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EXECUTIVE OFFICE

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SNOHOMISH COUNTY COUNCIL



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ORDINANCE NO. 88-076  
AMENDING SNOHOMISH COUNTY CODE  
TITLE 21, CHAPTERS 21.08, 21.12, 21.16 and 21.20,  
RELATING TO SHORELINE MANAGEMENT PERMITS

BE IT ORDAINED:

NEW SECTION. Section 1. That a new section is added to SCC, Title 21, Chapter 21.08, to read:

21.08.007 Appurtenance. An appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the perimeter of a marsh, bog, or swamp and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single-family residence; fences; and grading which does not exceed two hundred fifty (250) cubic yards (except to construct a conventional drainfield).

Section 2. That SCC, Title 21, section 21.08.010, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.08. [(010)] 015 Conditional Use. [(Permit)] Conditional use [(Permit is a permit for those)] means a use [(s)] or development which is [(identified)] classified by the master program as a conditional use [(s)] in certain shoreline environments or is not classified by the master program. Conditional uses can be permitted only by meeting performance standards that make the use compatible with other permitted uses within that area.

NEW SECTION. Section 3. That a new section is added to SCC, Title 21, Chapter 21.08, to read:

21.08.010 Community Development Division. Community development division is the Community Development Division in the Department of Planning and Community Development.

Section 4. That SCC, Title 21, section 21.08.040 is hereby repealed in its entirety.

Section 5. That SCC, Title 21, section 21.08.110 is hereby repealed in its entirety.

Section 6. That SCC, Title 21, section 21.08.120 is hereby repealed in its entirety.

NEW SECTION. Section 7. That a new section is added to SCC, Title 21, Chapter 21.08, to read:

21.08.120 Permit. Permit means any substantial development, variance, conditional use, or revision thereto authorized under provisions of the master program subject to review by the Department of Ecology.

NEW SECTION. Section 8. That a new section is added to SCC, Title 21, Chapter 21.08, to read:

21.08.135 Planning Division. Planning division is the Planning Division in the Department of Planning and Community Development.

NEW SECTION. Section 9. That a new section is added to SCC, Title 21, Chapter 21.08, to read as follows:

21.08.175 Single-family residence. Single-family residence means a detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

Section 10. That SCC, Title 21, section 21.08.180, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.08.180 Substantial Development. Substantial Development means any development of which the total cost, or fair market value, whichever is higher, exceeds [~~one thousand~~] two thousand-five hundred dollars (2,500.00) or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the types of development defined in Section 21.12.020 shall not be considered substantial developments for the purpose of this title.

Section 11. That SCC, Title 21, subsections 21.12.020 (1) and 21.12.020 (7), enacted by Ord. 80-117 adopted December 29, 1980, are amended to read:

21.12.020 Development Exempted From the Shoreline Substantial Development Permit Requirement. The following types of development shall not be considered substantial developments for purposes of this title and shall not be required to obtain a substantial development permit:

1) Any development of which the total cost or fair market value, whichever is higher, does not exceed [~~one thousand~~] two thousand-five hundred dollars (\$2,500.00), if such development does not materially interfere with the normal public use of the water or shoreline of the state.

. . .

7) Construction on wetlands by an owner, lessee, or contract purchaser, of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state and local agencies having jurisdiction thereof, other than requirements imposed pursuant to this title [( + )] . Construction of a single-family residence and appurtenances as defined in this title and for purposes of this exemption shall be located landward of the ordinary high water mark.

Section 12. That SCC, Title 21, section 21.12.050, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.12.050 Letter of Exemption for Developments Subject to U.S. Corps of Engineers Permits. Whenever a development falls within the exemptions stated in Section 21.12.020 or Section 21.12.040, and the development is subject to a U.S. Corps of Engineers [(s)] Section 10 permit under the Rivers and Harbors Act of 1899, or a [(s)] Section 404 permit under the Federal Water Pollution Control Act of 1972, the [(Office of Community Planning)] planning division shall prepare a letter addressed to the applicant and the regional office of the Department of Ecology, exempting the development from the substantial development permit requirements of RCW 90.58. The letter of exemption shall be in the form described in WAC 173-14-115.

