



SUPPLEMENT PAGE B - FOR SHORELINE MANAGEMENT VARIANCES

ALLEGATIONS OF APPLICANT

The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the Snohomish County Shoreline Management Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act.

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.

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.

Please address the following points in accordance with SCC 30.44.150:

Variance permits for development shall be authorized only if the applicant can demonstrate all of the following:

- Point 1 Shoreline variance permits should be granted in circumstances where denial of the variance permit would result in a thwarting of the policy enumerated in RCW [90.58.020](#).

- Point 2 Shoreline variance permits for development or allowed uses pursuant to SCC 30.67.430 located landward of the ordinary high water mark and landward of a wetland may be authorized provided the applicant can demonstrate all of the following:
 - (a) That extraordinary circumstances exist on the project site;

 - (b) That the strict application of the bulk, dimensional or performance standards set forth in the SMP creates a hardship by precluding, or significantly interfering with, reasonable use of the property;

 - (c) That the hardship described in SCC 30.44.150(2)(b) 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 SMP, and not, for example, from deed restrictions or the applicant's own actions;

- (d) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Snohomish County comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;
- (e) That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
- (f) That the variance requested is the minimum necessary to afford relief; and
- (g) That the public interest will suffer no substantial detrimental effect.

Point 3 A shoreline variance permit for development or uses located waterward of the ordinary high water mark or within a wetland, may be authorized provided the applicant can demonstrate all of the following:

- (a) That the proposal is consistent with the criteria established under SCC 30.44.150(2)(a) through (g); and
- (b) That the public rights of navigation and use of the shorelines will not be adversely affected.

Point 4 In granting a shoreline variance permit, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The cumulative impacts of similar variance requests in the area shall be consistent with the policies of RCW [90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.

Point 5 Variances from the use and modification regulations in SCC 30.67.420, 30.67.430, and 30.67.440 are prohibited.

Point 6 A shoreline variance permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

(Added Amended Ord. [12-025](#), June 6, 2012, Eff date July 27, 2012)