



LAND USE DESIGN REVIEW 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.

17 Zoning General Provisions

17.04.010 - Purpose.

The purpose of this zoning ordinance is to establish a meaningful tool by which the legislative body of the town of Darrington may interpret and pursue the goals and objectives of the community as adopted in the 1998 Darrington comprehensive plan. The specific zones and regulations herein are designed to facilitate adequate provisions of public facilities and housing with essential light, air, privacy and open space; to facilitate the safe movement of traffic thereon; to preserve and enhance property values; to prevent overcrowding of land; to facilitate adequate provisions for public and private business and thereby safeguard the community's economic structure upon which the prosperity and welfare of all depends.

These districts and regulations are deemed necessary and are made with reasonable consideration to the character of each district and its suitability for specific uses, the need for such uses, the common rights and interests of individuals as well as the general public, and with the view of conserving and encouraging the most appropriate use of land throughout the town of Darrington.

17.04.030

Nothing contained in this title shall require any change in any existing building or structure or in the plan, construction or designated use of a proposed building or structure which would conform with the zoning regulations then in effect, and for which a building permit shall have been issued, and plans for which are on file in the town of Darrington prior to the effective date of the ordinance codified in this title, and the construction of which building or structure shall have been started within twelve months of the date of such building permit and diligently prosecuted to its completion.

(Ord. 541 § 1 (part), 1999)

17.08.050

Except as provided in this title:

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the use district in which such land, building, structure or premises is located.
- B. No building or structure shall be erected, nor shall any existing building or structure be moved, reconstructed or structurally altered, to exceed in height the limit established by this title for the use district in which such building or structure is located.
- C. No building or structure shall be erected, nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and yard regulations established by this title for the use district in which such building or structure is located.
- D. No yard or other open spaces, provided about any building or structure for the purpose of complying with the regulations of this title, shall be considered as providing a yard or open space for any other building or structure.

(Ord. 541 § 1 (part), 1999)

17.14.050

Design review is required for all new developments or substantial remodels within the commercial district. All development should reflect the historic nature of the community. All architecture, materials and use color should be respectful of the nature of the community and promote the community's identity. These requirements are not meant to regulate, but rather to guide development towards the communities' goal of a unique and pleasant down town.

(Ord. 541 § 1 (part), 1999)

17.50.010

It is the purpose of this chapter to establish development standards that supplement those established within the various use districts. These supplemental standards are intended to address certain unique situations that may cross district boundaries, and to implement related policies of the Darrington comprehensive plan.

(Ord. 541 § 1 (part), 1999)

17.64.010

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their impact on the neighborhood, and land uses in the vicinity.
(Ord. 541 § 1 (part), 1999)

Procedure

A board of architectural review (BAR) is established for the town of Darrington. The BAR shall consist of the planning commission members. The board of architectural review shall interpret, review and recommend to the Town Council design review issues. The design review board shall review all proposals to build, locate, construct, remodel, alter, or modify any facade on any structure or building within the commercial district and downtown core of Darrington. The BAR will also review all multifamily projects over four units.

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 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 project will be scheduled for a public hearing before the Planning Commission once the application is determined to be complete. The hearing date will be no sooner than 30 days from

the determination of a complete application. During this time, Town staff will review the application.

An environmental SEPA checklist review may be required on every application. The Town, followed by a 15-day comment period prior to the Planning Commission public hearing, must issue a Determination on the environmental impacts.

Design review approval by the Design Review Committee (DRC) may be associated with an application and would be done simultaneously with the review if needed.

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: \$ 900.00 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,

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- 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. A current certificate of water availability from the water utility purveyor serving the site;
 4. Site percolation study approved by the Snohomish County department of health pursuant if the site is proposed for development using a septic system, or a certificate of sewer availability from the sewer utility purveyor serving the site;
 5. A site plan prepared in a form prescribed by the planning department;
 6. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of Title 16 and RCW 58.17;
 7. Any sensitive area studies as required;
 8. A completed environment checklist (SEPA), if required;
 9. A list of any existing environmental documents known to the applicant or the town that evaluate any aspect of the proposed project;
 10. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the town or any other governmental entity;
 11. A stormwater design which meets the requirements set forth in the county surface water design manual;

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12. For land use permits requiring a Type 3, 4, or 5 decision: current assessor's maps and a list of tax parcels to which public notice must be given; a set of mailing labels addressed to the owners thereof; and a set of stamped envelopes addressed to the occupants thereof, including tenants in multiple occupancy structures, to the extent the owner's addresses are not the same as the street addresses of the properties to which notice is required;
 13. Legal description of the site;
 14. A soils engineering report for the site;
 15. Traffic study or studies, if required;
 16. A landscaping plan, if required;
 17. A tree clearing plan, if required;
 18. A parking plan, if required;
 19. Verification of applicable contractor's registration number, if required by RCW 18.27.100.

The town planner may waive any of the specific submittal requirements listed in this section that are determined to be unnecessary for review of an application.

B. Review Criteria. In order to approve an application, the planning commission shall determine the project complies with the following criteria:

1. 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;
2. 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;
3. Existing easements for utilities are appropriate for their intended function, or they are extended, moved or otherwise altered to an appropriate location;
4. 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 4 decisions shall be made by the board of architectural review or the planning commission, 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.

When a hearing body renders a decision on a Type 4 decision, and when the planning commission makes a recommendation on a type 4 decision, the hearing body shall make and enter findings of fact and conclusions from the record which support the decision or recommendation.

Type 4 decisions may be appealed to the Town Council.