

SNOHOMISH COUNTY COUNCIL



CO00029726

ORDINANCE NO. 80-116
RELATING TO TITLE 19 SUBDIVISION CODE
SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Title 19 of the Snohomish County Code enacted August 27, 1972 is hereby repealed.

Section 2. The following Title 19 is enacted and added to the Snohomish County Code.

Title 19

SNOHOMISH COUNTY SUBDIVISION CODE

Chapters:

- 19.04 Purpose
- 19.08 Applicability
- 19.12 Definitions
- 19.14 Fees
- 19.16 Preliminary Plat Procedures
- 19.20 Term and Effect of Preliminary Plat Approval
- 19.22 Preliminary Plat Format and Content
- 19.24 Preliminary Plat Standards-Public Welfare
- 19.28 Preliminary Plat Standards-Design
- 19.32 Construction Requirements
- 19.36 Modifications
- 19.40 Final Plat
- 19.44 Replats
- 19.46 Boundary Line Adjustment Process
- 19.56 Review and Penalties
- 19.58 Miscellaneous

Chapter 19.04

PURPOSE

Sections:

- 19.04.010 Title.
- 19.04.020 Purpose.

19.04.010 Title. This title shall be the Snohomish County Subdivision Code.

19.04.020 Purpose. The purpose of this title is to regulate the subdivision of land to promote the public health, safety and general welfare in accordance with established standards to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to provide adequate public and private streets, easements, water supply, utilities, parks and recreation areas, open spaces, and sites for schools and other public requirements; to ensure that

adequate drainage facilities are provided in developing parts of the county; to promote coordination of land development; to conserve natural beauty; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description.

Chapter 19.08

APPLICABILITY

Sections:

- 19.08.010 Scope of coverage.
- 19.08.020 Exceptions

19.08.010 Scope of coverage:

- (1) Subdivisions as defined in this title.
- (2) Every redivision of a short subdivision occurring within five (5) years of the date of recording of the original short subdivision that results in a total of five (5) or more lots contained within the same boundaries as the original subdivision.
- (3) Every redivision of a large tract segregation occurring within five (5) years immediately following the date of segregation so as to create any lot, tract or parcel less than one one-hundred-twenty-eighth (1 /128th) of a section or five (5) acres in size.

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

- (1) Cemeteries and other burial plots while used for that purpose.
- (2) Divisions made by testamentary provisions or the laws of descent.
- (3) Mobile home parks when established pursuant to the provisions of Chapter 18.80, mobile home park standards of the Snohomish County Zoning Code.
- (4) Boundary line adjustment process as set forth in SCC 19.46.
- (5) Condominium plats, when prepared and filed in accordance with the horizontal regime act, RCW 64.32.
- (6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010; Provided that the provisions of Section 19.16.010(1) and 19.28.060 shall be complied with.
- (7) Division of land into lots, tracts or parcels, each of which is one thirty-second (1/32) of a section of land or larger, or twenty (20) acres of land or larger, if not definable as a fraction of a section of land.

Chapter 19.12

DEFINITIONS

Sections:

- 19.12.010 General
- 19.12.020 Access road.
- 19.12.030 Access panhandle.
- 19.12.040 Applicant.
- 19.12.050 Auditor.
- 19.12.060 Block.
- 19.12.070 County council.
- 19.12.080 Boundary line adjustment.

- 19.12.090 Comprehensive plan.
- 19.12.100 County.
- 19.12.110 Cul-de-sac.
- 19.12.120 Dedication.
- 19.12.130 Director.
- 19.12.140 Easement.
- 19.12.145 Executive
- 19.12.150 Hearing examiner.
- 19.12.160 Improvements.
- 19.12.170 Lot.
- 19.12.180 Modification.
- 19.12.185 Office of Community Planning
- 19.12.190 Plat, final.
- 19.12.200 Plat, preliminary.
- 19.12.210 Right-of-way.
- 19.12.220 Road, private.
- 19.12.230 Street or road.
- 19.12.240 Subdivision.
- 19.12.250 Technical review.
- 19.12.260 Transportation plan.
- 19.12.270 Zoning resolution.

19.12.010 General. For the purpose of this title, certain terms and words are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular, shall include the plural, and vice versa. The word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

19.12.020 Access road. "Access road" means that private or public road or street that provides direct access from abutting properties to the county collector arterial system.

19.12.030 Access panhandle. "Access panhandle" means a strip of land designed to provide access to the lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning.

19.12.040 Applicant. "Applicant" means any individual or entity who applies for preliminary plat approval under this title.

19.12.050 Auditor. "Auditor" means the Snohomish County Auditor.

19.12.060 Block. "Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

19.12.070 Council. "Council" means the Snohomish County Council.

19.12.080 Boundary line adjustment. "Boundary line adjustment" means the alteration of lot lines of three (3) or fewer contiguous platted lots, pursuant to procedures described by Chapter 19.46 of this title.

19.12.090 Comprehensive plan. "Comprehensive plan" includes any policies, proposals, graphics and standards approved by the council in order to plan the physical development of the county; coordinate county services and programs and promote the general welfare. Such plan may include the following elements: land use, transportation, transit, public services and facilities, housing,

community development and additional subjects relating to the physical development of the county.

19.12.100 County. "County" is Snohomish County.

19.12.110 Cul-de-sac. "Cul-de-sac" is a street closed at one end.

19.12.120 Dedication. "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no rights other than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

19.12.130 Director. "Director" is the Director of the office of community planning in the department of community affairs.

19.12.140 Easement. "Easement" is a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. This may include access, pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

19.12.145 Executive. "Executive" means Snohomish County Executive.

19.12.150 Hearing examiner. "Hearing examiner" is the Snohomish County hearing examiner created by Chapter 2.02 Snohomish County Code.

19.12.160 Improvements. "Improvements includes but is not limited to streets and roads complying with the current adopted "Design Standards and Specifications for Snohomish County"; public utility and pedestrian facilities; landscape features; bridge structures and traffic control devices as are required to be installed as a part of plat approval.

19.12.170 Lot. Lot is a fractional part of subdivided land having fixed boundaries, being sufficient in area and dimension to meet minimum zoning requirements. The term shall include tracts and parcels.

19.12.180 Modification. "Modification" is an authorization granting relief under the provisions of Chapter 19.36 of this title from the literal enforcement of this title, when special conditions exist or unusual hardship will result therefrom.

19.12.185 Office of Community Planning. The Office of Community Planning is the division of the Department of Community Affairs responsible for the processing of preliminary plat applications.

19.12.190 Plat, final. "Plat, final" is an accurate drawing of an approved preliminary plat map prepared on material suitable for recording with the Auditor, and showing all elements required by this title.

19.12.200 Plat, preliminary. "Plat, preliminary" is a neat and approximate drawing showing the layout of a proposed subdivision containing all elements required by this title, together with any supporting exhibits which shall furnish a basis for the preliminary approval or disapproval of the proposal.

