area of the lots, before and after the adjustment,
- c. Location and floor area of all structures on the site and their setbacks from existing and new property lines,
- d. Location and purpose of all easements on the site,
- e. Location, purpose and legal description of any new or extended easements proposed,
- f. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided,
- g. Location of existing utilities and utility easements,
- h. Calculations which demonstrate that required yard setbacks of the Uniform Building Code are met;

3. Before and after legal description of the affected lots.

B. Review Criteria. In order to approve a short plat, the short subdivision committee shall determine the project complies with the following criteria:

1. The adjustment will not create nonconforming lots with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards;
2. The degree of nonconformance on existing nonconforming lots with respect to zoning, dimensions and area standards, zoning setbacks and floor area ratio are not increased;
3. All lots have legal access to a public road. Existing required private access road improvements and easements are not diminished below subdivision ordinance standards for lots that are served by a private access road;
4. Existing easements for utilities are appropriate for their intended function, or they are extended, moved or otherwise altered to an appropriate location;
5. The adjustment does not create any nonconformity with respect to the Uniform Building Code or any other locally administered regulation.

17.104.10 Classification of Project Permit Applications

Type 5 decisions shall be made by the Town Council following an open record public hearing held by the Planning Commission. Such public hearing shall be conducted in accordance with the procedures for open record public hearings specified in DMC Ch. 18.112

17.108.050 - Type 5 Decision Process

Following a public hearing on a Type 5 decision, the Planning Commission shall render a written decision, including findings of fact and conclusions, and pass its recommendation on to the Town Council for final action. The Planning Commission recommendation shall be for approval, approval with conditions or denial of the request for action.

The Planning Commission shall forward the findings and recommendations to the Town Council at their next regularly scheduled meeting.

In rendering a decision on a request for action, the Town Council shall take into account the testimony presented at the public hearing, comments submitted by outside agencies and the recommendations of the Planning Commission.

Following the decision of the Town Council, the department shall promptly issue a notice of decision pursuant to DMC Section 17.104.170.

The decision of the Town Council regarding a Type 5 decision shall be final and are quasi-judicial decisions and shall be appealable only to the Superior Court pursuant to RCW 36.70C.
(Ord. 541 § 1 (part), 1999)

A public "Notice of Application" must be posted on-site, within 14 days of completed application having been received. If the Reclassification/Rezone property contains wetlands, streams, or their buffers, then a SEPA Environmental review may apply. These additional approvals may increase review time. The Department of Ecology website contains SEPA information, forms and checklists needed.

www.ecy.wa.gov/programs/sea/sepa/forms.htm

A. A single notice board shall be posted for a project. This notice board shall also be used for the posting of the notice of decision and any notice of hearing, and shall be placed by the applicant as follows:

1. The notice board shall be located at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility.
2. The notice board shall be five feet inside the property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the department.
3. Notice boards shall be at least four feet by four feet in size and shall be designed, constructed and installed in accordance with specifications promulgated by the department.
4. The top of the notice board shall be between seven to nine feet above grade.
5. The notice board shall be placed so that it is completely visible to pedestrians.

B. A mailed notice shall be issued to all owners/residents within five hundred (500) feet of any portion of the project boundary by first class mail by the department within fourteen (14) days following the department's determination of completeness and at least ten (10) days prior to the public hearing. Applicant will provide to the Town of Darrington staff, a complete mailing list and envelopes that must be size #10 (regular business size) **with** first class postage and with a Town of Darrington return address.

An approved Reclassification/Rezone must be recorded with Snohomish County Records and Elections within six (6) months or the approval will become null and void.

17.84.010 - Submission to Town Council

Any request for a change in zoning of any district or area thereof as shown on the zoning maps shall be submitted to the Planning Department. Said requests shall be made on such formal application forms as specified by the department and filed with the department, which shall transmit a copy to the Town Clerk. A filing fee as required in the application fees chapter of this title should accompany all applications. All applications for a change of zoning shall be a Type 5 decision and shall be processed pursuant to DMC Section 17.108.050.

