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SNOHOMISH COUNTY COUNCIL

ORDINANCE NO. 85-088
AMENDING SNOHOMISH COUNTY CODE, TITLE 19
RELATING TO SUBDIVISIONS

BE IT ORDAINED:

Section 1. That SCC, Title 19, subsection 19.08.020(4), last amended by Ord. 81-101 adopted October 7, 1981, is amended to read:

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

. . . .

(4) Boundary line adjustments [~~process as set forth in SCC 19.46~~].

Section 2. That SCC, Title 19, section 19.12.080, adopted by Ord. 80-116 December 29, 1980, is amended to read:

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~~] adjustment of boundary lines which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

Section 3. That SCC, Title 19, section 19.12.240 adopted by Ord. 80-116, December 29, 1980, 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 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)~~] or transfer of ownership.

Section 4. That Section 19.16.010 SCC, adopted by Ord. 80-116, December 29, 1980, is amended to read:

19.16.010 Application submittals.

ORDINANCE RELATING TO AMENDING
SNOHOMISH COUNTY CODE, Title 19

4/23/85

Page 1

II

(1) Prior to filing an application, an applicant may arrange a preapplication conference with the office of community planning, public works and parks representative 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 Sections 19.16.030 and 19.16.040 for hearing plat applications shall not run until all information required by Chapter 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 eighteen copies to the office of community planning. Whenever a preliminary plat is revised prior to its approval, the subdivider shall submit ten (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) Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.~~

(4) (5) 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.

Section 5. That SCC, Title 19, subsection 19.16.040(1) last amended by Ord. 84-031 adopted March 5, 1984, is amended to read:

(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~~] Department of Planning and Community Development 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~~]

Department of Planning and Community Development to persons actually living within three hundred (300) feet of the proposed subdivision.

(b) By the [~~office-of-community-planning~~] Department of Planning and Community Development;

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

(ii) Publication in a newspaper of general circulation within the area where the real property which is proposed to be subdivided is located;

(iii) Mailed notice to owners of record within five hundred (500) feet of [~~the-boundaries~~] any portion of the boundary of the proposed subdivision, provided further that owners of real property located within five hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of real property proposed to be subdivided shall also be notified.

(iv) Mailed notice to any city or town whose municipal boundaries are within one mile of the proposed subdivision; to the State Transportation Secretary on every proposed subdivision located adjacent to the right of way of a State Highway or within two miles of the boundary of a state or municipal airport; 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.

Section 6. That SCC, Title 19, subsection 19.20.010(1), last amended by Ord. 81-101 adopted October 7, 1981, is amended to read:

(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 with the Department of Planning and Community Development at least 30 days 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 applicant has attempted in good faith to submit the final plat within the three year period in accordance with preliminary plat approval procedures of this title and Chapter 2.02 SCC;

Section 7. That SCC, Title 19, section 19.20.050 adopted by Ord. 80-116 December 19, 1980, is amended to read:

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 and receive extensions of the preliminary plat approval

as set forth in Section 19.20.010, the preliminary plat approval shall lapse.

Section 8. That SCC, Title 19, section 19.24.060 adopted by Ord. 80-116 December 29, 1980, is amended to read:

19.24.060 Parks.

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

~~[(2)]~~ (1) 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.

Section 9. That SCC, Title 19, section 19.40.010, adopted by Ord. 80-116 December 29, 1980, is amended to read:

19.40.010 Procedure for filing.

(1) For purposes of filing a final plat, the subdivider shall submit to the ~~[(office of community planning)]~~ Department of Planning and Community Development 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)]~~ Department of Planning and Community Development 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.

(3) Each preliminary plat submitted for final approval of the county council 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) Department of Planning and Community Development, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;

(c) Department of Public Works;

(d) Other relevant federal, state or local agencies.

None of the agencies listed in subsections (a) and (c) of this section shall modify the terms of its recommendation without the consent of the applicant.

(4) 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 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.

Section 10. That SCC, Title 19, section 19.40.080 adopted by Ord. 80-116 December 29, 1980, is amended to read:

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
Dept. of Planning & Community
Development

c. Examined, found to be in conformity with applicable zoning and other land use controls, 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 _____, 19__, at _____ minutes past _____ m, and recorded in Vol. ___ of Plats, page _____, records of Snohomish County, Washington.

Auditor

By: _____
Deputy County Auditor

Section 11. That SCC, Title 19, section 19.40.100 adopted by Ord. 80-116 December 29, 1980, is amended to read:

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. For a period of five years after final plat approval, unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare in the subdivision, a subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations which were in effect at the time of approval, and which formed the basis for the recommendations of the Snohomish Health District and Department of Public Works.

Section 12. That SCC, Title 19, Section 19.56.010 adopted by Ord. 80-116 December 29, 1980, is amended to read:

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.~~] Standing to bring the action is limited to the following parties:

(1) The applicant or owner of the property on which the subdivision is proposed;

(2) Any property owner entitled to special notice under 19.16.040;

(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.

Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost

of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

Section 13. That SCC, Title 19, section 19.56.040 adopted by Ord. 80-116 December 29, 1980, is amended to read:

19.56.040 Injunctive relief.

(1) ~~Except as provided in subsection (2) of this section, [(W)]~~ 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) ~~If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this title, the offer or agreement is not subject to subsection (1) of this section and does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this subsection shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final plat is approved and recorded as provided in this title.~~

~~[(2)]~~ (3) 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 ~~[(s)]~~ Superior ~~[(e)]~~ Court for Snohomish ~~[(of-the)]~~ ~~[(e)]~~ County, ~~[(in-which-the-alleged-violation-occurs)]~~ The violation of such assurance shall constitute prima facie proof of a violation of this ~~[(act-)]~~ title.

~~[(3)]~~ (4) Any person who violates any court order or injunction issued pursuant to this title shall be subject to a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than ninety (90) days, or both.

Dated this 18th day of September, 1985.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Barbara Agnew

Chairman

Kathryn J. Norton

Clerk of the Council

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

DATE *9-27-85*
THOMAS G. CARLSON
DEPUTY EXECUTIVE

[Signature]

County Executive

PUBLISHED -----

-----, DPA

Approved as to form