19.12.210 Right-of-way. "Right-of-way" is the area between the boundary lines of a street or easement.

19.12.220 Road, private. "Road, private" is that easement or parcel created to provide the access from a county road to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

19.12.230 Street or road. "Street or road" means a lawfully dedicated public thoroughfare which provides the principal means of access to the properties.

19.12.240 Subdivision. "Subdivision" is the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all resubdivisions of land but shall exclude initial divisions of land by the short plat or large tract segregation process.

19.12.250 Technical review. "Technical review" is that review meeting conducted by the Office of Community Planning with the applicant and other Snohomish County personnel, when all reports, studies and other information are completed in order to inform the applicant of mitigative measures with which he may have to comply in order to receive preliminary plat approval.

19.12.260 Transportation, plan. "Transportation, plan" is the adopted plan for freeways and arterials that is to serve travel needs of Snohomish County and the cities contained within it. All development proposed within Snohomish County shall conform with the adopted transportation plan.

19.12.270 Zoning resolution. "Zoning resolution" is the Snohomish County zoning resolution, Title 18, of the Snohomish County Code.

Chapter 19.14

FEES

Sections:

- 19.14.010 Preliminary plat check fee.
- 19.14.020 Construction plan check fee.
- 19.14.030 Plat road construction check fee.
- 19.14.040 Final plat documentation and traffic control installation fee.
- 19.14.050 Department of Public Works - Basis for Fees.

19.14.010 Preliminary plat check fee. Each preliminary plat shall be accompanied by a filing fee in the amount of \$250.00 plus \$12.00 per proposed lot; Provided that, the maximum fee shall be \$1750.00. Said fee shall not be refundable unless otherwise determined by the director.

19.14.020 Construction plan check fee. When the preliminary plat applicant submits the construction plan as called for in SCC 19.32.050, the department of public works will charge a plan checking fee.

19.14.030 Plat road construction check fee. When the plat road construction is inspected by the department of public works, the department will charge a fee.

19.14.040 Final plat document check and traffic control installation fee. When the plat documents are given final approval and review and the traffic control facilities are inspected, the department of public works will charge a fee for those processes.

19.14.050 Department of Public Works-Basis for Fees. The department of public works fees required by SCC 19.14.020, 19.14.030, 19.14.040 are to be established on an annual basis and will be posted by the Department and made readily available to the public. These fees will be based on the projected hours to perform each task times the prevailing weighted rate for the work being conducted.

Chapter 19.16

PRELIMINARY PLAT PROCEDURES

Sections:

- 19.16.010 Application submittal.
- 19.16.020 Setting hearing.
- 19.16.030 Time to act.
- 19.16.040 Notice of hearing.
- 19.16.050 Hearing and approval procedure.

19.16.010 Application submittal.

(1) Prior to filing an application, an applicant may arrange a pre-application conference with the office of community planning, public works and parks representatives for the purpose of preliminary review and discussion of the proposal.

(2) Preliminary plat and environmental checklists shall be filed with the office of community planning and upon filing shall receive a file number and date of receipt. Within three (3) weeks of the date of receipt of the application the director shall determine if the application is incomplete or inaccurate. The director shall return the application to the plat applicant if it is deemed incomplete or inaccurate. The time set forth in Section 19.16.030 and 19.16.040 for hearing plat applications shall not run until all information required by Section 19.22 of this title has been provided in a complete and accurate manner as determined by the director. Resubmittals with the necessary information making the application complete within six (6) months of original filing will not be subject to plat filing fees.

(3) The applicant shall transmit not less than 18 copies to the office of community planning. Whenever a preliminary plat is revised prior to its approval, the subdivider shall submit 10 copies of the revision, appropriately marked as such to the office of community planning. The office of community planning shall take responsibility for distribution of the copies to all relevant departments and agencies.

(4) The office of community planning shall process all preliminary plats in accordance with provisions of the State

Environmental Policy Act and with Title 23 of the Snohomish County Code.

19.16.020 Setting hearing. Upon receipt of a completed application, the director shall set the proposed time and date for public hearing before the hearing examiner. The hearing shall be set so as to correspond with the last date available for the hearing examiner which is not more than fifty (50) days from the date the application is complete, or not more than fifty (50) days from the publication of the final EIS, where one is required. An applicant may consent to an extension of the hearing date at any time during the application process.

19.16.030 Time to act.

(1) Preliminary plats shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from the date the application is deemed complete, unless the applicant consents to an extension of such time period; Provided that, if an EIS is required as provided in RCW 43.21C.030, the ninety (90) days period shall not include the time spent preparing and circulating the EIS by the county.

(2) Should modification and/or mitigation be requested by the director as a result of technical review of the application, the director shall request a waiver of the ninety (90) day period. If applicant does not agree to the waiver, the application shall proceed to the hearing and the director may recommend denial of the application.

19.16.040 Notice of hearing.

(1) Notice of the public hearing to be held before the hearing examiner shall be given in each of the following manners not less than fifteen (15) calendar days prior to the hearing:

(a) By the applicant: Posting in at least three conspicuous places on/or adjacent to the land proposed to be subdivided. The office of community planning shall furnish blank posting forms. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. In addition, applicant shall make a reasonable effort to provide written notice on a form provided by the office of community planning to persons actually living within three hundred (300) feet of the proposed subdivision.

(b) By the office of community planning;

(i) Publication of one notice in a newspaper of general circulation within the county;

(ii) Mailed notice to owners of record within three hundred (300) feet of the boundaries of the proposed subdivision.

(iii) Mailed notice to any city or town whose municipal boundaries are within one mile of the proposed subdivision; to the State Department of Transportation on every proposed subdivision located adjacent to the right of way of a State Highway; to the State Department of Ecology if the proposed subdivision is wholly or partially situated in a flood control zone, as provided in RCW 86.16; and to any other federal, state or local agency as deemed appropriate by the director.

(2) All hearing notices required by this section shall include the date, time and place of the public hearing, a legal description of the location of the proposed subdivision, and either a vicinity location sketch or a location description in non-legal language.

19.16.050 Hearing and approval procedure. Preliminary plat applications shall be processed in accordance with the provisions of this title, Chapter 2.02 SCC, and Title 23 SCC. Approval of a preliminary plat by the hearing examiner is final and conclusive unless appealed to the county council pursuant to the procedures set out in Chapter 2.02 SCC.

Chapter 19.20

TERM AND EFFECT OF PRELIMINARY PLAT APPROVAL

Sections:

- 19.20.010 Preliminary plat approval - term.
- 19.20.020 Changes after preliminary approval.
- 19.20.030 Prohibition against other subdivisions.
- 19.20.040 Preliminary plat withdrawal.
- 19.20.050 Preliminary plat lapse.