Section 13. That SCC, Title 21, section 21.16.010, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.010 Administration. The [(Office of Community Planning)] planning division is vested with the duty of administering the rules and regulations relating to shoreline management in accordance with the provisions of this title, and may prepare and require the use of such forms as are essential to such administration.

Section 14. That SCC, Title 21, section 21.16.020, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.020 Application for Substantial Development, Conditional Use, or Variance Permits. Any person desiring to

apply for a substantial development, conditional use, or variance permit on any part of the shorelines of the state within Snohomish County, shall apply to the [~~Office of Community Planning~~] planning division, using forms supplied by that office. The application shall not be considered complete until the following minimum information is provided:

- 1) Name, address, and telephone number of applicant;
- 2) Relation of applicant to property owner;
- 3) Name, address, and telephone number of property owner;
- 4) General location and legal description of the proposed development;
- 5) Current use of property;
- 6) Proposed use of property;
- 7) Name of water area and/or wetlands within which development is proposed;
- 8) Site plan map, showing: a) site boundary, b) property dimensions in vicinity of project, c) ordinary high water mark, d) typical cross section or sections[(7)] showing existing ground elevations, proposed ground elevations, height of existing structures, and height of proposed structures, e) existing and proposed land contours using five foot intervals in water areas and ten foot intervals in areas landward of the ordinary high water mark, f) dimensions and locations of existing structures which will be maintained, and of proposed structures, g) source, composition, and volume of fill material, h) composition and volume of any extracted materials, and proposed disposal areas, i) location of proposed utilities, such as water, sewer, electricity, gas, septic tanks and drainfields, j) shoreline designation according to the master program, and k) shorelines of statewide significance;
- 9) Vicinity map, showing: a) site location using natural points of reference (roads, prominent landmarks, etc.), b) proposed disposal areas, and c) the general nature of land uses within one thousand feet (1,000) in all directions from the development site (e.g. residential to south, commercial to north, etc.);
- 10) Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;
- 11) Approximate dates of construction initiation and completion;
- 12) Short statement explaining why this project needs a shoreline location, and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;
- 13) Listing of any other permits for the project from state, federal, or local governmental agencies for which the applicant has applied or will apply;

14) Any additional materials which are required to ascertain compliance with the applicable provisions of the master program and County Code.

Section 15. That SCC, Title 21, section 21.16.030, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.030 Fees.

1) A fee in the amount of one hundred fifty dollars for each proposed substantial development, conditional use, or variance permit shall be paid to the [~~Office of Community Planning~~] planning division, at the time an application is presented, to cover the cost of administration. Provided, that if applications for substantial development, conditional use, and variance permits are made concurrently as a master application, the total master application fee shall be one hundred fifty dollars.

2) An additional fee, in the amount of one hundred fifty dollars, shall be paid to the [~~Office of Community Planning~~] planning division, to cover the cost of administration, for proposed substantial development, conditional use, and variance permits which require a public hearing. Provided, that the total additional fee for proposed substantial development, conditional use, and variance permits, which are processed concurrently as a master application, shall be one hundred fifty dollars. And provided further, that there shall be no additional fee for proposed variance permits which are not associated with substantial developments. The additional fee shall be paid prior to scheduling the proposed permit for public hearing.

Section 16. That SCC, Title 21, subsections 21.16.040(1) and (3), last amended by Ord. 85-078 adopted August 14, 1985, is amended to read:

21.16.040 Notice Requirement for Permit Applications.

1) Upon receipt of a complete and proper application for a substantial development, conditional use, or variance permit, the planning division shall instruct the applicant to:

a) publish notices thereof at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within Snohomish County at least 30 days prior to action; and

b) mail notice at least 30 days prior to action to the latest taxpayers of record, as shown by the records of the County Assessor, within five hundred feet of the boundary of the property upon which the substantial development, conditional use, or variance is proposed. At the discretion of the planning

division, posting of the notice in at least three conspicuous places in the area under consideration may be substituted for mailed notice.

