

Approval Standards for Section 16.56.030 Variation

1. The subject parcel is part of a larger 57 acre parcel. In total, Petitioner owns 107 acres that surround the subject parcel. Petitioner began discussions with the County Health Department regarding the proposed facility approximately 18 months prior to filing its Zoning Application with the proposed processing facility in its presently proposed location. Prior to filing its Application, Petitioner had numerous discussions with Planning and Development staff. In particular, the existing residence located on Petitioner's property was discussed in relation to the restriction set forth in Paragraph HH of Section 16.56.030 of the UDO that prohibits an animal slaughter operation within 500 feet of a residential structure located in an agricultural zoning district. At that time, Planning and Development staff informed Petitioner that the 500 foot restriction would not apply because the only residential structure located in an agricultural zoning district within 500 feet of the proposed facility is owned by Petitioner. In reliance on such assertion, Petitioner finalized its site design and filed its zoning Application. Now, after Petitioner has filed its Application, paid for necessary site plans, paid for necessary septic design plans, after Petitioner has gone through the Staff Plat Review process and received Staff Plat Review approval, Planning and Development staff has informed Petitioner that the 500 foot restriction does in fact apply. Petitioner has spend substantial sums to tailor its septic design and other plans to the particular location set forth in the site plan included with Petitioner's Application and approved during Site Plan Review. To carry out the strict letter of the ordinance would require Petitioner to relocate the facility to another area on Petitioner's property, thus requiring the duplication of the time and costs already incurred by Petitioner to get to this point in the process.

2. The condition is unique to the subject parcel because of the circumstances giving rise to the necessity of the Variance. Petitioner relied to its detriment on the assertions of County Staff that the 500 foot requirement would not apply to Petitioner because of Petitioner owns the only residence within such 500 foot restriction. At no time during Staff Plat Review was such restriction brought up and Petitioner's site plan, including the location of the proposed facility in relation to the residence owned by Petitioner, was approved.

3. The purpose of the Variation is to allow Petitioner to keep the facility located in an area previously approved by County staff, avoiding a duplication of the substantial costs that Petitioner has already incurred in connection with this Application if Petitioner were required to relocate the proposed facility.

4. The hardship was created when Planning and Development staff informed Petitioner that the 500 foot restriction would not apply because the residential structure located in an agricultural zoning district in question is owned by Petitioner. Petitioner owns 107 acres adjacent to the proposed facility. Had staff raised the location of the existing residence as an impediment to the proposed location, Petitioner could have relocated the facility further south of the residence and avoided the 500' conflict.

5. The variation will not be detrimental to public welfare or injurious to other property or improvements in the neighborhood. The additional restrictions set forth in Section

16.56.010 are not health and safety issues. Rather, Section 16.56.010 states specifically that “the purpose of this chapter is to set forth additional requirements for certain uses of land. These standards are intended to ensure that the use is compatible with the surrounding area.”

6. The variation will not impair an adequate supply of light and air to adjacent property, increase congestion on the public streets, increase the risk of fire to adjacent property, or substantially diminish or impair property values within the neighborhood. The proposed use is no different than that of any other agricultural building on the property.

7. The variation will not confer a special privilege to the property owner that is denied to other owners with property in the same zoning district.