19.20.010 Preliminary plat approval-term.

(1) Approval of a preliminary plat shall be effective for three (3) years from the date of approval unless extended as provided for herein. Upon written application therefor by the applicant or his successor, filed prior to the expiration of approval, the director shall extend the approval for not more than one additional one-year period; provided that if, in the opinion of the director, the preliminary plat does not continue to serve the public use and interest or comply with existing zoning or other applicable laws, the director shall set the application for extension or for public hearing before the hearing examiner upon such notice and in accordance with preliminary plat approval procedures of this title and Chapter 2.02 SCC.

(2) Nothing contained herein shall prohibit the applicant, during the effective life of the preliminary plat approval, from developing his subdivision and requesting final approval by divisions; Provided that, no deviation from the general scheme of the preliminary plat as approved may be permitted in any manner other than by the procedures set out herein governing the approval of preliminary plats.

19.20.020 Changes after preliminary approval.

(1) Approved preliminary plats may be revised by applicant, prior to recording of the final plat. Such revisions shall be processed and approved in the manner set forth herein for original preliminary plat approval; Provided that if in the opinion of the director, the preliminary plat revision will not adversely affect public health, welfare and safety, and is generally consistent with the preliminary plat, the revision may be administratively approved by the director. Any administratively approved revision shall be communicated to all relevant county departments and agencies.

(2) Subsequent to preliminary approval, if the office of community planning learns of any possible violation of conditions of such approval, the director may set the matter for public hearing before the hearing examiner within thirty (30) days of notice of the violation. Notice of this hearing shall be in accordance with Section 19.16.050 of this title. At the hearing, the hearing examiner shall determine whether a violation exists, and impose conditions which conform the plat to the provisions

of this title and/or to the conditions of the original preliminary plat approval.

19.20.030 Prohibition against other subdivisions. No subdivision by short plat (Title 20, SCC) or Large Tract Segregation (Title 20A, SCC) shall be approved which includes any land contained within an approved preliminary plat during the period in which such preliminary plat is valid.

19.20.040 Preliminary plat withdrawal. Wherever a preliminary plat has been approved by the hearing examiner and the time period for final approval has not expired, and the applicant desires to withdraw the plat, the applicant shall submit his written request to the director. The director will review the request and ascertain that the applicant understands the effect of the withdrawal of preliminary plat approval. The director shall set the request for withdrawal for a public hearing before the hearing examiner not more than twenty (20) days from submission of the request to withdraw the preliminary plat approval by the applicant. Notice shall be given to the applicant of the date, time and location of the public hearing in accordance with Section 19.16.050 of this title. Being advised that the applicant fully understands the effect of the preliminary plat approval withdrawal, the hearing examiner shall approve the withdrawal request, making the appropriate changes in the records of the office of community planning.

19.20.050 Preliminary plat lapse. If the applicant has failed to complete his plat within three (3) years from the date of preliminary plat approval and has failed to request extensions of the preliminary plat approval as set forth in Section 19.20.010, the preliminary plat approval shall lapse.

Chapter 19.22

PRELIMINARY PLAT FORMAT AND CONTENT

Sections:

- 19.22.010 General.
- 19.22.020 Format.
- 19.22.030 Content.

19.22.010 General. Preliminary plats shall be prepared in conformance with the requirements set forth herein. The office of community planning may refuse to accept for filing, or return to the applicant if already filed, any preliminary plat which fails to meet any of these requirements.

19.22.020 Format.

(1) Preliminary plats shall bear the seal of a registered land surveyor in accordance with the requirements of Chapters 19.22 and 19.28.

(2) Preliminary plats shall be accompanied by a completed environmental checklist prepared by the applicant, or his representative, on forms provided by the office of community planning.

(3) Preliminary plats shall be drawn on paper having maximum dimensions of thirty two inches by forty two inches (32" x 42"), and at one of the following horizontal scales; one hundred feet to the inch (1" = 100'); fifty feet to the inch (1" = 50') or twenty feet to the inch (1" = 20'). Where vertical profiles are

required by the director, the scale shall be (1" = 10') (1" = 5') (1" = 2'), respectively. Other scales or paper dimensions may be used where deemed appropriate by the director.

(4) All copies of preliminary plats shall be folded so as to have a maximum dimension of 8 x 13 inches. The title block shall be prominently visible when so folded.

(5) All revisions and replats shall be labeled clearly as such and shall bear the number of the revision and the date of the revision or replat in, or adjacent, to the title block.

19.22.030 Content. The following information shall be shown on the preliminary plat map:

(1) Title block, preferably located in the lower right-hand corner, to contain:

- a. Name of the preliminary plat;
- b. Section, township and range;
- c. Name, address, zip code and telephone number of the preparer;
- d. Date of preparation and scale and north point.

(2) Textual data, preferably to be located on the right-hand side of the map or along the bottom, to contain:

- a. Name, address, zip code and telephone number of applicant;
- b. The names, addresses, zip codes and telephone numbers of all persons who have a real or possessory interest in the property to be subdivided;
- c. The legal description of the plat;
- d. The existing zoning on the subject property and proposed rezoning, if applicable.
- e. The acreage contained within the plat, the number of lots being proposed, and the number of lots per acre of land;
- f. The average lot size and the size of the smallest proposed lot; lot average calculation if Section 18.76.115 of the Snohomish County Zoning Code is applicable;
- g. Amount of acreage within various slope ranges in accordance with the written county slope policy.
- h. The acreage of open space to be contained in the plat, if any, and the percentage it represents of the total land area;
- i. The road lineage, and acreage of road area and percentage it represents of the total land area;
- j. The source of water supply to include the name of the purveyor, if any;
- k. The method of sewage disposal, to include the name of sewer operator, if any;
- l. Applicable school district;
- m. Applicable fire district.

(3) Vicinity sketch, preferably to be located in the upper right-hand corner of the map, clearly identifying the location of the property at a scale of not less than one (1) inch to two thousand (2,000) feet (1" = 2000') and including municipal boundaries, township and section lines, major road, railroad and transmission rights-of-way, and indication of the scale used.