[(Provided, that if the planning division can determine, immediately upon receipt of a complete and proper application for a substantial development, conditional use, or variance permit, that a public hearing is required pursuant to Section 21-16-050, then the notice requirement of this section shall be waived, and notice shall be provided in accordance with the provisions of Section 21-16-070(3).)]

2) An affidavit that the notice has been properly published, and deposited in the U.S. mail or posted as applicable, shall be submitted by the applicant to the planning division prior to county action on the permit application.

3) Notice forms shall be supplied by the planning division. In accordance with WAC 173-14-070, [(A)] all notices [(for)] of application for substantial development, conditional use, or variance permits shall be in the following form: [(described in WAC 173-14-070. Notice forms shall be supplied by the planning division.)]

NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT (Use appropriate permit)

NOTICE IS HEREBY GIVEN that \_\_\_\_\_, who is  
(state full name)

\_\_\_\_\_  
(describe relationship to property, such as owner, lessee, etc.)

of the below described property, has filed an application for a \_\_\_\_\_ permit for the  
(Substantial development, conditional use, or variance)

development of \_\_\_\_\_  
(describe development, including uses)

located at \_\_\_\_\_  
(street address, if known, or distance and direction to nearest town)

within the \_\_\_\_\_ quarter section of Section \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_  
E, W.M., in the County of Snohomish, Washington. Said development is  
proposed to be within \_\_\_\_\_ and/or  
(name of water area)

its associated wetlands. Any person desiring to express their views or be notified of the action taken on this application should notify the planning division, in writing, within thirty (30) days of the final date of publication of this notice which is \_\_\_\_\_ . Publication dates of this notice are \_\_\_\_\_ and \_\_\_\_\_ .

Section 17. That SCC, Title 21, subsection 21.16.050 (4), enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.050 Public Hearing Required, When.

. . .

(4) In all other cases, the [(Office of Community Planning)] planning division shall determine whether a public hearing is warranted. The determination of the [(Office of Community Planning)] planning division shall be based on the review of a complete application with respect to compliance with the policies and regulations of the Shoreline Management Act, master program, comprehensive plan, and other adopted county regulations, policies and ordinances (e.g. slope policy, Title 26B); the provisions of the State Environmental Policy Act (RCW 43.21C); and comments received from interested persons. If the [(Office of Community Planning)] planning division finds that a public hearing would assist in implementing the county's adopted plans, policies, regulations, and ordinances, or that certain persons or the environment could be adversely affected by the proposed development, a public hearing shall be held. The determination of the [(Office of Community Planning)] planning division pursuant to this paragraph shall be final and not subject to appeal.

Section 18. That SCC, Title 21, section 21.16.060, last amended by Ord. 85-105 adopted December 4, 1985, is amended to read:

21.16.060 County Action on Permit Applications Which Do Not Require Public Hearing.

1) The [(department of planning and community development)] planning division is authorized to grant substantial development, conditional use, or variance permits for those applications which do not require a public hearing, pursuant to Section 21.16.050 SCC. The [(department of planning and community development)] planning division shall review and process as expeditiously as possible all applications filed in conformance with this title.

2) The decision of the [(department of planning and community development)] planning division shall be based on information from the complete application, written comments from interested persons, and observations from a site inspection, and





{describe relationship to property, such as owner, lessee, etc.}  
of the below described property, has filed an application for a  
\_\_\_\_\_ permit for the  
{Substantial development, conditional use, or variance}  
development of \_\_\_\_\_

located at \_\_\_\_\_  
{street address, if known, or distance and direction to nearest town}

within the \_\_\_\_\_ quarter section of Section \_\_\_\_\_, Township \_\_\_\_\_, Range  
\_\_\_\_\_, W.M., in the County of Snohomish, Washington. Said development is  
proposed to be within \_\_\_\_\_ and/or its  
\_\_\_\_\_ {name of water area}

associated wetlands. There will be a public hearing on the above described  
permit, conducted by the Snohomish County Land Use Hearing Examiner on  
\_\_\_\_\_ at \_\_\_\_\_ in the \_\_\_\_\_  
{date} {time} {place}

Administration Building, Snohomish County Courthouse, Everett, Washington.  
Any person desiring to express his views or to be notified of the action  
taken on this application should submit oral or written comments at the  
public hearing, or notify the Snohomish County Planning Department, in  
writing, within 30 days of \_\_\_\_\_  
{last date of publication}

Publication dates of this notice are  
\_\_\_\_\_ and \_\_\_\_\_.]

