



CO00002885

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED  
ORDINANCE NO. 02-049

AMENDING TITLES 19 AND 20 OF THE SNOHOMISH COUNTY CODE RELATING  
TO SHORT SUBDIVISIONS; ALLOWING NINE LOT SHORT SUBDIVISIONS IN  
URBAN GROWTH AREAS; AMENDING FEES AND TERM OF APPROVAL

WHEREAS, On March 29, 2002 the state legislature adopted Senate Bill 5832, effective June 13, 2002; and

WHEREAS, Senate Bill 5832 amended RCW 58.17.020 and 1995 c 32 s 2 to read in part "The legislative authority of any county planning under RCW 36.70A that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine lots in any urban growth area"; and

WHEREAS, division of land into nine or fewer lots in urban growth areas adopted by the county council pursuant to chapter 36.70A RCW using an administrative short subdivision process will facilitate urban in-fill on small parcels.

WHEREAS, Snohomish County has determined that processing nine lot short subdivisions would further the county's goal of timely and efficient permit processing;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the following findings and conclusions:

1. The state legislature adopted Senate Bill 5832, which was filed March 29, 2002, and effective June 13, 2002.
2. SB 5832 amends RCW 58.17.020 and provides counties the option to enact development regulations that allow short subdivisions with up to nine lots in urban growth areas adopted by the county council pursuant to chapter 36.70A RCW.
3. Authorization of nine lot short subdivisions in the urban growth areas adopted by the county council pursuant to chapter 36.70A RCW will encourage and promote infill development as required by the Growth Management Act.
4. The development standards applied to nine lot short subdivisions will be similar to that applied to the subdivision process at Title 19 SCC, with the exception of the

allowance of shared driveways within short subdivisions. The continued use of shared driveways in short subdivisions with more than four lots should be monitored by the county to ensure that urban short subdivision design produces a level of design quality consistent with that obtained using the subdivision process at Title 19 SCC and generally consistent with that obtained using the standards of adjacent cities.

5. A determination of nonsignificance was issued for the proposed action on May 30, 2002 pursuant to the provisions of the State Environmental Policy Act (SEPA) Chapter 197-11 WAC and Title 23 SCC, and satisfies the requirements of SEPA.

6. These amendments have been processed in conformance with the county's public participation requirements, Chapter 32.05 SCC, enacted pursuant to the Growth Management Act.

7. The Planning Commission held a public hearing on June 25, 2002 and the County Council held a public hearing on October 16, 2002.

8. The amendments are in the best interest of the county and will promote the general public health, safety and welfare.

9. The amendments are consistent with the county's GMA Comprehensive Plan General Policy Plan.

Section 2. Snohomish County Code Section 19.12.240, last amended by Amended Ordinance 85-088 on September 18, 1985, is amended to read:

19.12.240 Subdivision

"Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions outside the urban growth areas adopted by the county council pursuant to chapter 36.70A RCW and ten or more lots, tracts, parcels, sites or divisions inside the urban growth area adopted by the county council pursuant to chapter 36.70A RCW for the purpose of sale, lease or transfer of ownership.

Section 3. Snohomish County Code Section 20.04.020, last amended by Amended Ordinance No. 90-217 on January 23, 1991, is amended to read:

20.04.020 Purpose.

The purpose of this title is to regulate the division of land into nine or fewer lots, parcels, sites, or subdivisions in the urban growth area adopted by the county council pursuant to chapter 36.70A RCW and four or fewer lots, parcels, sites or subdivisions outside the urban growth area adopted by the county council pursuant to chapter 36.70A RCW (~~four or fewer lots, parcels, sites, or subdivisions~~), and to promote the public health, safety, and general welfare; to further the goals and objectives of the comprehensive plan; to prevent the over-crowding of land; to lessen congestion in the

streets and highways; to provide for adequate light and air; to require that appropriate provisions are made for open space, drainage ways, streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks for students who walk to and from school; to provide for proper ingress and egress; and to require conveyancing by accurate legal description.

These regulations are established pursuant to the provisions of Art. 11, sec. 11 of the Constitution of the state of Washington and additionally to effectuate the policy of the prescribed state law referring to the platting and dedication of lands, including chapter 58.17 RCW, chapter 36.70 RCW, and chapter 65.08 RCW and shall not preclude full compliance therewith.

