

CHAPTER 2

PERMITS

2.1 SPECIAL PERMIT PROCESS

No person, firm or corporation shall commence work on the construction, alteration or repair of any facility located either in the public right-of-way or a public easement without any necessary permit or permits first having been obtained from the City.

Any party requesting such permit shall file written application therefore with the City at least twenty-eight (28) days before construction is proposed to start. An application will be deemed complete if the city does not provide a written determination to the applicant that the application is incomplete within twenty-eight (28) days after receiving the application. Such application shall be made on a standard City form provided for that purpose, and shall include:

- (1) The name and address of the applicant (name and address of property owner if different than applicant);
- (2) The name and address of the owner of the property abutting the street where the work is proposed;
- (3) The street location of the proposed work, giving the street address or legal description of the property involved;
- (4) A detailed plan showing the dimensions of the abutting properties and the dimensions and location of all existing and/or proposed facilities and other pertinent features to understand the proposed work;
- (5) The plan shall also show the location of buildings or facilities, including loading platforms and roof overhangs (if significant) being served, or to be served by the new construction.

The City may require, at its discretion, the filing of any other information when in its opinion such information is necessary to properly enforce the provisions of this ordinance.

No permit shall be issued until the proposed work has been approved by the appropriate official. Adjudication of disagreements regarding approvals shall be made by the Public Works Superintendent and his decision shall be final.

No plan shall be approved nor a permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this ordinance or any other ordinance of

the City of Ilwaco, nor shall issuance of a permit be construed as a waiver of a Zoning Ordinance or other ordinance requirements concerning the plan.

A fee of an amount as designated by the City shall accompany all applications for permits.

2.2 VARIANCES

A. GENERAL

The City Council shall have the authority to grant a variance from the requirements of these standards after considering the matter. The Public Works Superintendent shall upon request of the proponent refer the variance request on to the City Council, and the Council shall sit, in judgment of same, at a public hearing duly called in accordance with the procedures specified in its Municipal Code. No application for a variance shall be granted by the council unless the council finds:

- (1) That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same neighborhood, and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;
- (2) That the special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;
- (3) That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;
- (4) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;
- (5) That the granting of the variance requested will be in harmony with the general purpose and intent of these standards, and any applicable Land Use Ordinance(s); and
- (6) That the purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property.

B. CONDITIONS

In granting any variance the City Council may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the specifications shall not be violated. Further, the City Council will require the applicant to post a performance bond guaranteeing compliance with such conditions.

C. EFFECTIVE DATE OF VARIANCE

The decision granting or denying a variance shall not become final until the expiration of ten (10) days from the date of entry of such decision in the official records of the City Council.

An aggrieved party may file an appeal of such decision to the Pacific County Superior Court (as applicable) within said ten-day period; if no such appeal is filed, the decision shall thereupon become final.

D. PROCEDURE FOR APPLICATION OF A VARIANCE

Application for a variance shall be filed with the City in writing and shall be accompanied by an appropriate fee as stated in the City's Municipal Code, to pay for the cost of processing the application and the costs of publishing and posting the required public notices. All applications shall be accompanied by a current copy of the Pacific County assessor's record showing the legal owners of all property within five hundred feet (500') of the requested variance area. All applications shall contain a statement as to why the variance is necessary, and why it would meet the criteria of this chapter. The application shall also contain scaled drawings of the variance area, abutting roads, and all property within five hundred feet (500') thereof.

E. PUBLIC NOTICE AND HEARING

Proper notice of a hearing on a variance application before the Council shall be as follows:

- (1) One publication in the official newspaper for the City at least fifteen days prior to the date of hearing;
- (2) Posting of copies of the notice of hearing at least fifteen days prior to the hearing in;
 - (A) Ilwaco City Hall
 - (B) The United States Post Office in the City of Ilwaco, and
 - (C) In a conspicuous place on the property which is the subject matter of the application;

- (3) Written notice mailed to the owner or reputed owners of property within three hundred feet (300') of the property which is the subject matter of the application, which ownership is deemed to be that of the last owner of record in the current files of the Pacific County Assessor, said notice to be mailed at least fifteen calendar days prior to the date of the hearing by the City Planner.
- (4) The City Clerk shall be responsible for the mailing and publication of all required notices. The Clerk shall diligently observe the foregoing requirements, but minor inaccuracies in giving such notice shall not invalidate the proceedings.