- (4) Plat representation, to contain:
- a) The boundary lines of the tract to be subdivided.
 - b) The development status of contiguous land including the name of any adjacent plats;
 - c) The zoning boundary lines, if any;
 - d) The approximate dimensions of each lot;
 - (i) Lots should be numbered consecutively from one (1) through the total number of lots in the preliminary plat. No letters shall be used for tract designations;

(ii) In the case of a replat, the lots, blocks, streets, alleys, easements and parks of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid ambiguity.

e. Contour lines with intervals sufficient to clearly show drainage, slopes and road grades within the proposed development and within 200 feet of external boundary lines of the plat. The intervals shall be two (2) or five (5) feet. All contours shall be referenced to mean sea level. Slopes shall be identified in accordance with the existing county slope policy on one copy of the plat.

f. The names, locations and widths of all existing streets, road rights-of-way, easements, other public ways, water courses and major transmission facilities, rights-of-way, within the proposed development and within two hundred (200) feet of the external lot lines of the plat.

g. The layout and widths of proposed rights-of-way and easement lines within the plat.

h. All existing structures within the preliminary plat and all existing structures within 25 feet of the external lot lines of the plat shall be shown in their approximate locations;

i. Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the plat;

j. All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deeds for the common use of the property owners of the subdivision with the purposes clearly indicated;

k. In any subdivision to be served by on-site sewage disposal systems, the preliminary plat shall show the location of soil test sites and provide soil analysis data as is required by the Snohomish health district;

l. Identification of any areas proposed to be significantly altered by fill or excavation or having fill presently in place which could significantly impact plat development;

m. Traffic Analysis, in conformance with Title 26B, SCC.

Chapter 19.24

PRELIMINARY PLAT - PUBLIC WELFARE

Sections:

- 19.24.010 General.
- 19.24.020 Flood hazard zone.
- 19.24.030 Health district.
- 19.24.040 School district.
- 19.24.050 Fire district.
- 19.24.060 Parks.
- 19.24.070 Fire code.
- 19.24.080 Shoreline management.

19.24.010 General.

(1) The council, hearing examiner and office of community planning shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The council or hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces,

drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, fire protection and other public facilities and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the subdivision and dedication. If the council or hearing examiner finds that the proposed plat makes appropriate provisions for the above, then it shall be approved. If the council or hearing examiner finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the council or hearing examiner may disapprove the proposed plat.

(2) Dedication of land or payment of fees to any public body may be required as a condition of subdivision approval. Evidence of such dedication and/or payment shall accompany final plat approval.

(3) The council or hearing examiner shall not, as a condition of plat approval, require applicant to obtain a release from damages from other property owners.

19.24.020 Flood hazard areas.

(1) The council or hearing examiner shall consider the physical characteristics of a proposed subdivision site, and may disapprove a proposed plat because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

(2) No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16, RCW, without the prior written approval of the State Department of Ecology.

19.24.030 Health district. As a condition of preliminary plat approval, the health district may require lot sizes larger than the minimum permitted by the zoning code in those instances where topography, soils, water table or other conditions make larger lot sizes necessary in order to prevent possible health hazards due to water contamination or sewage disposal system malfunction.

19.24.040 School district.

(1) When a preliminary plat wholly or partially contains a school site proposed in the comprehensive plan or other officially adopted plans, or when the school district finds a reasonably foreseeable need for such a site, the applicant may be required to dedicate a portion of the plat or reserve it for future purchase by the school district. The county shall require evidence of need from the school district as a prerequisite to requiring dedication or reservation. The hearing examiner or council may recommend a time limit on the effective period of any reservation.

(2) The applicant may be required to present evidence in the form of an agreement with the affected school district that applicant has offset the cost of the district's growth which is reasonably attributable to the proposed plat.

19.24.050 Fire district.

(1) When the affected fire district finds a reasonably foreseeable need for a site wholly or partially contained within the preliminary plat, applicant may be required to dedicate a portion of the plat or reserve it for future purchase by the fire district. The county shall require evidence of need from the fire district as a prerequisite to requiring dedication or

reservation. The hearing examiner or council may recommend a time limit on the effective period of any reservation.

(2) The applicant may be required to present evidence in the form of an agreement with the affected fire district that applicant has offset the cost of the district's growth which is reasonably attributable to the proposed plat.

19.24.060 Parks.

(1) The applicant shall comply with the Snohomish County Park Ordinance, SCC Title 26A.

(2) When a preliminary plat contains a portion of a county trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose by the granting of a trail or open space easement to the county, dedication or reservation for future purchase by the public. The council or hearing examiner may determine a reasonable time or specify the event, limiting the effective period of the reservation.

19.24.070 Fire code. Applicant shall comply with the Snohomish County fire code, SCC Title 16.

19.24.080 Shoreline management. Whenever a preliminary plat is wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971, RCW 90.58, the applicant shall comply with the Snohomish County Shoreline Management Master Plan, SCC Title 21, and RCW 90.58.

Chapter 19.28

PRELIMINARY PLAT STANDARDS CAPABLE OF MODIFICATION

Sections:

- 19.28.010 Standards - general.
- 19.28.020 Design standards roads.
- 19.28.030 Design standards drainage.
- 19.28.040 Design standards - public access to water bodies.
- 19.28.050 Design standards slopes.
- 19.28.060 Design standards lot size averaging.

19.28.010 Standards-general. The public use and interest shall be deemed to require compliance with the standards of this chapter as a minimum, unless modification is specifically granted by the hearing examiner or the council during the preliminary plat approval process.

19.28.020 Design standards-roads.

(1) Access to roads. All plats shall be served by an opened, constructed and maintained public road to which the road system within the plat must connect;

(2) Road standards. All plat roads shall be dedicated public roads designed and constructed in conformance with the adopted "Design Standards and Specifications for Snohomish County " in effect as of the date of preliminary plat filing and be approved by the Department of Public Works.

(3) Sidewalk standards. Sidewalks and/or walkways shall be provided in accordance with the adopted "Design Standards and Specifications for Snohomish County."

(4) Street signs. Street signs shall be as specified by the Department of Public Works.

(5) Landscaping within road rights-of-way. A developer proposing landscaped areas within county rights-of-way shall submit a landscape design plan to the Department of Public Works for approval. Further, the landscape design plan shall also be reviewed by the office of Community Planning to insure that fire apparatus access is not impeded by planned landscaping within county right of way. If approved, the final plat for such subdivision shall contain a covenant that such areas shall be maintained by the developer and his successor and may be reduced or eliminated if deemed necessary for or detrimental to county road purposes and/or fire apparatus access.

19.28.030 Design standards-drainage. All subdivisions shall comply with the requirements of Title 24, Drainage, of the Snohomish County Code.

19.28.040 Design standards-public access to water bodies. In all plats bordering publicly owned or controlled bodies of water, streams or rivers, there shall be provided one or more dedicated public access rights-of-way to the ordinary high water mark, such rights-of-way having a minimum width of sixty (60) feet and being capable of having a road constructed thereon to county standards. Said public accesses shall be provided at intervals of no greater than one-half (1/2) mile as measured along the ordinary high water mark of such water body. If there be no county road or other public access rights-of-way within one-half (1/2) mile of the plat boundary, then one (1) such dedicated access right-of-way shall be provided within three hundred (300) feet from the boundary of the plat and thereafter at one-half (1/2) mile intervals.

19.28.050 Design standards-slopes. All subdivisions shall comply with the Snohomish County Slope Policy.

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 of the Snohomish County Code.