Section 4. Section 20.08.100 last amended by Amended Ordinance 86-024 on May 14, 1986, is amended to read:

20.08.100 Short subdivision.

"Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership outside of an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, or the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within an urban growth area adopted by the county council pursuant to chapter 36.70A RCW.

Section 5. Section 20.12.010 adopted by Resolution dated August 28, 1972, is amended to read:

20.12.010 Applicability.

Every division of land for the purpose of lease, sale or development into two or more but less than five lots outside of an urban growth area adopted by the county council pursuant to chapter 36.70A RCW or development into two or more but less than ten lots in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW ~~((within the unincorporated area of Snohomish county))~~ shall proceed in compliance with this ~~((resolution))~~ title.

Section 6. Section 20.12.050 last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

20.12.050 Redivisions of land.

(1) Within a Short Subdivision. Land within a short subdivision ~~((ef))~~ which has been recorded within five years immediately preceding, may not be further divided in any manner, until a final plat thereof has been approved and filed for record pursuant to Title 19 SCC; except that when the short subdivision contains fewer than four parcels

when located outside of an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, or fewer than nine parcels when located in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, the owner who filed the short subdivision may file an alteration within the five year period to create up to a total of four lots within the original short subdivision boundaries when located outside an urban growth area adopted by the county council pursuant to chapter 36.70A RCW and up to a total of nine lots within the original short subdivision when located in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the then current regulations of Snohomish county: PROVIDED, That when the subdivider owns more than one lot within a short subdivision, he may not divide the aggregate total into more than four lots when located outside an urban growth area adopted by the county council pursuant to chapter 36.70A RCW or nine lots when located in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW.

Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit a subdivider from completely withdrawing his entire short subdivision and thereafter presenting a new application.

(2) Within a Recorded Plat. Unless otherwise restricted by resolution or county ordinance, lots recorded pursuant to Title 19 SCC may be redivided pursuant to the requirements of Title 20 SCC; except that, any such redivision of a lot within a recorded plat approved subsequent to August 11, 1969, which would in any way alter the boundaries of said lot shall be subject to all requirements of Title 19 SCC.

(3) Within an Exempt Subdivision. Land within a subdivision exempted from plat or short subdivision requirements by RCW 58.17.040(2) or SCC 20.12.020(7) may not be further subdivided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel until a final plat thereof has been approved and filed for record pursuant to Snohomish county regulations concerning the subdivision of property into ~~((five or))~~ more lots, tracts or parcels than otherwise provided by SCC 20.12.050(1); PROVIDED, That the above prohibition shall not apply as to lots, tracts or parcels conveyed to purchasers for value. For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or planning department, or such other similar proof as is considered sufficient by the department of planning and development services. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the then current regulations of Snohomish County.

(4) Contiguous Lot Limitation. Any nonexempt redivision of land authorized by paragraphs (1), (2) and (3) above which would result in the subdivider owning more than four contiguous lots when located outside an urban growth area adopted by the

county council pursuant to chapter 36.70A RCW, or more than nine contiguous lots when located in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, whether such lots be platted, short platted or unplatted lots, shall be subject to all requirements of Title 19 SCC.

Section 7. Section 20.20.020 last amended by Amended Ordinance No. 01-095 on November 20, 2001, is amended to read:

20.20.020 Fees.

The filing fee for requests or actions covered by this chapter shall be as follows:

- (1) Application for approval of preliminary short subdivision: \$1,300;  
Plus, a per-acre fee: \$65.00;  
Plus, a per-lot fee: \$65.00;

~~((Therefore, the maximum fee shall be: \$2,000;))~~

- (2) Pre-application conference fee: \$400.00; the pre-application conference fee shall be credited toward the preliminary short plat application fee upon submittal of said application if received within twelve months from the date of the pre-application conference;
- (3) Application for modification of short plat pursuant to chapter 20.32 SCC: \$800.00.
- (4) Application for revisions after preliminary approval: \$260.00;
- (5) Final Short plat document check and approval fee \$1,500;
- (6) Recording of the final short subdivision: \$25.00;
- (7) Application for alterations to recorded short plats: \$350.00;
- (8) Critical area site evaluation pursuant to chapter 32.10 SCC: \$150.00;
- (9) Critical area review pursuant to chapter 32.10 SCC: \$250.00;
- (10) Resubmittal of short plat plans and documents after second review for which the applicant did not include corrections noted by the department, or the applicant made revisions to the drawings or documents which necessitate additional review and comments: \$200.00.

