

VARIANCE

Application Packet

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Submit the Following

- Fee
- Application packet including:
 - Landuse Permit Application
 - Project Description
 - Standards and Criteria Form
 - Site Plan
 - Landowner/Agent Consent Form (optional)

Questions?

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Application and Review Process – Summary

“Variance” means an adjustment in the application of the regulations of a zoning ordinance to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived as a result of the imposition of the zoning regulations of privileges commonly enjoyed by other properties in the same vicinity and zone. A variance shall be limited to only that adjustment necessary to remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone and subject to the same restrictions. Economic hardship is not grounds for a variance. (OCC 17A.020.905 Definition)

Authority: OCC 17A.320 “Variances”

Application Packet

Standardized application forms are attached. Some forms may be re-created (project description, standards and criteria form, site plan) so long as the appropriate information is provided. A complete application includes:

- *Fee:* The current application fee is identified on the County fee schedule. Fees are subject to periodic change. A current fee schedule is available at the Office of Planning and Development or on the County’s website.
- *Land Use Permit Application:* This application is required for all application types. Check the “Variance” box and complete the remainder of the application.
- *Project Description:* Submit a thorough explanation of the project. If this is a construction project, what kind? Identify what permits are required as a result of the variance and what code section is in question. It is understood that some information on the project description and the standards and criteria form will be repetitive.
- *Standards and Criteria:* This is the most important element of the application. OCC 17A.320 “Variances” identifies four standards to evaluate all variances. The decision maker must determine there is a true hardship and approval of the variance would not grant a special privilege. This is the portion of the application that convinces the decision whether the application should be approved.
- *Site Plan:* A variance is a request for deviation from a specific regulation due to unique characteristics, usually due to physical characteristics of the property. A site plan and/or accompanying photographs are important to identify those unique characteristics. OCC 17A.320.030 E.
- *Site Analysis:* Most variance applications are submitted in order to pursue a site analysis and building permit. In those instances the Site Analysis application is required to accompany the variance application packet. Otherwise, the site analysis is not required.
- *Landowner/Agent Consent:* The landowner must consent to the application. This form can be used either when the applicant is someone besides the landowner, or if a consultant submits the application packet on behalf of the landowner. The landowner/agent consent form is not a power of attorney.

Application Review Process

- *Application Review:* The variance process will begin upon receipt of a complete application. The review/approval process typically spans 3 months, longer for more complex projects.
- *Notifications & Comment Period:* Notifications are sent to public agencies, utility and fire districts, and landowners within 300-feet of the property. The comment period spans to the public hearing. Notice of application and hearing is published in Okanogan County's periodical of record a minimum of 10 days prior to hearing date. The applicant is responsible for conspicuous posting of notice and completion of "Affidavit of Posting". Cardstock notices shall be given to the applicant.
- *Hearing Examiner or Board of Adjustment:* This is a quasi-judicial open record proceeding. The applicant is responsible for presenting their proposal to the Hearing Examiner (or Board of Adjustment) and answering any questions by the Hearing Examiner. During the hearing, the Hearing Examiner reviews the application and evaluates comments and testimony. The final decision is made by the Hearing Examiner. Approval may include specific conditions used to mitigate impacts deriving from approval of the variance.
- *Approval:* If approved, an official decision will be produced by the Hearing Examiner. The Variance decision is issued and signed by the Hearing Examiner and sent to the Planning Department. The Planning Department is responsible for notifying the applicant of a final decision and sending a hard copy to the applicant. The Hearing Examiner has 10 working days to issue a decision, and that decision is final, subject to appeal.
- *Reconsideration Period:* “Any aggrieved party or agency...that believes the final decision of the examiner is unsound...may make a written request for reconsideration by the examiner within 14 days of the filing of the

written record of decision. If the examiner chooses to reconsider, he/she may revise the decision as they deem appropriate, and may issue a revised record of decision within 10 days of the reconsideration heard by the examiner. A request for reconsideration is not a prerequisite to an appeal.” OCC 2.65.130.

- *Appeal Period:* Any final decision made by the Hearing Examiner is appealable in accordance with RCW 36.70C “Land Use Petition Act”. The appeal period spans 21 days from the date of publication of the final decision. Appeals are submitted directly to Okanogan County Superior Court.

Administrative Variances

In accordance with OCC 17A.320.110, Okanogan County offers an administrative variance process for variances from property line setbacks.

- *Process:* The administrative process allows a final decision made by the Planning Director rather than the Hearing Examiner. A hearing is not required. The timeline is much shorter; roughly 2-3 weeks depending on the nature of the proposal. The same application is used for an administrative variance although the application fee may be less as identified by the adopted Okanogan County Fee Schedule.

Things to Consider

Applicants should consider the following information prior to submitting an application:

- Approval is not guaranteed. Application fees are not refunded for denied applications.
- The application review process is complex. Applicants should consult with professionals while constructing the application and throughout the review process. Landuse professionals include planning consultants, attorneys, surveyors, engineers, contractors, etc.
- It is the applicant’s responsibility to demonstrate compliance with standards and criteria (OCC 17A.320.070) and any conditions of approval.
- Projects must comply with regulations not specifically identified by OCC 17A.320 “Variances” such as Subdivisions, Environmental Policy (SEPA), Shorelines, Critical Areas, County Road Standards, Environmental Health (water and wastewater), Building Codes, Current Use Taxation, etc. It is the applicant’s responsibility to understand these regulations.
- The Colville Confederated Tribe jointly reviews projects located within the Colville Indian Reservation. Okanogan County coordinates review with CCT Planning Department. Applicants should contact CCT Planning prior to submitting an application.