Chapter 19.32

CONSTRUCTION REQUIREMENTS

Sections:

- 19.32.010 Improvements - how pledged.
- 19.32.020 Surety requirement.
- 19.32.030 Time of construction.
- 19.32.040 Monumentation.
- 19.32.050 Construction drawings submittal.
- 19.32.060 As built plans - submittal.

19.32.010 Improvements - how pledged.

(1) If the proposed plat, subdivision or dedication is approved, the developer, before requesting final approval, shall elect to carry out minimum improvements in accordance with the provisions of Chapter 19.28 by any of the following methods:

a. By actual installation of improvements to the satisfaction of the department of public works; or

b. If acceptable to the department of public works, by furnishing the county with a plat or subdivision bond or other security sufficient to secure the estimated cost of construction and installation of all required road and other improvements to the satisfaction of the director of the department of public works. The amount and time limitatin of the plat or subdivision bond or other device shall be determined by the director of the department of public works. Condition of the bond shall be that the principal shall complete construction and installation of all improvements by the date stated in said bond; and in the event that such construction and installation is not completed by that date, the full amount of the bond shall be forfeited to the county. The director of the department of public works may forfeit all or any part of a plat or subdivision bond before the expiration of the bond if in his opinion the developer is not making reasonable efforts to complete the work within the term of the bond.

(2) A maintenance bond or other security satisfactory to the director of the department of public works and securing to the county the successful operation of the improvements for an appropriate period of time up to two (2) years after final plat or subdivision approval shall be required upon completion of construction and installation of the improvements to the satisfaction of the director of the department of public works. Upon final approval and acceptance of the improvements by the director of the department of public works and the filing of a maintenance bond or other method of security, the construction and installation shall be released and exonerated.

19.32.020 Surety requirement. Any bond as provided herein shall be assured by two or more sureties acceptable to the executive or with a surety company as surety. The county is empowered to enforce such bonds by all appropriate legal and equitable remedies.

19.32.030 Time of construction.

(1) All improvements required within a subdivision shall be installed, or installation assured, as provided by this title, within the period of approval of the preliminary plat;

(2) All water supplies from community or public wells to be drilled or dug to serve the development shall be drilled or dug and shall produce the supply required prior to the recording of the plat.

19.32.040 Monumentation.

(1) Monumentation complying with the current "Design Standards and Specifications for Snohomish County " shall be placed at all street intersections, boundary angle points, points of curves in streets and at such intermediate points as may be required by the director of the department of public works.

(2) If any land in a subdivision is contiguous to a body of water, river or stream, monuments shall be set along a meander line which shall be established along the shore at such distance back from the ordinary high water mark as to reasonably insure against damage and destruction by flooding or erosion. Property lying beyond the meander line shall be defined by distance along the side property lines extended from the meander line.

(3) All lot and block corners shall be set with an iron pipe or steel reinforcing bar at least twenty four (24) inches in length before recording of the plat. All lot corners shall be identified with the Land Surveyors Registration number.

19.32.050 Construction drawings - submittal. The following construction drawings, plans and evidence shall be prepared and submitted either at the time of consideration of the preliminary plat or prior to construction; provided that, any changes in layout from that submitted pursuant to the preliminary plat approval will not adversely affect public health, welfare and safety, the change may be administratively approved by the director of the department of public works. Any other change shall be approved in the manner set forth herein for preliminary plat approval. All administratively approved changes shall be communicated to all relevant county departments and agencies.

(1) A drainage plan shall be submitted as per Snohomish County Code, Title 24, Drainage Ordinance.

(2) A "Construction Plan" shall be submitted complying with the current "Design Standards and Specifications for Snohomish County."

19.32.060 As built plans - submittal. After completion of all required improvements and prior to final acceptance of said improvements, the subdivider shall submit:

(1) To the department of public works as built drawings reflecting any changes to previously approved construction drawings. No changes in improvements may be made without prior approval of the department of public works.

(2) To the fire marshal, two (2) copies of the plat and drawings showing the actual location of all mains, hydrants, valves and other fire improvements.

(3) A statement sworn to by the subdivider and his registered engineer that the drawings show the actual location of the improvements required to be shown therein.

Chapter 19.36

MODIFICATIONS

Sections:

- 19.36.010 Purpose.
- 19.36.020 Coverage.
- 19.36.030 Application procedure.
- 19.36.040 Procedure for approval
- 19.36.050 Conditions for granting.

19.36.010 Purpose. Any applicant may seek modification of the provisions of this ordinance outlined in Section 19.36.020 where it appears that there exists extraordinary conditions of topography, access, location, shape, size, drainage or other physical features of the site or other adjacent development.

19.36.020 Coverage. Modification of any requirements of Chapter 19.28 may be requested. Modification of other provisions of this title may not be applied for or granted.

19.36.030 Application procedure. Any preliminary plat which includes a request for one or more modifications of the requirements of Chapter 19.28 shall be accompanied by a statement setting forth in detail any such modification and the reasons therefor. The office of community planning shall not process any

preliminary plat not meeting the requirements of Chapter 19.28, unless a modification has been concurrently requested.

19.36.040 Procedure for approval. The hearing examiner shall consider a modification request concurrently with the preliminary plat to which it applies. The hearing examiner shall act on all requested modifications simultaneous with action upon the preliminary plat to which they apply. The hearing examiner shall detail his findings with respect to requested modifications. At no time shall the hearing examiner action on a modification be finalized unless accompanied by the hearing examiner's action on the preliminary plat or vice versa.

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 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, that ordinance shall apply.

Chapter 19.40

FINAL PLAT

Sections:

- 19.40.010 Procedure for filing.
- 19.40.020 Format.
- 19.40.030 Required information.
- 19.40.040 Supplemental information.
- 19.40.050 Taxes.
- 19.40.060 Miscellaneous approvals.
- 19.40.070 Dedications.
- 19.40.080 Acknowledgments and Certificates.
- 19.40.090 File with auditor.
- 19.40.100 Effect of filing.

19.40.010 Procedure for filing.

(1) For purposes of filing a final plat, the subdivider shall submit to the office of community planning one (1) dark line print thereof and one (1) dark line print and stable base polyester film or other approved material (hereinafter referred to as mylar) to the department of public works. Both agencies

shall examine the plat for compliance with the provisions of this title.

(2) After receiving a copy of the final plat, the department of public works shall examine, or have examined, the map as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to subdivisions with this title and with the conditions of approval. Traverse sheets (computation of coordinates) and work sheets showing the closure of the exterior boundaries and of each irregular lot and block and the calculation of each lot size shall be furnished. If the final plat is found to be in correct form and the matters shown thereof are sufficient, the department of public works shall certify the mylar of the plat map to the office of community planning who, upon confirmation of compliance with the conditions of approval, will schedule final consideration of the plat map before the council. Each formal plat map shall be accompanied by a certificate of title showing the names of all persons, firms or corporations whose consent is necessary to dedicate land for public usage. After finding that the final plat has been completed in accordance with the provisions of this title, 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, and that the interests of the county are fully protected, the council will sign the final plat accepting such dedications and as may be included thereon. The final plat shall then be returned to the subdivider for filing for record with the county auditor and must be filed within thirty (30) days from the date of approval by the council.

