

Variance Process

Draft Staff Recommended Project Approach – April 24, 2018

Summary

Island County Code 17.03.210 addresses the County's variance process. This section of code and related review processes can be confusing, expensive and difficult for the average citizen. Updating this section is meant to clarify the code, update the review process, and to increase accessibility to the average citizen.

Variations are generally necessary when applicants need reasonable relief from the regulations because the unique nature of their property imposes a hardship when attempting to conform to the standard regulations. The purpose of a variance process is to allow citizens the reasonable use of their property in the face of regulations that might otherwise not allow such use. These regulations are often adopted to address serious health/safety concerns, such as vehicle site distances or fire safety. A specific process for varying from these standards is important because it provides departments, such as Public Works, Public Health, and the Building Department, the opportunity to review these projects and minimize any health/safety impacts. Privacy and rural character can also be impacted where there is a variance from established standards. The current Type II variance review process provides a public comment period to receive information on potential impacts that might need to be addressed during County review and before permit approval.

The code includes a process for applicants to seek variances of the following regulations:

- Roadway (front yard) setbacks
- Rear/side yard setbacks
- Building height maximums
- Parking standards
- Sign code regulations
- Site coverage

Project Leads

Tony Mills, *Current Use Planner*

t.mills@co.island.wa.us

(360) 678-7822

Nathan Howard, *Long Range Planner*

n.howard@co.island.wa.us

(360) 678-7993

Project Assistant

Janet Wright, *Senior Planner*

j.wright@co.island.wa.us

(360) 678-7869

Goals/Objectives

- Review criteria for variances and determine sections that need clarification/updates*
- Review opportunities to establish a Type I (ministerial) review process for some variances*
- Review the permit types for variances and established variance thresholds to identify areas of improvement*

Reason for Project

Most parcels in Island County were created prior to 1998 and do not meet the minimum lot size per current regulations for their zoning districts. Along the shoreline, and in RAIDs, many parcels are small, generally less than an acre, and often as small as 1/3 of an acre. Unlike in urban areas, these small parcels are further constrained with the area needed for a septic system. Additionally, many of these parcels contain critical areas, such as steep slopes or bluffs along the shoreline. All of these constraints affect the ability to develop if the applicant adheres to the required setbacks from roadways and the side/rear property lines. Site coverage and parking standards can also further limit development on small lots.

The variance process is used in these instances to allow property owners to have reasonable use of their property, such as, a single family home. The review includes the evaluation of health/safety concerns, as well as impacts to privacy and neighborhood character. However, in some instances, that variance process can be burdensome compared to the reasonable variances they are requesting, especially for projects that likely have minimal impacts to health/safety, privacy and rural character. In those instances, staff recommends considering a simpler permit process, such as a Type I land use review process. This does not include a public comment period. This process would be limited to applications that have clear hardships and the variances requested are unlikely to have significant impacts, however, this would still likely include review by other departments. The following is an example for a potential Type I permit. A small lot in a subdivision is encumbered by steep slopes in the rear and the applicant request a minor road setback variance which would bring the house in line with neighboring houses.

Project Support Team(s)

Staff recommends that the appointment of a subcommittee, such as a Planning Commission subcommittee, is not necessary because the limited scope, complexity, and level of policy changes anticipated for this project.

However, staff does intend to work closely with the legal department and potentially the Hearing Examiner during the code drafting stages of this project.

Outreach Plan

Staff recommends the following outreach will be necessary for this project:

- Several work sessions for both the Board of Island County Commissioners and the Planning Commission, as needed
- Stakeholder meetings with developers and builders who regularly utilize the variance process
- Interdepartmental meetings with Public Work, Public Health and the Building Department

Project Duration/Completion Estimates

- Summer, 2018 – Draft code revisions
- Fall, 2018 – Project Completion