NOTICE OF PUBLIC HEARING  
SHORELINES

NOTICE IS HEREBY GIVEN that the SNOHOMISH COUNTY HEARING EXAMINER will hold  
a PUBLIC HEARING on \_\_\_\_\_, at \_\_\_\_\_,  
(date) (time) (meeting room name)

\_\_\_\_\_ Floor, County Administration Building, Everett, Washington  
(number)  
at which time and place the following will be considered:

\_\_\_\_\_ a.m./p.m.  
(time) (type of permit - substantial  
development, shorelines variance  
or shoreline conditional use)

File No. ZA \_\_\_\_\_.

\_\_\_\_\_, has filed an  
(state full name of applicant)

application for a \_\_\_\_\_  
(type of permit - substantial  
development, shorelines variance  
or shoreline conditional use)

to/for \_\_\_\_\_  
(description of proposed use, development, activity, etc.)

The proposed project is located within \_\_\_\_\_  
(name of water area)

and/or its associated wetlands. The property, comprised of  
approximately \_\_\_\_\_ acres is described as follows:  
(number)

(legal description)

The property is generally located \_\_\_\_\_.

A (Mitigated) (Declaration of Non-Significance) (existing environmental  
document) (Final Environmental Impact Statement) has/have been issued  
(applicable term[s]).

for this proposal by the lead agency, \_\_\_\_\_  
(name of lead agency)

in accordance with the Snohomish County Environmental Policy Ordinance,  
Title 23. Said document(s) and a complete text and map of the subject  
request can be reviewed at the Planning Division. Contact  
\_\_\_\_\_, phone \_\_\_\_\_.

(planner's name)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
(month)

PUBLISHED: \_\_\_\_\_  
(date)

BY:  
SCHEDULING OFFICIAL  
PLANNING DIVISION

Section 20. That SCC, Title 21, subsection 21.16.080(1), enacted  
by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.080 Permit, Filing and Form.

1) Any ruling by the County on an application for substantial  
development, conditional use, or variance permit, whether it be by  
the [~~Office of Community Planning~~] planning division, Hearing  
Examiner or the County Council, shall be filed with the Department  
of Ecology and Attorney General. Copies of the original  
application; affidavit of public notice; vicinity map; permit;  
final order and; where applicable, the environmental checklist,

threshold determination and/or environmental impact statement pursuant to RCW 43.21C; shall be filed with the regional office of the Department of Ecology and Attorney General within eight days of the County's final decision.

Section 21. That SCC, Title 21, section 21.16.120, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.120 Time Requirements of Permit

1) The following time requirements shall apply to all substantial development, conditional use, and variance permits.

a) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the Shoreline Management Act must be undertaken within two years after the approval of the permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the policies and regulations of the Shoreline Management Act and master program. In determining the running of the two year period, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue. Provided, that the County may, at its discretion, extend the two year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction. The ~~[(Office of Community Planning)]~~ planning division is authorized to act upon requests for extension of the two year time period.

b) If a project for which a permit has been granted pursuant to the act has not been completed within five years after the approval of the permit by the County, the ~~[(Office of Community Planning)]~~ planning division shall, at the expiration of the five year period, review the permit, and upon showing of good cause, either extend the permit for one year, or terminate the permit. The running of the five year period shall not include the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue. Nothing herein shall preclude the County from issuing permits with a fixed termination date of less than five years.

Section 22. That SCC, Title 21, section 21.16.130 enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.16.130 Revisions to Substantial Development, Conditional Use, and Variance Permits.

1) An applicant seeking to revise a substantial development, conditional use, or variance permit shall submit detailed plans and text describing the proposed changes in the permit to the ~~[(Office of Community Planning)]~~ planning division. If the ~~[( Office of Community Planning)]~~ planning division determines that the proposed changes are within the scope and intent of the original permit, the ~~[(Office of Community Planning)]~~ planning division is authorized to approve a revision.

