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Amending Clallam County Code, Chapter 33.30, Variances,
to change the wording of the required showing for a variance

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 33.30.010, Variances Application to read as follows:

A request for a variance shall be made on forms provided by the Administrator and shall contain the information found in CCC [33.37.020](#). Before an application for a variance shall be acted upon, all of the matters relating to the application shall be reviewed by the Administrator and public agencies affected by the variance. The Administrator's findings together with interested agencies comments shall be transmitted to the Hearing Examiner for his/her consideration no later than ~~six (6)~~ seven (7) days prior to the Hearing Examiner's consideration of the application. The Director shall coordinate review of the application with public agencies that have an interest in the application.

Section 2. Section 33.30.020, Applicability to read as follows:

A variance may be granted from the minimum standards of this regulation; provided, that a variance may not be allowed regarding minimum lot size, maximum density or land uses permitted in each zone. The reduction of a minimum lot size in essence increases land use density and is in effect a rezone to higher density.

Section 3. Section 33.03.030, Required showing for a variance – Approval is amended to read as follows:

Before a variance shall be granted, it shall be shown:

- (1) That because of special circumstances applicable to subject property including size, shape, topography and location, the strict application of this regulation would deprive subject property owner of rights and privileges enjoyed by other property owners in the vicinity and within the same zone as set forth in the official zoning map
- (2) That the granting of the variances will not be materially detrimental to the public health or injurious to property or improvements thereon;
- (3) That the granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or the spirit of this regulation; ~~or and~~
- (4) That approval of the variance will not constitute a grant of special privilege.

The Hearing Examiner shall approve of the variance request if it finds that all of the above circumstances apply to the request. Upon approval by the Hearing Examiner of any variance, the Hearing Examiner may attach such conditions including, but not limited to, those specified in CCC [33.27.040](#)(2) to its approval as will assure that the development will conform to the spirit and intent of this regulation and the County Comprehensive Plan and be compatible with adjacent land uses.

Section 4. Section 33.03.040, Variance Hearings to read as follows:

Upon the filing of an application for a variance, the Administrator shall set forth the time and place for a public hearing on such matter by the Hearing Examiner. Written notice thereof shall be provided as specified in CCC [33.37.010](#) and Chapter [26.10](#) CCC.

Section 5. Section 33.03.050, Appeal of the Hearing Examiner action to read as follows:

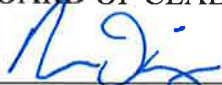
Any appeal of the Hearing Examiner's decision shall comply with Chapter [26.10](#) CCC.

Section 6. Section 33.03.060. Inclusion and findings of fact to read as follows:

The Hearing Examiner shall, in making an order or decision, include in the written record of the case, the findings and fact upon which the action is based. Said findings shall be made available to the public upon request.

ADOPTED this 30 day of January 2018

BOARD OF CLALLAM COUNTY COMMISSIONERS



Mark Ozias, Chair



Randy Johnson



Bill Peach

ATTEST:



Loni Gores, Clerk of the Board