19.40.020 Format

(1) The final plat shall be clearly and legibly drawn in ink upon mylar Photographic reproduction on mylar may be substituted.

(2) The scale of the plat shall be one inch equals one hundred feet (1" = 100 ') or one inch equals fifty feet (1" = 50') or one inch equals twenty feet (1" = 20') or such scale as may be acceptable to the department of public works.

(3) The size of each sheet shall be eighteen inches long by twenty-two inches wide (18" x 22").

(4) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one-half (1/2) inch on all sides.

(5) If more than two (2) sheets are necessary to display plat drawing, an index of the entire subdivision showing the arrangement of all sheets may be required to be included on each sheet.

(6) The plat title, scale and north point shall be shown on each sheet of the final plat.

(7) All signatures placed on the final plat shall be original signatures written in permanent black ink.

19.40.030 Required information. The following information is required on the final plats:

(1) Full and complete legal description of all land included in the plat.

(2) Location and names, without abbreviations of all:

- a. Streets;
- b. Public areas and easements;
- c. Adjoining streets;
- d. Street names previously approved by the county.

(3) The length and bearings of all straight lines, radii, arcs and semi-tangents of all curves.

(4) Centerline data on streets and easements, including bearings and distances.

(5) All dimensions along the lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any lot line in the field.

(6) Centerline data, width and sidelines of all easements and rights-of-way to which the lots are subject. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.

(7) Easements for storm drains, sewers and other purposes shall be denoted by broken lines.

(8) Each easement shall be clearly labeled and identified and, if already of public record, proper reference given.

(9) Contiguous plats by name, or if unplatted, note "unplatted."

(10) City or county boundaries crossing or adjoining the subdivision.

(11) Lots shall be numbered in sequence and shall indicate area in either square feet or acres. No two lots in any subdivision shall bear the same number, notwithstanding division of the platted subdivision into separate blocks.

(12) In the event that more than one plat sheet is used, a lot shall be shown entirely on one sheet.

(13) The final plat shall show clearly any stakes, monuments, or other evidence found on the ground which were used as ties to establish the boundaries of the tract.

(14) The location of all permanent monuments within the subdivision.

(15) Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the plat document together with accurate references to appropriate recorded documents.

(16) All required dedications, endorsements, covenants, affidavits and certificates shall show on the face of the final plat.

(17) The final plat shall show the subdivision of the section or sections involved and show the township and range.

(18) Specific wording as may be required by the preliminary plat approval.

(19) A plat or subdivision contiguous to, or representing a portion of or all of the frontage of a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high water mark as to reasonably insure against damage and destruction by flooding or erosion.

19.40.040 Supplemental information.

(1) The requirements of this section shall be deemed complied with if electronic computer lot check data showing closures are submitted in a form acceptable to the director of the department of public works.

(2) If subsection one is not followed then the plat and subsection survey shall be submitted with;

(a) Complete field and computation notes showing the original or reestablished corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. The allowable error of closure shall not exceed one (1) foot in five thousand (5,000) feet;

(b) A sketch showing all distances, angles and calculations required to determine corners and distances of the plat;

(c) Such sketch and notes are to be filed with the department of public works.

19.40.050 Taxes.

(1) All taxes on the property involved must be paid for one (1) year in advance, together with all delinquent assessments for which the property may be liable as of the date of certification and all special assessments against said property which, under the plat filed, become streets, alleys and other public places, and be so indicated by seal and signature of the county treasurer on the face of the final plat;

(2) Any person filing a plat subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property in such subdivision multiplied by the current year's millage rate and increased by twenty-five percent (25%) on the property platted.

19.40.060 Miscellaneous approvals. The following approvals must be submitted in writing to the office of community planning prior to its certification of the final plat as provided for in Section 19.40.010(2).

(1) Health approval. The Snohomish health district shall indicate compliance with the health requirements of the preliminary plat and shall indicate the adequacy of the method of sewage disposal. The health district may require that those lots which do not meet health district standards be so noted on the face of the final plat. Approval by the health district of the final plat shall not vary or negate any requirements for obtaining septic tank and drainfield permits for any lots therein.

(2) Department of Ecology approval. In those cases where the subdivision is located in a flood control zone as established by Chapter 86.16 RCW, the Department of Ecology shall indicate approval of the plat and shall state any special conditions or restrictions deemed by it to be necessary for effective flood protection.

(3) Fire Marshal's approval.

(4) Water Purveyor's approval.

(5) Sewer District approval.

(6) Other approvals as may be required in the conditions of preliminary plat approval, e.g., PUD.

19.40.070 Dedications.

(1) All streets, highways and parcels of land shown on the final plat and intended for any public use shall be offered for dedication for public use, except where the provisions of this title provide otherwise;

(2) Streets, or portions of streets, may be required to be set aside by the county for future dedication where the immediate opening and improvement is not required, but where it is necessary to insure that the county can later accept dedication when the streets become needed for further development of the area or adjacent areas;

(3) Easements being dedicated shall be indicated on the face of the plat as follows: An easement shall be reserved for and granted to all utilities serving subject plat and their respective successors and assigns, under and upon the exterior seven (7) feet parallel with and adjoining the street frontage of

all lots in which to install, lay, construct, renew, operate and maintain underground conduits, cables, pipe, and wires with necessary facilities and other equipment for the purpose of serving this subdivision and other property with electric, telephone and utility service together with the right to enter upon the lots at all times for the purposes herein stated.

19.40.080 Acknowledgments and certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:

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

"Know all men by these presents that _____, the undersigned owner, in fee simple of the land hereby platted, and _____, the mortgagee thereof, hereby declare this 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 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 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 established 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 any alteration in the drainage system after the recording of the 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.

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, 19__.

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. "

(2) Acknowledgment.

STATE OF WASHINGTON)
: ss.
COUNTY OF SNOHOMISH)

This is to certify that on this _____ day of _____, 19____, before me, the undersigned, a notary public, personally appeared _____, to me known to be the person (s) who executed the foregoing dedication and acknowledged to me that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

NOTARY PUBLIC in and for the
State of Washington, residing
at _____

(Seal)

(3) Restrictions. The following restrictions shall show on the face of the final plat:

a. "No further subdivision of any lot without resubmitting for formal plat procedure."

b. "The sale or lease of less than a whole lot in any subdivision platted and filed under Title 19 of the Snohomish County Code is expressly prohibited except in compliance with Title 19 of the Snohomish County Code."

c. The following shall be required when the plat contains a private road:

"The cost of construction and maintaining all roads not herein dedicated as public roads shall be the obligation of all of the owners and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the roads and streets may be held. In the event that the owners of any lots served by the roads or streets of this plat shall petition the council to include these roads or streets in the public road system, the petitioners shall be obligated to bring the same to county road standards applicable at the time of petition in all respects, including dedication of rights-of-way, prior to acceptance by the county."

d. "All landscaped areas in public rights-of-way shall be maintained by the developer and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to county road purposes."

e. Any additional conditions as approved by the hearing examiner.

