CHAPTER 14
CLASS I USE APPLICATIONS

16.14.101: PURPOSE:

This Chapter identifies and provides the procedures, decision standards, and other matters for the review of Class I Use applications. Class I uses are hereby determined to be temporary uses for the purposes of this title, and all other land use ordinances.

16.14.102: APPROVAL AUTHORITY:

(1) The Zoning Administrator is authorized to approve, approve with requirements necessary for compliance with all applicable land use ordinance provisions, or deny Class I Use applications, except class I use applications that propose ground disturbance of any sensitive lands areas ("non-sensitive lands class I applications"). Before the Zoning Administrator makes a decision, the Technical Review Committee shall review the application.

(2) The Sensitive Lands Committee is authorized to approve, approve with requirements necessary for compliance with all applicable land use ordinance provisions, or deny Class I Use applications that propose disturbance of any sensitive lands areas ("sensitive lands class I applications"). Before the Sensitive Lands Committee makes a decision, the Technical Review Committee shall review the application.

16.14.103: APPLICATION INITIATION AND COMPLETENESS:

(1) Requests to establish a Class I Use shall be made on a Class I Use application.

(2) A property owner may present a Class I Use application for review and decision. An agent of the property owner, or a lessee of the property, may present a Class I Use application for review and decision, provided such application is accompanied by a property owner affidavit of authorization.

(3) Class I Use applications shall be determined complete by the Zoning Administrator, as provided by Chapter 13 of this title. For Class I Use applications determined to be incomplete, the Zoning Administrator shall comply with the requirements of Chapter 13 of this title.

16.14.104: NON-SENSITIVE LANDS CLASS I USE APPLICATION REQUIREMENTS:

The following Class I Use application information shall be provided for non-sensitive lands Class I Use applications:

(1) A complete Class I Use application.

(2) One (1) copy of a site plan, drawn at a scale of one-inch equals forty feet (1" = 40'), or as required by the zoning administrator, identifying the following:

(a) The location and dimension of the property and all proposed uses and buildings, all existing buildings or structures located on the property, and existing buildings and structures located within one hundred feet (100') of the property. Existing property lines and existing fence lines shall be shown.

(b) The location of all roads and streets adjoining the site, and including any permits as required by Washington County or the state department of transportation, as applicable.

(c) The location and dimension of all proposed ingress and egress points, off street parking and loading areas, including the total number of parking and loading spaces.

(d) For Class I Use applications involving a special event, proof of compliance with Title 5, Chapter 10 of the code, including a plan to comply with any conditions imposed pursuant thereto.

(3) Other information, as may be required by the zoning administrator, necessary to review the Class I Use application.

16.14.105: SENSITIVE LANDS CLASS I USE APPLICATION REQUIREMENTS:

Sensitive lands Class I Use applications shall provide the same information required by Section 16.14.104 of this Chapter, and other information required by Chapter 8 of this title, as determined necessary by the Sensitive Lands Committee to review the Class I Use application.

16.14.106: NON-SENSITIVE LANDS CLASS I USE APPLICATION REVIEW PROCEDURES AND APPROVAL STANDARDS:

(1) The procedures for review of a non-sensitive lands Class I Use application are identified by figure 14-1 in this Chapter.

(2) The Zoning Administrator shall review the application and determine if the application:

(a) Is a Class I Use within the zoning district, as identified in the tables of uses (Chapter 33 of this title).

(b) Complies with all requirements applicable to the zoning district, including minimum area, setbacks, height, and all other requirements.

(c) Does not propose any use that includes ground disturbance on any sensitive lands areas.

(d) The use is proposed for a maximum period of forty-five (45) days, such use being discontinued after the expiration of forty-five (45) days.

(3) Upon a finding by the Zoning Administrator that the proposed Class I Use complies with the requirements of this Chapter, and the proposed use can be adequately serviced by the existing public facilities (see Section 16.11.111 of this title), the Class I Use application shall be approved, with or without requirements.

