

101 TITLE AND STRUCTURE OF CODE

101-1 Title

This Code shall be known as the Washington County Community Development Code.

101-2 Structure of Code

- 101-2.1 This Code is comprised of seven articles which contain specific standards that regulate specific aspects of development and the development process.
- 101-2.2 Article I, Introduction and General Provisions, describes the general applicability of this Code and contains definitions applicable to this Code.
- 101-2.3 Article II, Procedures, sets forth the procedures to be used for reviewing and decision making for development proposals. In addition to Article II, Article VII, Public Transportation Facilities, specifies procedures to be used for reviewing and decision making for development proposals for public transportation facilities.
- 101-2.4 Article III, Land Use Districts, contains the primary and overlay land use districts which establish the primary uses permitted in each district. In addition to Article III, uses/development are also permitted by Article VI, Land Divisions and Property Line Adjustments; and Article VII, Public Transportation Facilities.
- 101-2.5 Article IV, Development Standards, contains development standards that are applicable to uses permitted by Article III and Article VI. Standards in Article IV are only applicable to uses authorized by Article VII when expressly stated in Article VII. The review of Type II and III uses subject to Article IV is through a two-step approval process, consisting of preliminary review and final review.
- 101-2.6 Article V, Public Facilities and Services, sets forth public facility and service requirements that are applicable to development permitted by Articles III and VI.
- 101-2.7 Article VI, sets forth the standards that are applicable to property line adjustments, partitions and subdivisions. These development actions are also subject to specific standards in Article IV.
- 101-2.8 Article VII, Public Transportation Facilities, establishes the public transportation facilities permitted in each district, sets forth the procedures for reviewing and decision making for development proposals for public transportation facilities authorized by the Transportation Plan, and sets forth the development standards that are applicable to these uses. In addition to the development standards in Article VII, specific standards in Articles III and IV are applicable to public transportation facilities when required by Article VII.

102 PURPOSE

The purpose of this Code is to implement the Washington County Comprehensive Plan through the adoption and coordination of planning and development regulations which provide for the health, safety and general welfare of the citizens of Washington County. Standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan that are applicable to development applications, including but not limited to urban land divisions, are specified in this Code.

103 SCOPE

Land within the unincorporated portion of Washington County may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as the Comprehensive Plan and this Code permit. The provisions of this Code, including standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan that development applications are required to comply with, apply to any person developing or using land or a structure, and to the person's successor(s) in interest.

104 CONSISTENCY WITH PLAN AND LAWS

104-1 All use or development of land or structures in unincorporated Washington County shall comply with the Washington County Comprehensive Plan, the Washington County Charter, and applicable Regional, State, Federal and Local laws. Determination of compliance with Regional, State, Federal or Local laws shall be made by the applicable Regional, State, Federal or Local authority responsible for administering the subject law(s). A determination of compliance with such law shall not be a standard or condition of approval, except that proof that mandatory permits have been obtained may be required by specific standards of this Code or as a condition of approval imposed by the Review Authority. Nothing in this Code shall relieve a use or development from compliance with other applicable laws except as provided herein.

104-2 Unless otherwise specified, the provisions of this Code shall be held to be minimum requirements. Where this Code imposes greater restrictions than are imposed or required by other provisions of law or by other rules or regulations, the provisions of this Code shall control.

105 SEVERABILITY

105-1 If any portion of this Code is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Code.

105-2 The Comprehensive Plan mandates the implementation of a stream-lined process that allows for a master application and consolidated review of all issues relating to a proposed development. To accomplish this goal, this Code includes provisions similar to those which formerly appeared in separate ordinances and which are not "planning" or "zoning" regulations as meant by Chapter X of the Washington County

Charter. Examples include the establishment of fees for development actions, technical standards for drainage and roads, and nuisance control. These provisions are included for purposes of convenience and efficiency only and remain distinct and separate from the “zoning” and “planning” provisions of this Code for purposes of Chapter X. To the extent that regulations have not been deemed to be encompassed by Chapter X, similar regulations herein shall be severable and are subject to the notice and enactment procedures of Chapter V of the Charter exclusively.

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