2) "Within the scope and intent of the original permit" ~~[( shall)]~~ means ~~[( that)]~~ all of the following:

a) ~~[(n)]~~ No additional over water construction will be involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;

b) ~~[(10%)]~~ Ground area coverage and height of each structure may be increased a maximum of ten percent (10%) from the provisions of the original permit [( provided, that revisions involving new structures not shown on the original site plan shall require a new permit, and that any revisions authorized under this section shall not exceed height, lot coverage, setback, or any other requirements of the master program)];

c) ~~[(t)]~~ The use authorized pursuant to the original permit is not changed; [(and)]

d) ~~[(n)]~~ No [( additional significant)] substantial adverse environmental impact will be caused by the project revision[( r )];

e) Additional separate structures may not exceed a total of two hundred fifty (250) square feet;

f) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the master program except as authorized under the original permit; and

g) Additional [( L)] landscaping [( may be added to a project without necessitating a new permit if it)] is consistent with conditions (if any) attached to the original permit and the master program.

3) If the revision to the original permit involves a conditional use or variance which was conditioned by the Department of Ecology, the county shall submit the revision to the Department of Ecology for that agency's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of WAC 173-14-064(5). The Department of Ecology shall transmit to the county and the applicant its final decision within fifteen (15) days of its receipt of the submittal from the county.

~~[( 2)]~~ 4) The revised permit shall become effective immediately upon final action by local government, or when appropriate under circumstances described in subsection 21.16.130 (3), above, by the Department of Ecology. Within eight (8) days of the date of final county action, the revised site plan, text, ~~[(and)]~~ final ruling on consistency with WAC 197-14-064 and the approved revision shall be sent to the regional office of the Department of Ecology and the Attorney General to complete their files. In addition, the ~~[(Office of Community Planning)]~~ planning division shall submit a notice of revision approval to persons who have notified the county of their desire to receive a copy of the action on a permit, pursuant to Section 21.16.040 ~~[(or 21.16.070(3))]~~ , SCC.

~~[(3)]~~ 5) If the revision, or the sum of the revision and any previously approved revisions, is not determined to be within the "scope and intent of the original permit," the applicant must apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

~~[( 4)]~~ 6) Appeals concerning decisions on revisions shall be in accordance with RCW 90.58.180, and shall be filed within ~~[(fifteen)]~~ thirty (30) days from the date of receipt of the County's action by the Department of Ecology regional office or when appropriate under circumstances described in subsection 21.16.130(3), above, the date the Department of Ecology's final decision is transmitted to the County and the applicant. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of Section 21.16.130~~[( ( 4) )]~~ 2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicant's own risk until the expiration of the appeal deadline. If an appeal is successful in proving that a revision was not "within the scope and intent of the original permit," the decision shall have no bearing on the original permit.

Section 23. That SCC Title 21, section 21.20.010, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.20.010 Substantial Development Permits. A substantial development permit ~~[(shall)]~~ may be granted only when the development proposed is consistent with the policies and procedures of the Shoreline Management Act, the master program, the provisions of the State Environmental Policy Act, and other county plans, policies, objectives, and land use ~~[(regulatory enactments)]~~ regulations.

Section 24. That SCC Title 21, section 21.20.020, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.20.020 Conditional Use Permits. The purpose of a conditional use permit is to allow more flexibility for implementing the use regulations of the master program in a manner consistent with the policies of the Shoreline Management Act. In authorizing a conditional use, special conditions may be attached to the permit by local government or the Department of Ecology to prevent undesirable effects of the proposed use.

1) A conditional use permit should be granted in a circumstance where denial of the permit would result in a thwarting of the policies of the Shoreline Management Act.

[(1)] 2) Uses which are identified or defined in the master program as conditional uses may be authorized only when the applicant can demonstrate all of the following:

a) That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the master program;

b) That the proposed use will not interfere with the normal public use of the public shorelines;

c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment [(designation)] in which it is to be located;

e) That the public interest suffers no substantial detrimental effect.

