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SNOHOMISH COUNTY COUNCIL



ORDINANCE NO. 86-092
AMENDING REFERENCES TO TITLE 18
SNOHOMISH COUNTY CODE, ZONING, CONTAINED IN
TITLE 19, TITLE 20, TITLE 23, AND TITLE 27

BE IT ORDAINED:

Section 1. That SCC, Title 19, subsection 19.08.020(3), last amended by Ord. 85-088, adopted September 18, 1985, is amended to read:

19.08.020 Exceptions. The provisions of this title shall not apply to:

....

(3) Mobile home parks when established pursuant to the provisions of Chapter [(18-80)] 18.55, mobile home park standards of the Snohomish County Zoning Code.

Section 2. That SCC, Title 19, section 19.08.050, adopted by Ord. 80-116, December 29, 1980, is amended to read:

19.28.050 Design standards-slopes. All subdivisions shall comply with [(the-Snohomish-County-Slope-Policy)] Chapter 18.46 SCC Development on Steep Slopes.

Section 3. That SCC, Title 19, section 19.28.060, adopted by Ord. *0-116, December 29, 1980, is amended to read:

19.28.060 Design standards-lot size averaging. The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to Section [(18-76-115)] 18.42.080 of the Snohomish County Code.

Section 4. That SCC, Title 19, section 19.28.060, adopted by Ord. 80-116, December 29, 1980, is amended to read:

19.36.050 Conditions for granting. The sole purpose of any modification shall be to prevent discrimination. No modification shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity. To grant a modification, the hearing examiner and the council shall determine whether the following conditions apply to the requested modifications:

(1) There are exceptional or extraordinary circumstances or conditions which apply to the land referred to in the application which do not apply generally to lands in the vicinity. These

include, but are not limited to, size, shape, topography, location or surroundings.

(2) The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;

(3) The granting of the application will not, under the circumstances of the particular case, effect adversely the health or safety of persons residing or working in the neighborhood of the property referred to in the application and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood or adversely affect the comprehensive plan.

Provided, that, to the extent the modification request pertains to the PRD ordinance, SCC [(18-38)] 18.51, that ordinance shall apply.

Section 5. That SCC, Title 20, section 20.32.050, enacted by Resolution adopted August 28, 1972, is amended to read:

20.32.050 Limitations on authority to modify. No such modification may be granted if it would have the effect of nullifying the intent and purpose of the Zoning [(Resolution)] Ordinance, the Comprehensive Plan, or this resolution.

Section 6. That SCC, Title 23, section 23.40.020, enacted by Ord. 84-111 adopted September 19, 1984, is amended to read:

23.40.020 Appeals of Conditions or Denials of Administrative Permits.

If an administrative permit for which no administrative appeal procedure is otherwise provided by county code is conditioned or denied based solely upon the authority of SCC Chapter 23.36, the conditional approval or denial of such permit, together with the environmental determinations for such permit stated in Section 23.40.010(2), may be appealed by any person aggrieved by such conditional approval or denial. Any such appeal shall be filed in writing with the department of Planning and Community Development within fifteen days of the date of the decision on the permit. Such appeal shall state fully the grounds therefore, shall be accompanied by an appeal fee of \$50.00, and shall be processed in the manner prescribed for appeals of administrative determinations under Chapters 2.02 and [(18-88)] 18.72 SCC and Section 23.40.010(5). Notice of appeal hearings conducted pursuant to this section shall be mailed to other agencies with jurisdiction and to all property owners of record within a three hundred foot radius of the external boundaries of the property subject to the permit (or denial) not less than 10 days prior to the hearing.

Section 7. That SCC, Title 23, subsection 23.40.030(1), enacted by Ord. 84-111 adopted September 19, 1984, is amended to read:

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23.40.030(1) Appeals of Environmental Determinations Made for Hearing Examiner Actions.

