

## **CHAPTER 11    CONDITIONAL USES**

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### **11.01 General**

The objective of the conditional use permit is to allow more control and flexibility in the implementation of this Master Program. By applying special conditions, the scope of uses within each of the six shoreline areas can be expanded to include many additional uses. Activities classified as conditional uses shall be permitted only where the applicant can demonstrate that the proposed use will meet standards and criteria that will ensure that the proposed use will be compatible with the permitted uses within the same area.

### **11.02 Authority**

1. The Hearing Examiner is hereby authorized to hear, review, grant or deny shoreline conditional use permit applications for:
  - a. Developments which are permitted under these regulations in particular shoreline areas only as conditional uses; or
  - b. Development for expansion of non-conforming uses and structures on shorelines, or
  - c. Repair or restoration of a non-conforming use or structure; or
  - d. Development for a use which may be unnamed and/or not contemplated in this program.

The Hearing Examiner is further authorized to impose any reasonable conditions and standards which may be required to enable any proposed conditional use to satisfy the criteria established in Section 11.03 on a case-by-case basis, PROVIDED that any decisions rendered by the Examiner may be appealed to the Board of County Commissioners by notifying the Administrator in writing within five (5) days from the date of the Examiner's decision.

2. The Planning Commission is hereby authorized to hear, review and pass consideration on shoreline conditional use permit applications for those developments or repairs as identified in Section 11.02, 1., a., b., c. and d.  
The Commission is further authorized to determine and impose any reasonable conditions and standards which may be required to enable any proposed conditional use to satisfy the criteria established in Section 11.03 on a case-by-case basis.
3. The Board of County Commissioners is hereby authorized to grant or deny conditional use permit applications for those developments or repairs as identified in Section 11.02, 1., a., b., c. and d. and to hear appeals from conditional use permit decisions of the Hearing Examiner. The Board is further authorized to determine and impose any reasonable conditions and standards which may be required to enable any proposed conditional use to satisfy the criteria established in Section 11.03 on a case-by-case basis.

### **11.03 Criteria for Granting Conditional Use Permits**

1. Permits for uses which are classified or set forth in this Master Program as conditional uses may be authorized providing the applicant can meet all the following criteria, the burden of proof shall be on the applicant.
  - a. That the proposed use will be consistent with the policies of this Master Program and policies of RCW 90.58.020.
  - b. That the proposed use will not interfere with the normal public use of public shorelines.
  - c. That the proposed use of the site and design of the project will be compatible with other permitted uses in the area.
  - d. That the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is located.
  - e. That the public interest suffers no detrimental effect.
2. Other uses which are not classified or set forth in this Master Program may be granted as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in Section 11.03 a., b., c., d. and e., that extraordinary

circumstances preclude reasonable use of the property in a manner consistent with the use regulations of this Master Program.

3. Conditional use permits may not be granted for uses which are prohibited by this Master Program.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other development in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Master Program and RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

#### **11.04 Procedure**

Conditional use permits shall be applied for on forms provided by the Administrator. If a conditional use request also requires a substantial development and/or variance permit, they shall be treated as one application. Fees and notice and review procedures for conditional use applications shall be identical to those required for a shoreline substantial development permit application as specified in Chapter 9 of the Master Program.

#### **11.05 Notification of Final Action**

Upon approval or denial of said conditional use permit by the Hearing Examiner or Board, a copy of the final order and application shall be mailed to the Department of Ecology for their review within eight (8) days of such action.

Development may not commence until thirty (30) days have elapsed from date of filing of such material with the Department of Ecology, pursuant to WAC 173-14-090.

#### **11.06 Other Local Regulations**

Special use or conditional use approvals granted under provisions of the Skagit County Zoning Ordinance shall not be construed to constitute approval of a shoreline conditional use permit as authorized by this program.