(4) Approvals.

a. Examined and approved this _____ day of _____, 19____.

Snohomish County Director of Public Works

b. Examined and approved this _____ day of _____, 19____.

Snohomish County Director, Office of
Community Planning

c. Examined and approved this ____ day of
_____, 19____.

Chairman, County Council
Snohomish County, Washington

(5) Certificates

a. I hereby certify that the plat of _____ is based upon an actual survey and subdivision of Section ____, Township, _____ North Range, EWM as required by state statutes; that the distances, courses and angles are shown thereon correctly; that the monuments shall be set and lot and block corners shall be staked correctly on the ground, that I fully complied with the provisions of the state and local statutes and regulations governing platting.

Licensed Land Surveyor

(SEAL)

b. I hereby certify that all state and county taxes heretofore levied against the property described herein, according to the books and records of my office, have been fully paid and discharged, including _____ taxes.

Treasurer, Snohomish County

c. Filed for record at the request of _____ this ____ day of _____, 1980, at _____ minutes past _____ m, and recorded in Vol. ____ of Plats, page ____., records of Snohomish County, Washington.

Auditor

By: _____
Deputy County Auditor

19.40.090 File with auditor.

(1) The original of said final plat shall be filed for record with the county auditor and recorded by him. The auditor shall prepare and distribute copies as follows: One (1) each shall be distributed to the office of community planning, building official, and department of public works; two (2) each shall be distributed to the county fire official, and three (3) each to the county assessor. All required paper copies shall bear the auditor's recording data.

(2) The auditor shall refuse to accept any plat for filing and recording until approval of the plat has been given by the council. Should a plat or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for a writ of mandate in the name of and on behalf of the council, directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record.

19.40.100 Effect of filing. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five (5) years

from the date of filing. Further, after filing, the plat map shall become the property of Snohomish County.

Chapter 19.44

REPLATS

Sections:

- 19.44.010 General.
- 19.44.020 Multiple ownership.
- 19.44.030 Alteration of installed improvements.
- 19.44.040 Recording.
- 19.44.050 Power of council not affected.

19.44.010 General. Replats of recorded plats shall proceed as specified by this title for the approval of a preliminary plat except as modified by this chapter.

19.44.020 Multiple ownership. Where the lots within a recorded plat are held in more than one (1) ownership, the application for replat shall not be accepted by the county for processing unless accompanied by the signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat.

19.44.030 Alteration of installed improvements. Whenever a replat will involve the relocation, removal or reconstruction of existing plat improvements or open space the whole of the land embraced in the plat(s) proposed to be replatted shall be and does constitute an assessment district for the purposes of financing said relocation, removal or reconstruction. Assessment rates and requirements shall be established by the hearing examiner at the time of replat approval.

19.44.040 Recording. Any replat shall be filed and recorded with the county auditor and shall thereafter be the lawful plat and substitute for all former plats, Provided, that, should the said plat addition or additions be vacated and not otherwise altered or replatted, it shall only be necessary to file with the county auditor the order, resolution or ordinance vacating the same, and the auditor shall thereupon note upon the original plat the part thereof so vacated.

19.44.050 Power of council not affected. Nothing in this chapter shall in any way change, limit or affect the power now vested in the council to vacate streets and parts of streets.

Chapter 19.46

BOUNDARY LINE ADJUSTMENT PROCESS

Sections:

- 19.46.010 When authorized.
- 19.46.020 Authority to act.
- 19.46.030 Application.
- 19.46.040 Fee.

- 19.46.050 Criteria for approval.
- 19.46.060 Notice.
- 19.46.070 Decision-Effective date.
- 19.46.080 Appeal of the director's decision.
- 19.46.090 Appeal of county council's decision.
- 19.46.100 Final action.

19.46.010 When authorized. Boundary lines of lots within formal plats may be altered in accordance with the procedures of this chapter when no more than three (3) contiguous lots are involved and no new lots are created.

19.46.020 Authority to act. The director of the office of community planning is authorized to grant or deny a proposed boundary line adjustment under criteria set forth in Section 19.46.050.

19.46.030 Application. A boundary line adjustment application shall be on forms supplied by the office of Community Planning and shall be accompanied by:

(1) A title certificate disclosing all parties of interest directly affected by the proposed boundary line adjustment; and

(2) An 8-1/2 x 11 inch plat plan depicting both existing boundary lines and proposed boundary line changes drawn at a scale not to exceed 1 inch = 50 feet. Said plat plan shall reflect all easements and other encumbrances occurring within the affected lots.

19.46.040 Fee. A fee in the amount of fifty dollars (\$50.00) shall be paid to the office of community planning at the time of the application.

19.46.050 Criteria for approval. In reviewing the proposed boundary line adjustment, the director shall make the following determinations:

(1) The proposed boundary line adjustment will not detrimentally affect access, design or other public safety and welfare concerns relevant to preliminary plat approval. The evaluation of detrimental effect may include review by the health district, the department of public works or any other agency or department with expertise.

(2) The proposed boundary line adjustment will not violate either restrictive covenants contained on the face of the final plat or conditions of preliminary plat approval.

(3) The proposed boundary line adjustment will not violate applicable zoning code requirements.

19.46.060 Notice. Within seven (7) calendar days from the filing of a complete application, the office of community planning shall transmit notice thereof to all property owners of record of adjacent lots.

19.46.070 Decision-Effective date. The director shall make a determination within ten (10) days following the mailing of notice.

19.46.080 Appeal of the director's decision. The written decision of the planning director shall be final and conclusive unless, within ten (10) days thereof, a written appeal is filed with the county council. Upon receipt of a timely appeal, the council shall schedule a public hearing

in accordance with the requirements of RCW 58.12, the Plat Alteration and Vacation Act.

19.46.090 Appeal of county council's decision. The decision of the council shall be final and conclusive unless, within ten (10) days thereof, an application is submitted to a court of competent jurisdiction for writ of certiorari, a writ of prohibition, or a writ of mandamus.

19.46.100 Final action. Upon approval by either the director or the council and subsequent to the appeal period provided by Section 19.46.090, the applicant shall submit to the office of community planning a revised plat map reflecting all revisions resulting from the approved boundary line adjustment. Such map shall be in a form specified by the office of community planning. Such plat map shall contain:

- (1) The acknowledged signatures of all parties having an interest in lots whose lines have been adjusted, as disclosed by the title certificate;
- (2) A signature of a title company or licensed surveyor which attests to the accuracy of the legal description or survey describing the adjusted lot lines;
- (3) Office of community planning approval;
- (4) Council approval.