(1) Appeals of a final threshold determination or a final EIS pertaining to the following:

- (a) a rezone considered pursuant to SCC Section [(18-92-065)] 18.73.070
- (b) a preliminary plat considered pursuant to SCC chapter 19.16
- (c) a conditional use permit considered pursuant to SCC chapter [(18-88)] 18.72
- (d) a special use permit considered pursuant to SCC chapter [(18-88)] 18.72
- (e) a short plat considered pursuant to SCC Section 20.20.080(2)(D)
- (f) a shoreline substantial development permit considered pursuant to SCC Sections 21.16.050 and 21.16.070

may be brought by any aggrieved person at the Hearing Examiner hearing for such governmental action.

Section 8. That SCC, Title 27, section 27.16.080, enacted by Ord. 84-014, adopted February 27, 1984, is amended to read:

27.16.080 Appeals. The decision of the department to grant, grant with conditions or deny a flood hazard zone permit shall be final and conclusive unless, within fifteen (15) calendar days from the date of the department's decision, the applicant appeals the decision to the Snohomish County hearing examiner pursuant to the procedure established for administrative appeals in Title 18, Sections [(18-88-090, -18-88-100, -18-88-110, -18-88-120, -18-88-130 and -18-88-140)] 18.72.090, 18.72.100, 18.72.110, 18.72.120, 18.72.125, 18.72.130, 18.72.140, and 18.72.150.

Section 9. That SCC, Title 27, subsection 27.32.010(5), enacted by Ord. 84-014, adopted February 27, 1984, is amended to read:

27.32.010 Permitted uses. The following uses are allowed in the floodway when permitted by the applicable zone in accordance with the Snohomish County Zoning Code, Title 18, provided that said use is in compliance with the flood hazard protection standards of Chapter 27.24 and other applicable provisions of this title; and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of Chapter 27.32.020(2):

.....

5. Removal of rock, sand and gravel, provided that the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion,

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accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of Chapter [~~18-70~~] 18.54, Mineral Conservation (MC) Zone and the Snohomish County Shoreline Management Master Program;

Section 10. That SCC, Title 27, subsection 27.32.020(1), enacted by Ord. 84-014, adopted February 27, 1984, is amended to read:

27.32.020 Prohibited uses. The following uses/development are prohibited in the floodway:

1. Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by Section [~~18-82-030~~] 18.32.040 of the County Zoning Code), except as provided by Section 27.32.010(7 & 8);

Section 11. That SCC, Title 27, subsection 27.36.070(5), enacted by Ord. 84-014, adopted February 27, 1984, is amended to read:

27.36.070 Permitted uses. The following uses are permitted in the density fringe area:

....

5. Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of Title 18, chapter [~~18-70~~] 18.54, Mineral Conservation Zone and the Snohomish County shoreline management master program;

Section 12. That SCC, Title 27, subsection 27.36.080(1), enacted by Ord. 84-014, adopted February 27, 1984, is amended to read:

27.36.080 Prohibited Uses. The following uses shall be prohibited in the density fringe area.

1. Any structure, including mobile homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by Section [~~18-82-030~~] 18.32.040 of the County Zoning Code), except as provided by Section 27.36.070, (8 and 9);

Section 13. That SCC, Title 27, section 27.44.010, enacted by Ord. 84-014, adopted February 27, 1984, is amended to read:

27.44.010 Procedure. Requests for variances from the provisions of this title shall be considered by the hearing examiner pursuant to all provisions of Chapter [~~18-88~~] 18.72,

relating to zoning code variances unless expressly modified herein.

Dated this 10th day of September, 1986

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Ashley Bartholomew
VICE Chairman

Kathryn J. Morton
Clerk of the Council

- () APPROVED
() EMERGENCY
() VETOED

DATE Sept. 16, 1986

John Martinis
JOHN MARTINIS
Deputy Executive
County Executive

PUBLISHED _____

Joe A. Tanner, DPA
Approved as to form