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**CHAPTER 6 VARIANCES FROM BUILDING HEIGHTS, SLOPE, SETBACKS
AND BUFFERS**

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CHAPTER 6 VARIANCES FROM BUILDING HEIGHTS, SLOPE, SETBACKS AND BUFFERS

SECTION 6.010 Purpose

- A. When building height, setbacks, buffers or other review criteria specified in this Ordinance for protection of scenic, cultural, natural, recreational, agricultural or forestry resources overlap or conflict, building height, setbacks, or buffers should be varied in a manner to achieve, to the greatest extent possible, the overall protection of the affected resources.
1. Variances of setbacks from parcel boundaries imposed on lands designated Agriculture, Special Agriculture, Rural Residential, or Commercial, to protect adjacent property owners and variances to the maximum building height shall not allow a development to:
 - a. infringe on any buffers or setbacks or supersede any height constraints stipulated under Chapter 14 - Scenic Area Review, or
 - b. encroach on setbacks established in and around land designated agriculture for the protection of lands that are used for or are suitable for agricultural uses.
 2. Setbacks established, in and around land designated agriculture, for the protection of lands that are used for or are suitable for agricultural uses shall not encroach on any buffer or setbacks stipulated under Chapter 14 - Scenic Area Review. (SMA Only)
- B. Building height, setbacks and buffers specified in this Ordinance for protection of scenic, cultural, natural, recreational, agricultural or forestry resources shall not be applied in the General Management Area in such a manner as to deprive the owner of a tract of land of the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation. (GMA Only)

SECTION 6.020 Criteria for Decision

A. Authority

1. Administrative Variance

The request shall be for a variance to a building height, setback or buffer which is less than 50% of the stated standard for the building height, setback or buffer as stated in this ordinance.

2. Planning Commission Variance

The request shall be for a variance to a building height, setback or buffer which is 50% or greater of the stated standard for the building height, setback or buffer as stated in this ordinance.

- B. When building height, setbacks or buffers specified in the standards for protection of scenic, cultural, natural, recreational, agricultural or forestry resources overlap or conflict, the building height, slope setbacks or buffers may be varied upon a demonstration that: (GMA Only)
1. A building height, setback or buffer specified in this Ordinance to protect one resource would cause the proposed use to fall within a setback or buffer specified in this ordinance to protect another resource; and
 2. Variation from the specified building height, setbacks or buffer would, on balance, best achieve the protection of the affected resources.
- C. A building height, setback or buffer specified in the standards for protection of scenic, cultural, natural, recreational, agricultural, or forestry resources may be varied in the General Management Area in order to allow a residence to be built on a tract of land upon a demonstration that:
1. The land use designation otherwise authorizes a residence on the tract;
 2. There is no site on the tract (all contiguous lots or parcels under the same ownership) on which a residence could be placed practicably in full compliance with the building height, setback or buffer; and
 3. The variance from the specified building height, setback or buffer is the minimum necessary to allow the residence.
- D. All setbacks and buffer zones in the SMA shall remain undisturbed unless:
1. It has been shown that no practicable alternatives exist, as evidenced by completion of a practicable alternative test; and
 2. The natural resources mitigation plan completed in accordance with Chapter 14 of this ordinance ensures that the development can be mitigated to ensure no adverse effects would result.