

CHAPTER 18.132 VARIANCES

[18.132.010 Variance Application](#)

[18.132.020 Authority Of Hearings Body](#)

[18.132.025 Minor Variances](#)

[18.132.030 Hearings Body Action On Variance](#)

[18.132.040 Variance Procedure](#)

18.132.010 Variance Application

The Planning Director or Hearings Body may authorize area or use variance from the requirements of DCC Title 18. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

18.132.020 Authority Of Hearings Body

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:

A. Onsite Requirements Variance.

1. That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

B. Use variance.

1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
2. Each of the findings listed in DCC 18.132.020(A)(1), (2), and (4).

C. Statutory Provisions.

1. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

D. Property Line Adjustments

1. Property line adjustments are not eligible for variance. No variance is required for property line adjustments that are compliant with ORS 92.192.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [93-043](#) §24 on 8/25/1993

Amended by Ord. [2023-014](#) §4 on 12/1/2023

Amended by Ord. [2025-002](#) §34 on 3/28/2025

18.132.025 Minor Variances

A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.

- A. In the case of a setback or lot area variance, the applicant shall show that the approval will result in:
 1. More efficient use of the site;
 2. Preservation of natural features where appropriate;
 3. Adequate provision of light and privacy to abutting properties; and
 4. Preservation of topographic, vegetative and drainage features which would be adversely affected by application of the standards otherwise required by DCC Title 18.

~~B.—A lot or parcel that is smaller than the minimum lot area at the time of application may not be reduced by more than 10 percent from its current lot area without a variance.~~

~~C.—Notwithstanding B, above, a lot or parcel may be reduced by more than 10 percent of its current lot area without a variance if:~~

- ~~1.—The property is located outside of a Farm (EFU) or Forest (F) zone;~~
- ~~2.—The long-standing occupation area is different than the legal description in the deed for the subject property;~~
- ~~3.—The purpose of the property line adjustment is to correct the deed description to match the long-standing occupation lines of the properties; and~~
- ~~4.—The discrepancy between the deed lines and the occupation lines is documented by submittal of a narrative and maps prepared by an Oregon Licensed Professional Surveyor.~~
- ~~5.—As used in this sub-section, “long-standing” means in excess of ten (10) years.~~

~~D.B.~~ Statutory Provisions.

1. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

C. Property Line Adjustments.

1. Property line adjustments are not eligible for variance. No variance is required for property line adjustments that are compliant with ORS 92.192.

HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [2004-013](#) §15 on 9/21/2004

Amended by Ord. [2010-003](#) §1 on 7/6/2010

Amended by Ord. [2023-014](#) §4 on 12/1/2023

Amended by Ord. [2025-002](#) §34 on 3/28/2025

[Amended by Ord. 2025-00x §xx on x/xx/xxxx](#)

18.132.030 Hearings Body Action On Variance

In granting or denying a variance, the Planning Director or Hearings Body shall make a written record of his findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The Planning Department shall keep the findings on file, and a copy of the variance granted and the condition thereof shall be recorded with the County Clerk.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

18.132.040 Variance Procedure

The variance application shall be processed according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991