

# Pacific County

## Critical Areas and Resource Lands

**Planning Commission Public Hearing**

May 5<sup>th</sup>, 2016  
Long Beach, WA



# Reasonable Use Exception & Variance

- Option 1: Apply for a variance first; then look to RUE
  - “Except when application of this chapter would deny all reasonable use of the property, ***an applicant who seeks an exception from the standards and requirements of this chapter shall pursue relief by means of a variance*** as provided for in this chapter.” (Clallam County Code 27.12.740)
  - RUE criterion: “The development cannot be located outside the critical area and/or its associated buffer... ***and a building setback variance or road variance has been reviewed, analyzed, and rejected as a feasible alternative.***” (Pierce County Code 18.20.050)
  - “If an applicant asserts that application of this chapter would deny him reasonable use of his property, the applicant may apply for a variance.... ***If a request for a variance is denied, the applicant may apply for a reasonable use allowance.***” (Cowlitz County Code 19.15.190)
- Option 2: Apply for a variance only when RUE criteria do not apply
  - “***In cases where the reasonable use criteria do not apply***, or for variance from other standards of this chapter, the hearing examiner may grant a variance from the requirements of this chapter.” (Lewis County Code 17.35A.530)



# Reasonable Use Exception & Variance (cont'd)

- Provide examples of feasible alternatives (using a variance)
  - RUE criterion: "That there is no feasible alternative to the proposed activities, including *locating the activity on a contiguous parcel... change in use, reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations*, that would allow a reasonable economic use with less adverse impacts to the critical area and its related buffer." (Lewis County Code 17.35A.530)
- Generally, RUE & variance have same procedural requirements (e.g. critical areas report; Type II decision)