Section 8. Section 20.20.100 last amended by Amended Ordinance No. 00-043 on July 26, 2000, is amended to read:

20.20.100 Preliminary short plat approval -- Term.

Approval of a preliminary short plat shall be effective for ~~((36))~~ 60 months from the date of approval unless extended as provided for herein. If, in the opinion of the director, the applicant has attempted in good faith to submit the final short plat within the ~~((36))~~ 60 month period in accordance with the preliminary short plat approval procedures of this title, the department may extend the approval for not more than one additional 12-month period, if the applicant or his or her successors files a written application for extension with the department at least 30 days before the approval expires.

Section 9. Section 20.26.040 last amended by Ordinance No. 02-026 on July 24, 2002, is amended to read:

20.26.040 Acknowledgements and certificates.

(1) Acknowledgments and certificates required by this title shall be stated in substantially the language indicated in the following subsections:

(a) Declaration of Short Subdivision and of Covenants. The following declaration of short subdivision and of covenants shall appear on the final short plat:

Know all persons by these presents:

That we, the undersigned, having an interest in the real property described by this declaration, do hereby declare the herein described division of land approved as short plat number \_\_\_\_\_ on this day \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, by the Department of Planning and Development Services of Snohomish county, subject to the following covenants and conditions:

(i) The land described by this declaration may not be further subdivided in any manner exceeding a total of four parcels when located outside the urban growth area and a total of nine lots in the urban growth area adopted by the county council pursuant to chapter 36.70A RCW by anyone within five years of the above date of approval without a final plat, having been filed for record with the auditor of Snohomish county, pursuant to the provisions of chapter 58.17 RCW, and the ordinances of Snohomish county, and subject to the penalties attendant thereto;

(ii) All subsequent deeds will contain provisions for private roads in the manner described herein;

(iii) All maintenance of any private road described by this declaration shall be by the owner(s) of the parcels having legal access therefrom or their successor(s), unless and until such road, or portions thereof, are improved to Snohomish county public road standards and accepted by Snohomish county. At a minimum, provisions for the following shall be described on or recorded with this final short plat: (A) The method of maintenance of the private road; (B) The transfer of responsibility to successors and assigns, and (C) The placement of liens against persons not fulfilling their maintenance obligations;

(iv) Any private road will be subject to a utilities easement in favor of the grantor(s) or the successor(s) and of any electric, telephone, television cable, gas, water, or sewer company, public or private, or the successor(s) to install, construct, operate, maintain, alter, and repair their respective utilities, together with the right of ingress and egress for said purposes; PROVIDED, That if the road should become a

public road at some time in the future, all easements within the road shall become null and void, and any utility facilities which physically exist shall become subject to the franchise requirements of the county;

(v) With respect to any private road described by this declaration, whether it remains private or becomes a public road, there is the additional right to make all necessary slopes for cuts and fills; and the right to continue to drain said roads and ways over and across any lot or lots where the water might take a natural course upon reasonable grading pursuant to improvement for dedication of the roads and ways shown herein. Following reasonable grading pursuant to improvements for dedication of the roads and ways shown herein, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way or hamper proper road drainage, without the approval of Snohomish county;

(vi) All landscaped areas in public rights-of-way shall be maintained by the owner(s) and their successor(s) and must be reduced or eliminated at the request of the county if deemed necessary for county road purposes;

(vii) Drainage easements designated on the short plat are hereby reserved for and granted to Snohomish county, except those designated on the short plat as private easements, for the right of ingress and egress and the right to excavate, construct, operate, maintain, repair and/or rebuild an enclosed or open channel stormwater conveyance system and/or other drainage facilities, under, upon or through the drainage easement; and

(viii) Additional covenants, easements, and restrictions, if any, solely for the benefit of the grantor, and the successor(s), enforceable only by such persons are attached hereto as exhibits \_\_\_\_\_ and incorporated by reference as though fully set out herein.

