

ORDINANCE NO. 2316

AN ORDINANCE adding a new chapter to the Camas Municipal Code recreating the Board of Adjustment.

WHEREAS, the City of Camas has heretofore had a Board of Adjustment to decide applications for variances, appeals from administrative decisions by City staff, and such other quasi-judicial and administrative determinations as were delegated by ordinance; and,

WHEREAS, in the process of revising Title 18 of the Camas Municipal Code, the provisions for the establishment of the Board of Adjustment were inadvertently repealed; and,

WHEREAS, the Council desires to recreate the Board of Adjustment immediately,

NOW THEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

There is hereby added to the Camas Municipal Code a new section to provide as follows:

**2.34.010 - Board of Adjustment.**

A. A Board of Adjustment is hereby created which shall consist of five (5) voting members, who shall be electors and residents of the city, and who shall serve without compensation. The board members shall be appointed by the Mayor, and all appointments shall be subject to confirmation by the City Council.

B. In case any vacancy should occur in the membership of the board for any cause, the Mayor shall fill such vacancy by making an appointment for the remainder of the unexpired term. If a member ceases to be a resident of the city, his or her membership on the board shall terminate forthwith.

C. The initial membership shall consist of appointments for staggered terms of one, two, three, four and five years; each appointment thereafter shall be for five years, except that appointments to replace any terminated member shall be for the duration of unexpired term.

Section II

There is hereby added to the Camas Municipal Code a new section to provide as follows:

**2.34.020 - Powers and Duties.** The Board of Adjustment shall be empowered to hear and decide the following:

1. Appeals from orders, recommendations, permits, decisions or determinations made by a code city official in the administration or enforcement of the zoning code and building code.
2. Applications for variances from the terms of the zoning code, the official zoning map, or other land use regulatory ordinances, provided, however, that no application for a variance shall be granted, unless the Board of Adjustment finds:

A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

- B. That such 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 zone in which the subject property is located; and
  - C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
3. Such other quasi-judicial and administrative determinations as may be delegated by ordinance.

In deciding any of the matters referred to herein, the Board of Adjustment shall issue a written decision giving the reasons for its determination.

### Section III

There is hereby added to the Camas Municipal Code a new section to provide as follows:

**2.24.030 - Rules—Quorum.** The Board of Adjustment shall adopt rules for the transaction of its business, shall annually elect its own chairman who shall be one of its five voting members, and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record. A majority of the Board of Adjustment shall constitute a quorum for the transaction of all official business, and all decisions of the Board of Adjustment shall be by majority vote.

### Section IV

There is hereby added to the Camas Municipal Code a new section to provide as follows:

**2.24.040 - Meetings.** The Board of Adjustment shall meet on the fourth Thursday of each month at the hour of 7:00 p.m., which meetings shall be held in the council chambers in the city hall of Camas, Washington. Special meetings may be called by the chairman of the Board of Adjustment upon due notice to all members and upon compliance with the notice requirements of the open Public Meetings Act, RCW Chapter 42.30.

### Section V

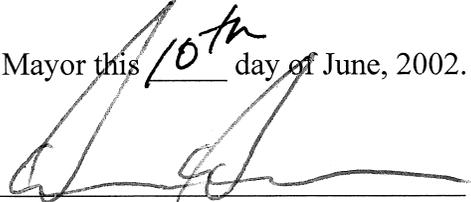
There is hereby added to the Camas Municipal Code a new section to provide as follows:

**2.34.050 - Conflict of Interest—Disqualification.** If any member of the Board of Adjustment has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the board, he shall disqualify himself from participating in all proceedings relating to such matter, including the hearing, the deliberations, and the decision making.

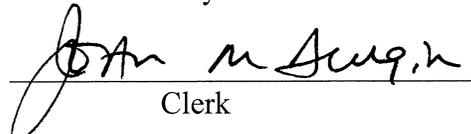
### Section VI

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 10<sup>th</sup> day of June, 2002.

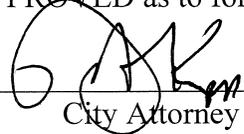
SIGNED:   
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Mayor

ATTEST:   
\_\_\_\_\_

Clerk

APPROVED as to form:

  
\_\_\_\_\_

City Attorney