

## REASONABLE USE ORDINANCES

\*Generally, the reasonable use provisions of the cities and counties appear to follow the decision or review criteria from Model Code for Critical Areas originally developed for the cities of Duvall, Carnation, Snoqualmie and North Bend. The Model Code includes the following review criteria:

1. Application of the critical areas chapter would otherwise deny all reasonable use of the property;
2. There is no other reasonable use consistent with the underlying zoning of the property that has less adverse impact on the critical area and/or associated buffer;
3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the property;
4. Any alteration is the minimum necessary to allow for reasonable use of the property;
5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of the critical areas chapter or its predecessor; and
6. The applicant may only apply for a reasonable use exception if the requested exception provides relief not otherwise available from a variance approval.

The chart below will only indicate where a city or county has added to or departed from the criteria used in the Model Code.

CITY/COUNTY	DECISION CRITERIA	REQUIREMENTS	PROCESS
AUBURN	*		Hearing Examiner
BELLEVUE	The proposal results in no more than ten percent of the site being disturbed by structure or other land alteration. If the lot is less than 30,000 gross square feet, a total area up to 3,000 square feet may be disturbed.	The exception expires if the applicant fails to file for a building permit within one year unless an extension is granted.	Planning Director's Decision
BOTHELL	*		Hearing Examiner
BURIEN	*	Critical area study including mitigation plan	Planning Director's Decision
CARNATION	*	An approved mitigation plan.	Planning Board Decision
CASHMERE	*		Planning Director's Decision
DES MOINES	The proposal is compatible in design, scale, and use with other development or potential development in the	The extent of development within the buffer is limited to	Hearing Examiner

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	immediate vicinity of the subject property in the same zone with similar site constraints.	that which is necessary to create a developable area which is no larger than 5,000 square feet.	
ENUMCLAW	*		City Council
EVERETT	*	A description of any modifications needed to the required front, side and rear setbacks; building height; and landscape widths to provide for a reasonable use while providing protection to the environmentally sensitive areas.	Planning Director's Decision
EDMONDS	The proposal minimizes net loss of critical area functions and values consistent with the best available science.		Hearing Examiner
FEDERAL WAY	The knowledge of the applicant of limitations when he or she acquired the property.		Hearing Examiner
GIG HARBOR	*	The exception is valid for two years unless an extension is granted.	Planning Director's Decision
ISSAQUAH	*		Hearing Examiner
MILL CREEK	The proposed activity will result in minimal alteration of existing contours, vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions and will have a minimal effect on critical area functions. The proposed activity will not jeopardize the continued existence of endangered, threatened, sensitive, or monitored species as listed by the federal or state government. The proposed activity will not cause material degradation of habitat, ground water or surface water quality.		Planning Commission

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	The proposed activity will comply with all local, state, and general laws, including those related to environmental protection, sediment control, pollution control, floodplain restrictions; and on-site wastewater disposal.		
MUKILTEO	<p>Feasible on-site alternatives shall include, but are not limited to: reduction in density or building size, phasing of project implementation, change in timing of activities, and revision of road or parcel layout or related site planning considerations.</p> <p>An alternative is practical if the property or site is available and the project is capable of being done after taking into consideration existing technology, infrastructure, and logistics in light of the overall project purpose.</p> <p>The proposed activity or use will be mitigated to the maximum practical extent and result in the minimum feasible alteration or impairment of functional characteristics of the site, including contours, vegetation and habitat, groundwater, surface water and hydrologic conditions and consideration being given to best available science.</p>	<p>Building setbacks may be reduced up to 50 percent whether the applicant demonstrates that the development cannot meet the code requirements without encroaching into a critical area or its buffer.</p> <p>Development shall leave at least 70 percent of the lot undisturbed. On small lots of 7,500 square feet or less, a maximum building footprint of 2,500 square feet would be allowed.</p> <p>Critical area regulations, buffers and/or setbacks may be reduced up to 50 percent by the Planning and Public Works Directors. .</p>	Planning Director's Decision
NEWCASTLE	*		Hearing Examiner
PUYALLUP	<p>That the proposed activities will not jeopardize the continued existence of endangered, threatened, sensitive, or monitored species as listed by the federal government or State of Washington.</p> <p>That the proposed activities will not cause significant degradation of ground water or surface water quality.</p> <p>That the proposed activities comply with all state, local and</p>		Planning Director's Decision

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	general laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal.		
REDMOND	*		Hearing Examiner
RICHLAND	*		Deputy City Manager, Community and Development Services
SPOKANE	*		Planning Director's Decision
STANWOOD	The proposal will result in no net loss of critical area functions and values consistent with the best available science.		Hearing Examiner
STEILACOOM	*		Hearing Examiner
SUMAS	Special circumstances and conditions exist which are peculiar to the land or lot, and which are not applicable to other lands or lots. The granting of the exception requested will not confer on the applicant any special privilege that is denied to other lands, buildings or structures under similar circumstances.		City Council
VANCOUVER	The proposal mitigates for the loss of critical area functions to the greatest extent feasible and contributes to the Critical Areas Restoration Fund for any impacts that cannot be mitigated.		Hearing Examiner
KITSAP	*		Hearing Examiner
KITTITAS	The Planning Department shall refer to relevant legal authorities at all levels of government, including federal and state constitutions, federal and state statutes, federal and state administrative regulations, and judicial interpretations thereof.		