But for the exception contained in paragraph (viii) above, these covenants are for the mutual benefit of the grantor and his heirs, successors and assigns and are for the further purpose of compliance with the ordinances and regulations of Snohomish county, and the county and such persons are specifically given the right to enforce these restrictions and reservations by injunction or other lawful procedure and to recover any damages resulting from such violation.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Grantor)                      (Grantor)

\_\_\_\_\_  
(Grantor)                      (Grantor)

(b) Dedications. The intention of the owner shall be evidenced by his or her presentation for filing of a final short plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Know all persons by these presents that \_\_\_\_\_, the undersigned owner, in fee simple of the land hereby short subdivided, of short plat file number \_\_\_\_\_, and \_\_\_\_\_, the mortgagee thereof, hereby declare this short plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the short plat, and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc., shown on this short plat in the reasonable original grading of all the streets, avenues, places, etc., shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the establishment, construction, drainage, and maintenance of said roads.

Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, prior to making an alteration in the drainage system after the recording of the short plat, must make application to and receive approval from the director of the department of public works for said alteration. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner, after acquiring a culvert permit from the department of planning and development services, if required, and subject to any other existing permitting requirements therefor.

IN WITNESS WHEREOF, we set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language.

That said dedication to the public shall in no way be construed to permit a right of direct access to \_\_\_\_\_ street from lots numbered \_\_\_\_\_, nor shall the county of Snohomish or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots.

In the event the plat contains a tract(s), then the declaration of covenants shall contain substantially the language as contained in either (a) or (b), below, or both. When both types of dedication are proposed in the same plat, the plat shall clearly denote the ownership of each tract(s).

(a) Tract(s) \_\_\_\_\_ through \_\_\_\_\_ are hereby granted and conveyed together with obligations to maintain the tracts consistent with county code, to lots \_\_\_\_\_ through \_\_\_\_\_ with an equal and undivided interest upon the recording of this short plat subject to an emergency maintenance easement granted and conveyed to Snohomish County. These tracts shall remain an appurtenance to and inseparable from each lot.

(b) Tract(s) \_\_\_\_\_ through \_\_\_\_\_ are hereby granted and conveyed to the \_\_\_\_\_ Homeowners Association (HOA) upon recording of this short plat subject to an emergency maintenance easement granted and conveyed to Snohomish County. Ownership and maintenance of said tracts consistent with county code shall be the responsibility of the HOA unless and until tract ownership by all lots within this short



subdivision is authorized pursuant to a short plat alteration. Use of said tracts is restricted to that specified in the approved final short plat. The HOA and owners of all lots within the short subdivision shall comply with those county regulations and conditions of final short subdivision approval specified on the short plat. The HOA shall remain in existence unless and until all lots within this short subdivision have assumed common ownership of said tracts. In the event that the HOA should be dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the HOA as well as responsibility for maintaining the tracts. Membership in the HOA and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership, and shall remain an appurtenance to and inseparable from each lot. This covenant shall be binding upon and inure to the benefit of the HOA , the owners of all lots within the short subdivision and all others having any interest in the tracts or lots.

(2) This approval must be used on all short plats where right-of-way dedications occur:

Dedication of right-of-way approved in regular session by the county council.

\_\_\_\_\_  
County Council Chairperson  
Approved by the Snohomish county executive:

\_\_\_\_\_  
County Executive

(3) For an acknowledgment in an individual capacity:

STATE OF WASHINGTON )

) ss.

COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that (name of person) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)  
(Seal or stamp)

start here \_\_\_\_\_ (Title)

My appointment expires \_\_\_\_\_.

For an acknowledgment in a representative capacity:

STATE OF WASHINGTON )

) ss.

COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that (name of person) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the (type of authority, e.g., officer, trustee, etc.) of (name of party on

behalf of who instrument was executed) to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)  
(Seal or stamp)

\_\_\_\_\_  
(Title)  
My appointment expires \_\_\_\_\_.

(4) Approvals.

(a) I hereby approve this short subdivision and find from the file that the short plat meets all applicable zoning and land use controls, and makes appropriate provisions for the public health, safety and general welfare. Approved this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Snohomish County Planning  
and Development Services  
Director

(5) Certificates.

(a) Land Surveyor's Certificate.

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of \_\_\_\_\_ in \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Registered Professional  
Land Surveyor

\_\_\_\_\_  
Registration No.

\_\_\_\_\_  
Date  
(Seal)

(b) Auditor's Certificate.

Filed for record at the request of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, at \_\_\_\_ minutes past \_\_.m., and recorded in Vol. \_\_\_\_ of Short Plats, page \_\_\_\_\_, records of Snohomish County, Washington.