(Ord. 541 § 1 (part), 1999)

17.100.040 - Additional Findings

When the Town Council makes a decision regarding an application for a reclassification of property, the decision shall include additional findings, which support the conclusion that at least one of the following circumstances applies:

A. The reclassification is for the purpose of achieving consistency with the comprehensive plan; or

B. The applicant has demonstrated with substantial evidence that:

1. Since the adoption of the last version of the comprehensive plan, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the adopted comprehensive plan;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that rezoning or redesignation by means of a generalized amendment to the comprehensive plan, and
3. The requested reclassification or redesignation is required in the public interest.

17.84.020 - Criteria for Granting Zoning Map Reclassifications

The Town Council shall be guided by the following criteria in granting reclassification requests to the zoning map of this title:

- A. The use or change in zoning requested shall be in conformity with the adopted comprehensive plan, the provisions of this title, and the public interest;
- B. The use or change in zoning requested in the zoning map or this title for the establishment of commercial, industrial, or residential use shall be supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the application form.
- C. the project area shall include the entire parcel, at a minimum.

16.10.050 & 16.12.040 - Preliminary Review Procedures

- A. Referral to Other Departments. Upon receipt of a complete and satisfactory application for a boundary line adjustment, the planning department shall transmit one copy of the application to each member of the short subdivision committee, and one copy to any department or agency deemed necessary.
- B. Planning Division Action. The Planning Department may determine that a meeting be conducted to resolve major issues identified as a result of departmental recommendations. Such a meeting shall be attended by those offices or agencies responsible for the recommendations, and must include the applicant. The proceedings and results of the meeting shall be documented.

16.08.030 - Preliminary Approval

In order to receive preliminary approval, the applicant must submit to the Darrington Planning Department a complete application, in quantities specified by the Department, and meet the criteria for approval.

A. Application. A complete application consists of the following:

1. A completed application on a form provided by the Planning Department and fee as identified in Chapter 17.88 DMC;

FEE: \$ 700.00 PLUS \$ 700.00 COMPREHENSIVE PLAN AMENDMENT Non-Refundable

17.88.10 - Application fees.

Any applicant shall pay the following fees for a land use permit at the same time that said application is filed with the town

2. A neat and readable plan drawn to a standard decimal (engineer) scale. A survey may be required if it is determined that level of information is needed to ensure the adjustment meets the approval criteria. The plan shall show the following information:
 - a. Drawing or survey of property;
 - i. Property lines, with those that remain in their existing location shown as a solid line
 - ii. Dimensions of all property lines and area of the lots

- b. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided,
 - c. Location of existing utilities and utility easements
 - i. Location and purpose of all easements on the site,
 - ii. Location, purpose and legal description of any new or extended easements proposed,
 - d. Legal description of the affected lots.
 - c. Location and floor area of all structures on the site and their setbacks from existing and new property lines,
3. Affidavit of ownership;
 4. Other documentation necessary to demonstrate the conditions of the approval have been met.

16.08.040 - Final Approval and Recording

After preliminary approval has been granted, an application for final approval shall be submitted to the Planning Department for final review.

A. Application. A complete final application shall consist of the documents required for recording including:

1. Drawing or survey of property;
2. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided,
3. Location of existing utilities and utility easements
4. Legal description of the affected lots.
5. Affidavit of ownership;
6. Application on a form provided by the planning department;
7. Other documentation necessary to demonstrate the conditions of the approval have been met.

B. Recording. Upon receiving approval from the Town, the applicant will be responsible for picking up the documents from the department and recording them with the Snohomish County office of records. A copy of the recorded documents must be returned to the Planning Department to finalize the approval process. The adjustment shall not be deemed complete until the Town receives these documents.

(Ord. 542 § 1 (part), 1999)

16.08.050 - Expiration

The Reclassification/Rezone application shall expire if it has not been recorded within one year from the date of approval. Upon written request from the applicant prior to the expiration date, the Planning Committee, Town Council is authorized to grant one extension, not to exceed six months.