Subsequent to the receipt of all required signatures, the applicant shall return the revised plat map to the office of community planning. Upon payment of a recording fee by the applicant, the office of community planning shall record the revised plat map.

Chapter 19.56

REVIEW AND PENALTIES

Sections:

- 19.56.010 Court review.
- 19.56.020 Segregation notice.
- 19.56.030 Permit prohibition.
- 19.56.040 Injunctive relief.
- 19.56.050 Criminal penalty.
- 19.56.060 Cumulative civil penalty.
- 19.56.070 Notice of violation - Assessment of Penalty.
- 19.56.080 Collection of civil penalty.
- 19.56.090 Compromise, settlement and disposition of suits.

19.56.010 Court review. Any decision approving or disapproving any plat or parcel map reviewed as provided under this title shall be reviewable for unlawful, arbitrary, capricious action or nonaction by writ of review before the Superior Court of Snohomish County. The action may be brought by any property owner in the county having jurisdiction who deems himself aggrieved thereby; Provided, that, application for a writ of review shall be made to the court within thirty (30) days from any decision so to be reviewed. The cost of transcription of all records certified by the court for such review shall be borne by the applicant.

19.56.020 Segregation notice. When it comes to the attention of the assessor and/or treasurer of Snohomish County that a division of land has been made and not contained within a plat or parcel map, he shall forthwith notify the office of community planning of such segregation.

19.56.030 Permit prohibition. No building permit, septic tank permit or other development permit, shall be issued for any lot, tract or parcel of land divided in violation of this title, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with the provisions of this title and each purchaser or transferee may recover his damage from any person, firm, corporation or agent selling or transferring land in violation of this title, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this title, as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit and reasonable attorney's fees occasioned thereby.

19.56.040 Injunctive relief.

(1) Whenever any parcel of land is divided into two or more lots, tracts or parcels of land and any person, firm or corporation or any agent of any of them, sells, or transfers or advertises for sale or transfer any such lot, tract, or parcel without either having a final plat of such subdivision filed for record or a parcel map filed as required herein or an approved short subdivision or large tract segregation, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales or transfers or offers of sale or transfer and compel compliance with all provisions of this title. The cost of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

(2) In the enforcement of this title, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this title from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court of the count in which the alleged violation occurs. The violation of such assurance shall constitute prima facie proof of a violation of this act.

(3) Any person who violates any court order or injunction issued pursuant to this title shall be subject to a fine of not more than \$5,000 or imprisonment for not more than ninety (90) days, or both.

19.56.050 Criminal penalty.

(1) Any person, firm, corporation or association or any agent of an person, firm, corporation or association who violates any provision of this title or RCW 58.17 relating to the sale, offer for sale, lease or transfer of any lot,

tract, or parcel of land within a subdivision, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of map in violation of any such provision of this resolution shall be deemed a separate and distinct offense;

(2) Any person, firm, corporation, or association or any agent of any of them, who removed, defaces, or in any manner diminishes the legibility of any notice required herein to be posted upon the property, or who fails or omits compliance with Section 19.16.050 during the period for which posting is required, shall be guilty of a misdemeanor and punished as provided in Snohomish County Code, Section 1.01.100;

(3) Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provisions of Chapter 58.17, RCW, any provision of this title, or any term or condition of plat or parcel map approval prescribed for the plat or parcel map by the local government, then the prosecuting attorney or the attorney general, if the prosecuting attorney shall fail to act, may commence an action to restrain and enjoin such use and compel compliance with the provisions of this title or with such terms or conditions. The costs of such action may be taxed against the violator.

19.56.060 Cumulative civil penalty. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any of the provisions of this title, shall incur a cumulative civil penalty in the amount of one hundred dollars (\$100.00) per day from the date set for correction, pursuant to a notice of violation, until the violation is corrected.

19.56.070 Notice of violation - assessment of penalty. Whenever either the director of the office of community planning or the director of public works has found or determined that a violation of this title is occurring, either director is authorized to issue a notice of violation directed to the person violating this title.

- (1) The notice of violation shall contain:
- a. The name and address of the violator;
 - b. The street address or legal description sufficient for identification of the premises or land upon which the violation is occurring;
 - c. A statement of the nature of such violation(s);
 - d. A statement of the action required to be taken as determined by either the director of the office of community planning or director of the department of public works and a date for correction, which shall be not less than three (3) weeks from the date of service of the notice of violation.
 - e. A statement that a cumulative civil penalty in the amount of one hundred dollars (\$100.00) per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and
 - f. A statement that the determination of the violation may be appealed to the hearing examiner by filing written notice of appeal, in duplicate, with the department of community affairs within fifteen (15) days of service of the notice of violation. The per diem civil penalty shall

not accrue during the pendency of such administrative appeal.

(2) The notice of violation shall be served upon the person(s) to whom it is directed either personally in the manner provided for personal service of a notice or complaint in justice court, or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested to such person at his last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person affecting service, declaring time, date and the manner by which service was made.

(3) A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken to the hearing examiner pursuant to Chapter 2.02 and 18.88 SCC.

(4) For good cause shown, the director of the office of community planning or director of public works may extend the date set for correction in the notice of violation. Provided, that an extension shall not affect or extend the time within which an administrative appeal must be commenced.

19.56.080 Collection of civil penalty. The civil penalty constitutes a personal obligation of the person(s) to whom the notice of violation is directed. The prosecuting attorney, on behalf of the county, is authorized to collect the civil penalty by the use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual or additional per diem penalties so long as the violation continues.

19.56.090 Compromise, settlement and disposition of suits. The director of the office of community planning or the director of the department of public works and the prosecuting attorney are hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interest of the county.

Chapter 19.58

MISCELLANEOUS

Sections:

- 19.58.010 Severability.
- 19.58.020 Effective date.
- 19.58.030 Repeals.

19.58.010 Severability If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this act or the application to other persons or circumstances is not affected.

19.58.020 Effective date. This ordinance shall be effective January 15, 1981.

19.58.030 Repeals. The resolution known as the Snohomish County Subdivision Resolution adopted August 27, 1962 and all amendments thereto is hereby repealed and replaced in full by this ordinance.

Ordinance No. 80-116 - Amending Snohomish County Code Title 19 Subdivision Code.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Donald J. Butler
Chairman

ATTEST:

Lillian Gladys County
Clerk of the Council

- () APPROVED
() EMERGENCY
() VETOED

DATE 12-30-80

Willis D. Tucker
County Executive

PUBLISHED December 19 and 20, 1980
and January 7, 1981

Approved as to form:

JAGW
Deputy Prosecuting Attorney