



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 03-047

RELATING TO THE SUBDIVISION OF REAL PROPERTY, REVISING
COUNCIL PROCEDURES FOR APPROVAL OF FINAL PLATS, AND
AMENDING SNOHOMISH COUNTY CODE SECTIONS 30.41A.640,
30.41A.645, AND 30.41A.650

WHEREAS, the state subdivision statute, Chapter 58.17 RCW, limits the review of final plats to determination of whether the final plat conforms to all terms of preliminary plat approval and otherwise meets the requirements of state law and county code; and,

WHEREAS, a public hearing on final plat approval is not required by the state subdivision statute; and,

WHEREAS, any public testimony presented to the County Council relating to approval of a final plat should be limited to the issues before the Council on final plat approval as provided herein; and,

WHEREAS, clarifying the procedures for approval of final plats is consistent with the intent of state law, regulatory reform, the County's Economic Stimulus Action Plan, and the County's Planning and Development Reinvention Process (PDRT);

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 30.41A.640, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.41A.640 Notice of application and department review for final subdivision.

(1) The department shall examine the final subdivision application to ensure compliance with applicable law and conditions of preliminary approval. The department may require additional information from an applicant where necessary to review the final subdivision application. Computation records for the lots and boundaries shall be furnished.

(2) When the final plat is found to be in correct form, and the matters shown thereon are sufficient, the department shall obtain the necessary signatures on the final plat. Each final plat shall be accompanied by an updated certificate of title showing the names of all persons, firms, or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. For the

purposes of this section, an updated title report is a title report or supplemental title report which has been prepared no more than 30 days prior to submittal of the final subdivision.

(3) Public notice of final subdivision submittal shall be provided by the department within 21 days of determination that the application is complete by:

(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion of the boundary of the final subdivision, and to those official parties of record listed in the hearing examiner decision on the preliminary subdivision application;

(b) Posting in accordance with SCC 30.70.050 and 30.70.045;

(c) Mailing to all parties that have provided written comment on the preliminary subdivision; and

(d) Notices required in the SCC 30.41A.640(3)(a) through (c) shall solicit comments on the final subdivision recommendation. All comments shall be submitted to the department within 15 days of the mailing of the public notice.

(4) The department shall coordinate the final subdivision review process among the appropriate county departments and other agencies and, after compliance with the public notice provisions of SCC 30.41A.640(3), and upon confirmation of compliance with the conditions of preliminary approval shall transmit a recommendation for final subdivision approval to the council. ~~((A public meeting will be scheduled for final consideration of the subdivision before the council))~~ The final subdivision application shall be scheduled for consideration at a regular or special meeting of the council.

Section 2. Snohomish County Code Section 30.41A.645, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.41A.645 Council procedure and public notice.

(1) Each application for final subdivision approval scheduled for council consideration shall be accompanied by the following agencies' recommendations for approval or disapproval:

(a) Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;

(b) The department, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;

(c) The department of public works; and

(d) Other relevant federal, state, or local agencies. None of the agencies listed in SCC 30.41A.645(a) and (c) shall modify the terms of its recommendation without the consent of the applicant.

(2) Public notice of the time, date, and location of the ~~((council's public))~~ council meeting ~~((for))~~ on the final subdivision ~~((action))~~ application shall be given at least five days prior to the ~~((public))~~ meeting by:

(a) Mailing to the applicant;

(b) Mailing to all parties who provided comment on the notice of recommendation for final subdivision action; and

(c) Posting notice of time, date, and location of the ~~((public))~~ regular meeting on the signs required pursuant to SCC 30.70.060.

(d) Public notices provided under this section shall state that public testimony may be presented but will be limited to the issue of whether the final subdivision conforms to all conditions of preliminary subdivision approval and otherwise meets the requirements of state law and county code.

(3) ~~The county council shall ((consider a final subdivision for final action at a public meeting. Public testimony shall be allowed at the public meeting, and shall be limited to whether the final subdivision is consistent with the conditions of preliminary subdivision approval))~~ act on a final subdivision application by motion at a regular or special meeting as provided in SCC 30.41A.650. Any person may present relevant testimony or other evidence as described in SCC 30.41A.645(2)(d).

(4) The notices provided for in this section shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address.

(5) Notices mailed to taxpayers of record and known site addresses shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 3. Snohomish County Code Section 30.41.A.650, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.41A.650 Council action.

(1) Upon a finding that the final subdivision has been completed in accordance with the provisions of this code, that the plat is in proper form for recording as established by the submittal requirements, that all required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed, that all conditions of the preliminary subdivision approval and requirements of state law and county code have been met, and that the interests of the county are fully protected, the council, upon consideration of the final subdivision at a ~~((public))~~ regular or special council meeting, shall approve the final subdivision and the chairperson shall sign the final plat accepting such dedications and easements as may be included thereon. Written notice of the council decision to approve shall be given by:

(a) Mailing to the applicant;

(b) Mailing to all parties of record listed in the hearing examiner and county council decisions;

(c) Mailing to all parties who individually wrote and submitted letters concerning the subject subdivision application;

(d) Mailing to all parties who testified at the ((public)) meeting on final action;

(e) Mailing to all parties that were mailed public notice pursuant to SCC 30.41A.645(2), and to the department of ecology; and

(f) Publication in the county official newspaper.

(2) The final subdivision may be denied upon findings and conclusions that the ~~((conditions of preliminary))~~ requirements for final subdivision approval have not been met. If the council does not approve the final subdivision, it may grant the project proponent a period of time, not to exceed four months, to bring the final subdivision into compliance with the conditions of preliminary subdivision approval and set a specific time and date for the council to reconsider the final subdivision. Notice of a council decision extending the time period for compliance with the conditions of preliminary subdivision approval shall be given as prescribed in SCC 30.41A.650(1) and to all parties who have requested notification of the council's decision.

PASSED this 4th day of June, 2003

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Sheila McCallister
Clerk of the Council

Gay D. Nelson
Chairperson

- APPROVED
 EMERGENCY
 VETOED

DATE: JUNE 10, 2003

ATTEST:

Connie Merrin

for Robert J. Drewel
County Executive

STEPHEN L. HOLT
Executive Director

Approved as to form only:

Deputy Prosecuting Attorney

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