(4) Upon a finding by the Zoning Administrator that the proposed Class I Use does not comply with the requirements of this Chapter, or the proposed use cannot be adequately serviced by the existing public facilities, the Class I Use application shall be denied.

16.14.107: SENSITIVE LANDS CLASS I USE APPLICATION REVIEW PROCEDURES AND APPROVAL STANDARDS:

(1) The procedures for the approval or denial of a sensitive lands Class I Use application are identified by figure 14-2 in this Chapter.

(2) The Sensitive Lands Committee shall review the application and determine if the application:

(a) Is a Class I Use within the zoning district, as identified in the tables of uses (Chapter 33 of this title).

(b) Complies with all requirements applicable to the zoning district, including minimum area, setbacks, height, and all other requirements.

(c) Complies with all requirements of Chapter 8 of this title, as applicable.

(d) The use is proposed for a maximum period of forty-five (45) days, such use being discontinued after the expiration of forty-five (45) days.

(3) Upon a finding by the Sensitive Lands Committee that the proposed Class I Use application complies with the standards and requirements of this chapter, and the proposed use can be adequately serviced by the existing public facilities (see Section 16.11.111 of this title), the Class I Use application shall be approved, with or without requirements.

(4) Upon a finding by the Sensitive Lands Committee that the proposed Class I Use does not comply with the requirements of this Chapter, or the proposed use cannot be adequately serviced by the existing public facilities, the Class I Use application shall be denied.

16.14.108: APPROVED CLASS I USE APPLICATIONS TO BE ON FILE:

The Zoning Administrator shall maintain all Class I Use application approvals on file.

16.14.109: EFFECT OF APPROVAL:

Approval of a Class I Use application shall authorize the establishment of the approved use, subject to any requirements of approval.

16.14.110: APPEAL:

Any person aggrieved by a decision regarding a Class I Use application may appeal the decision as provided by Chapter 30 of this title.

16.14.111: CLASS I USE APPROVAL AMENDMENTS:

No Class I Use application approval shall be amended. The procedure for amending any Class I Use application approval shall be the same procedure to approve the Class I Use application in the first instance (see Section 16.13.110 of this title).

16.14.112: REVOCATION:

A Class I Use application approval shall be revoked upon a finding of noncompliance, as provided by Sections 16.03.116 and 16.03.117 of this title, by the Zoning Administrator.

16.14.113: CONTINUING VALIDITY AND EXPIRATION:

See Section 16.03.115 of this title.

16.14.114: TEMPORARY STRUCTURES:

All temporary structures associated with any Class I Use that are larger than 200 square feet, and/or higher than 15 feet shall comply with the building code. All temporary structures associated with any Class I Use that take longer than 30 days to construct and use, and 20 days to remove are required to meet the design guidelines of Title 16, Chapter 19 of the code. Nothing in this section is intended to lengthen the 45-day use limit contained in Section 16.14.106 of this title.

FIGURE 14-1

NON-SENSITIVE LANDS CLASS I USE APPLICATION PROCEDURES:

Class I Use application filed with Zoning Administrator

Zoning Administrator determines application completeness (see Chapter 13)

Application determined complete (see Chapter 13)

Application determined incomplete (see Chapter 13)

Complete application reviewed by Zoning Administrator for compliance with requirements of all land use ordinances, including this title

Application found to comply with requirements of all land use ordinances, including this title. Application approved by Zoning Administrator, with or without requirements

Application found to not comply with requirements of all land use ordinances, including this title. Application denied by Zoning Administrator

FIGURE 14-2

SENSITIVE LANDS CLASS I USE APPLICATION PROCEDURES:

Class I Use application filed with Zoning Administrator

Zoning administrator determines application completeness (see chapter 13)

Application determined complete (see Chapter 13)

Application determined incomplete (see Chapter 13)

Complete application reviewed by Sensitive Lands Committee for compliance with requirements of all land use ordinances, including this title

Application found to comply with requirements of all land use ordinances, including this title. Application approved by Sensitive Lands Committee, with or without requirements

Application found to not comply with requirements of all land use ordinances, including this title. Application denied by Sensitive Lands Committee