3) Other uses which are not classified or identified in the master program may be authorized as conditional uses, provided the applicant can demonstrate, in addition to the criteria set forth above in subsection 21.20.020(2), SCC, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

4) Uses which are specifically prohibited by the master program may not be authorized.

[(2)] 5) In the granting of conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Shoreline Management Act, and should not produce substantial adverse effects to the shoreline environment.

6) All applications for conditional use permits shall be forwarded to the Department of Ecology pursuant to WAC 173-14-130 for final approval or disapproval. No approval or disapproval shall be final until same has been acted upon the Department of Ecology. The planning division shall notify those interested persons having requested notification of the department's final decision, pursuant to Section 21.16.040, SCC.

Section 25. That SCC Title 21, section 21.20.030, enacted by Ord. 80-117 adopted December 29, 1980, is amended to read:

21.20.030 Variance Permits [( 1)] The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation [(if)] of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act.

1) Variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policies of the Shoreline Management Act. In all instances extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.

2) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of the Shoreline Management Act, and should not produce substantial adverse effects to the shoreline environment.

[( 2)] 3) Variance permits for development that will be located landward of the ordinary high water mark, except within those areas designated as marshes, bogs, or swamps, pursuant to WAC 173-22, shall be authorized only if the applicant can demonstrate all of the following:

a) That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes or significantly interferes with a reasonable permitted use of the property;

b) That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

c) That the design of the project will be compatible with other permitted activities in the area, and will not cause adverse effects to adjacent properties or the shoreline environment designation;

d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;

e) That the public interest will suffer no substantial detrimental effect.

[( 3)] 4) Variance permits for development that will be located either waterward of the ordinary high water mark, or

within marshes, bogs, or swamps designated pursuant to WAC 173-22, shall be authorized only if the applicant can demonstrate all of the following:

a) That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes a reasonable permitted use of the property;

b) That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation;

d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;

e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance;

f) That the public interest will suffer no substantial detrimental effect.

5) All applications for variance permits shall be forwarded to the Department of Ecology pursuant to WAC 173-14-130, as amended, for final approval or disapproval. No approval or disapproval shall be final until same has been acted upon by the Department of Ecology. The planning division shall notify those interested persons having requested notification of the department's final decision, pursuant to Section 21.16.040, SCC.



Dated this 7th day of September, 1988

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

William A. Butcher  
Chairman

Kathryn J. Norton  
Clerk of the Council

- (  ) APPROVED
- (  ) EMERGENCY
- (  ) VETOED

DATE 9/9/88

John Martinis  
County Executive JOHN MARTINIS  
Deputy Executive

PUBLISHED \_\_\_\_\_

Sue A. Turner, DPA

Approved as to form only on  
June 8, 1988  
(Date)

ATTACHMENT "A"

The following is a list of subsection headings as they will appear in an amended Chapter 21.08. This is provided to show all the changes at a single glance.

Chapter 21.08

DEFINITIONS

Sections:

- 21.08.005 Generally.
- 21.08.007 Appurtenance.
- 21.08.010 Community Development Division.
- 21.08.[(010)] 015 Conditional Use [(Permit)].
- 21.08.020 Council.
- 21.08.030 County.
- [(21.08.040 Department of Community Affairs)]
- 21.08.050 Development.
- 21.08.052 Emergency.
- 21.08.060 Floodplain.
- 21.08.070 Floodway.
- 21.08.080 Floodway Fringe.
- 21.08.090 Hearing Examiner.
- 21.08.100 Master Program.
- [(21.08.110 Office of Community Development)]
- [(21.08.120 Office of Community Planning)]
- 21.08.120 Permit.
- 21.08.130 Ordinary High Water Mark.
- 21.08.135 Planning Division.
- 21.08.140 Person.
- 21.08.150 Shorelines.
- 21.08.160 Shorelines of the State.
- 21.08.170 Shorelines of Statewide Significance.
- 21.08.175 Single family residence.
- 21.08.180 Substantial Development.
- 21.08.190 Substantial Development Undertaken on the Shorelines of the State Prior to the Effective Date of RCW 90.58.
- 21.08.200 Variance [(Permit)].
- 21.08.210 Wetland or Associated Wetlands.