

**CITY OF WHITE SALMON WASHINGTON  
ORDINANCE NO. 2017-04-1005**

**AN ORDINANCE AMENDING WSMC CH 17.80.058 REGARDING VARIANCE  
PURPOSE AND CRITERIA AND PROVIDING FOR SEVERABILITY AND AN  
EFFECTIVE DATE**

**WHEREAS**, the City of White Salmon has reviewed the code regarding variances; and

**WHEREAS**, the City feels that the changes to the code are necessary to correct a typo and clarify the application of the code.

**NOW, THEREFORE**, the City of White Salmon do ordain as follows:

**SECTION 1.** WSMC Ch. 17.80.058 is hereby amended as follows:

Key: Deleted = ~~striketrough~~

Added = **bold underlined**

17.80.058 - Variance purpose and criteria.

Application for variances from the terms of this ~~chapter~~ **title**; provided, that any variance granted shall be subject to such conditions as will assure compliance with the following purpose and criteria:

1. Purpose. The purpose of the variance process is to provide a mechanism whereby the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this chapter and of the White Salmon comprehensive plan can be fulfilled.
2. Scope. This section shall apply to each application for a variance from the provisions of this chapter.
3. Application Submittal and Contents. The application for a variance shall be submitted to the city on forms provided by the city, along with the appropriate fees established by city fee regulations. The application shall include all materials required pursuant to application requirements.
4. Permit Review Process. Variance applications shall be processed as a Type II decision according to the procedures set forth in Title 19.
5. Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:
  - a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located;


- b. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
- c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located;
- d. The special circumstances of the subject property make the strict enforcement of the provisions of this chapter an unnecessary hardship to the property owner;
- e. The special circumstances of the subject property are not the result of the actions of the applicant;
- f. The variance is the minimum necessary to fulfill the purpose and the need of the applicant;
- g. The variance is consistent with the purposes and intent of this chapter;
- h. The variance is consistent with the goals and policies of the White Salmon comprehensive plan; and
- i. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

**SECTION 2- SEVERABILITY:** If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.


**SECTION 3 - EFFECTIVE DATE.** This ordinance shall become effective following passage and publication as provided by law.

**PASSED** in regular session this 5<sup>th</sup> day of April, 2017.

  
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David Poucher, Mayor

  
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Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

  
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Kenneth B. Woodrich, City Attorney