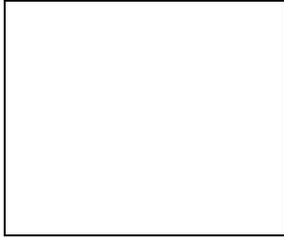
LAND USE APPLICATION FOR CITIES, COUNTIES AND THE COLVILLE CONFEDERATED TRIBES



(The City/County/Tribes may require that additional application forms be completed)

PROJECT TITLE: _____

Total Fees Paid \$ _____ **Receipt #** _____ **Initials** _____



THIS APPLICATION IS FOR (check one):

<input type="checkbox"/> Building Permit	<input type="checkbox"/> Short Form Development Permit	<input type="checkbox"/> Variance	<input type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Short Subdivision (4 or fewer lots)	<input type="checkbox"/> Subdivision (5 or more lots)
<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Petition for Rezone or Code Amendment	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Flood Plain Development Permit	<input type="checkbox"/> Shoreline Development Permit or Exemption	<input type="checkbox"/> Other (specify) _____ _____

APPLICANT INFORMATION:

SURVEYOR OR AGENT INFORMATION:

Name: _____
 Mailing Address: _____
 City/State/Zip: _____
 Email: _____
 Phone: _____

Name: _____
 Mailing Address: _____
 City/State/Zip: _____
 Email: _____
 Phone: _____

NAME AND ADDRESS OF PROPERTY OWNER, IF DIFFERENT FROM APPLICANT ABOVE:

Name: _____ Phone: _____
 Address: _____ City/State/Zip: _____

CHECK ONE: Colville Tribal Member (Enrollment number _____) **OR** Non Tribal Member

CHECK ONE: Within the boundaries of the Reservation **OR** Outside the boundaries of the Reservation

TOWNSHIP _____ **RANGE** _____ **SECTION** _____

CHECK ONE: Trust land [allotment number(s)] **101--** _____ **101--** _____
 Fee Land [10 digit parcel number(s)] _____

This property is located within the _____ ZONING DISTRICT

↓FOR OFFICIAL USE ONLY↓

After reviewing all relevant information about this land use application, the reviewing agencies hereby agree that

The Colville Tribes Okanogan County Municipality of _____ will be the permitting agency.

Signature _____ Date _____
 Authorized Colville Tribal Representative

Signature _____ Date _____
 Authorized County Representative

Signature _____ Date _____
 Authorized City Representative

PROJECT INFORMATION:

Brief Description of Proposal (kind of use, size, # of units, method of water supply and sewage disposal, etc.): _____

General Description of location (miles from nearest town, water, highway, etc. Vicinity map to be attached): _____

Name of Irrigation District: _____

Electrical Service Provider: _____

Name of Water System: _____

Name of Local Telephone Company: _____

Point of Legal Access (existing or proposed): _____

Official Use

Comprehensive Plan Designation: _____

Zone District: _____

Critical Areas Designations (Wetlands, Floodplain, etc.): _____

Please attach any other plans, specifications, or information as required by ordinance or guidelines.

Please see specific site plan requirements for Okanogan County applications.

SIGNATURE BLOCK

I am the applicant named on the reverse and hereby state that the foregoing information, and all information attached hereto, is true to the best of my knowledge.

Signature _____ Date _____

Standards and Criteria

A variance may be granted due to a hardship or unique circumstance that deprives a landowner from utilizing their property in a common manner. In accordance with OCC 17.34.070 “Standards and criteria “are used to evaluate variance requests. It is the applicant’s responsibility to provide the decision maker with sufficient information identifying how the proposal is consistent with each of the following four items.

- A. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zone in which the subject property is situated.

- B. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning code is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classifications.

- C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in which the subject property or improvements are situated.

- D. That economic benefit shall not be considered grounds for a variance.

Structures and uses existing on parcel:

Provide a brief description of the types of structures that exist on the parcel and the uses of those structures:

Existing Structure Dimensions: _____ Structure Height to Peak: _____

Existing Structure Dimensions: _____ Structure Height to Peak: _____

Structures and uses to be added to parcel for project:

Provide a brief description of the types of structures that will be added to the parcel and the uses of those structures:

Structure Dimensions: _____ Structure Height to Peak: _____

Structure Dimensions: _____ Structure Height to Peak: _____

Map:

Provide a comprehensive map of the project demonstrating existing structures, proposed structures, setbacks from property lines and any critical areas on the parcel or on adjacent parcels, locations of uses (such as stockpiling, vehicle maintenance or storage, loading and unloading, commercial structures, residence, garage, etc.), fencing, ingress and egress for the project, etc.

Photos:

Photos relevant to the project may be helpful. Provide at your discretion.

Additional documentation:

Please provide any additional documents relevant to the application. These could include plat maps, statements from adjacent landowners, elevation surveys, wetland delineations, etc.



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 Planning and Development
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LANDOWNER/AGENT CONSENT FORM

I (we) the undersigned owner(s) of record of parcel no. _____,
 located at (physical address): _____,
 consent to and authorize (agent name), _____,
 to act on my/our behalf for the purposes of obtaining approval for (development type):

submitted to the Okanogan County Office of Planning and Development.

I (we), as landowners of the above described property understand and agree to the following:

- I(we) are legal owners of the subject property and may act on behalf of any and all interested parties, financial and otherwise;
- I(we) are responsible for all activities occurring on the subject property;
- Okanogan County, its officers, and staff shall not be held liable for any activities arising from the actions of the above named agent;

Landowner

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Email: _____

 (Signature) (Date)

Authorized Agent

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Email: _____

 (Signature) (Date)

Landowner

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Email: _____

 (Signature) (Date)

Authorized Agent

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Email: _____

 (Signature) (Date)