\_\_\_\_\_  
Auditor  
By: \_\_\_\_\_  
Deputy County Auditor

Section 10. Section 20.28.010 last amended by Amended Ordinance 96-003 on February 21, 1996, is amended to read:

20.28.010 Minimum standards.

The public use and interest require, as to the following subject matters, that the following minimum standards be met, unless a modification is granted subject to the provisions of chapter 20.32 SCC:

(1) That each lot shall contain sufficient square footage to meet minimum zoning and health requirements.

(2) Public bridges and storm drainage facilities shall be subject to the approval of the county road engineer. Private bridges and storm drainage facilities shall be subject to the approval of the director of the department of planning and development services.

(3) Where any abutting county road has insufficient width to conform to minimum road width standards for Snohomish County, sufficient additional right-of-way shall be dedicated to Snohomish County on the short plat to conform the abutting half to such standards where reasonably necessary as a result of the proposed development or to make appropriate provision for public roads.

(4) If the lots are to be served by septic tanks, soil data and percolation rates may be required by the Snohomish health district. Notations regarding the conditions for health district approval may be required to be inscribed upon the short plat.

(5) Access to Arterials. Lots within a short subdivision shall be designed so that access to arterials shall be limited to one joint access thereto and a waiver of the right of direct access shall be required as a condition of approval except that, if the subdivider presents proof that direct access to such lots is necessary to the development of his property and the department so finds, the department may permit direct access. This shall not apply to any parcels of one-one-hundred-twenty-eighth of a section or five acres or more.

(6) Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained county road or county roads except that access to the boundary of a short subdivision by private road may be permitted where such private roads are otherwise permitted by this resolution. Access to each lot shall meet the access requirements of chapter 18.41 SCC.

(7) Minimum access to all lots within a short subdivision containing any lot less than one-one-hundred-twenty-eighth of a section, or five acres in area shall be provided by an opened, constructed and maintained county road or a private road designed and constructed in accordance with the engineering design and development standards adopted under chapter 13.05 SCC. Access to two single-family lots or one duplex lot may be provided by a driveway, constructed in accordance with the engineering design and development standards, within a shared access easement.

(8) Short subdivisions where each lot contains one-one-hundred-twenty-eighth of a section, or five acres or more in area, and where the final short plat map is filed as a record of survey, may take access from an opened, constructed and maintained county

road or roads, or from a private road designed and constructed in accordance with the engineering design and development standards adopted under chapter 13.05 SCC; PROVIDED, That the county engineer may waive some or all improvement standards of this subsection when he finds that the existing private road is adequate to serve the additional lots, and that the applicant demonstrates full standards are unnecessary, impossible to achieve or result in an inequitable financial burden. When private road access is provided, a registered professional engineer shall certify, prior to final approval, that road drainage facilities, including cross culverts, and other site improvements, have been constructed and installed in accordance with this title and sound engineering practice.

(9) ~~((The maximum number of lots that may be served by a private road shall be eight, generating a maximum of 80 average daily trips in designated urban growth areas adopted by the county council pursuant to chapter 36.70A RCW and a maximum of 90 average daily trips in areas not included within the urban growth areas adopted by the county council pursuant to chapter 36.70A RCW, or unless))~~ In designated urban growth areas adopted by the county council pursuant to chapter 36.70A RCW, the maximum number of lots that may be served by a private road shall be nine, generating a maximum of 90 average daily trips. Lots located outside of the urban growth area adopted by the county council pursuant to chapter 36.70A RCW shall also be limited to 90 average daily trips on a private road, UNLESS the short subdivision contains no lot having an area of less than one-one-hundred- twenty-eighth of a section or five acres. In all other cases, access to any lot shall be by an opened, constructed and maintained county road or roads. Trip generation shall be determined based on the latest edition of the ITE trip generation report published by the Institute of Traffic Engineers.

(10) Where access to a short subdivision is to be provided via an existing or proposed private road that has the potential of providing access for more than ~~((eight))~~ nine lots, or more than ~~((8))~~ 90 average daily trips in designated urban growth areas, or more than 90 average daily trips in areas not included within urban growth areas, the short subdivision shall provide for the future conversion of such private road to a public road and construction of such private road to public road standards, in accordance with the engineering design and development standards adopted under chapter 13.05 SCC.

(11) If the subdivider uses a private road, each lot owner or successors in interest having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a utilities easement and be contained in a separate, commonly owned tract.

(12) Short subdivisions located in special flood hazard areas as defined by Title 27 SCC shall comply with the provisions of SCC 27.24.010(3).

