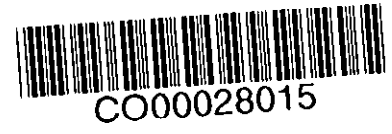


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SNOHOMISH COUNTY COUNCIL
AMENDED - *Emergency*
ORDINANCE NO. 86-096

REPEALING SCC TITLE 20A REGULATING LARGE TRACT
SEGREGATIONS AND AMENDING SNOHOMISH COUNTY
CODE TITLE 19 TO ADD LARGE LOT SUBDIVISIONS

WHEREAS, the Council desires to repeal Title 20A SCC, the Large Tract Segregation Ordinance, and incorporate the provisions of Title 20A SCC into Title 19 (Subdivisions) and Title 20 (Short Subdivisions) to the extent such provisions are consistent with the requirements of state law;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That SCC Title 20A, Large Tract Segregation Ordinance, is hereby repealed in its entirety.

Section 2. That the title page of SCC Title 19, Subdivision Code, is amended to read:

Chapters:

- 19.04 Purpose
- 19.08 Applicability
- 19.12 Definitions
- 19.14 Fees
- 19.16 Preliminary Plat Submittal and Notice 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~~] Small Lot Subdivision Standards Capable of Modification
- 19.30 Large Lot Subdivision Standards Capable of Modification
- 19.32 Small Lot Subdivision Construction Requirements
- 19.36 Modifications
- 19.40 Final Plat
- 19.44 Replats
- 19.56 Review and Penalties
- 19.58 Miscellaneous

Section 3. That SCC Title 19, Section 19.08.010, last amended by Ord. 85-071 adopted August 7, 1985, is amended to read:

19.08.010 Scope of coverage:

(1) Subdivisions as defined in this title.

(2) Large lot subdivision as defined in this title.

~~[(+2)]~~ (3) Every redivision of a short subdivision occurring within five (5) years of the date of recording of the original short 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-;}]~~

NEW SUBSECTION, Section 4. That the following new subsection is added to SCC Title 19, Section 19.08.020:

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

....

(9) Large lot subdivision, as defined herein, where:

A. Prior to July 30, 1979 actual subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

1. There was filed with the Snohomish County Planning Department a large lot subdivision map and legal descriptions of lots contained therein, or

2. There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided, or

3. There was filed with the Snohomish County Assessor a tax segregation of the tracts to be subdivided, or

4. There were sales and/or transfers of interest in tracts or parcels;

PROVIDED, that said exemptions shall only apply to those specific tracts actually sold or transferred or actually depicted on a map filed with the county pursuant to 1 through 4 above;

OR

B. An application which meets the requirements of SCC 19.22.040 was filed subsequent to July 30, 1979, but prior to Sept. 15, 1986 pursuant to former Title 20A SCC; provided, that any such application must be or have been processed pursuant to the procedural requirements of former Title 20A SCC.

PROVIDED that all such large lot subdivisions listed in subsections A and B above must comply with all other minimum requirements of applicable state laws and all applicable legal access and zoning requirements of the Snohomish County zoning code; PROVIDED FURTHER That all large lot subdivisions not meeting the conditions as set forth in this section shall be governed by, and be subject to the provisions of this ordinance.

NEW SECTION, Section 5. That the following new section is added to SCC Chapter 19.12:

19.12.125 Department Department means the Department of Planning and Community Development

Section 6. That SCC Title 19, Section 19.12.130, enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

19.12.130 Director. "Director" is the Director of the ~~[(office-of-community-planning-in-the-department-of-community-affairs)]~~ department of planning and community development or his designated representative.

NEW SECTION, Section 7. That the following new section is added to SCC Title 19, Chapter 19.12:

19.12.165 Large lot subdivision. "Large lot subdivision" is the division of land into five (5) or more lots, each of which is one-one hundred twenty-eighth (1/128) of a section or larger, or five (5) acres or larger if the land is not capable of subdivisional description.

NEW SECTION, Section 8. That the following new section is added to SCC Title 19, Chapter 19.12:

19.12.225 Small lot subdivision. "Small lot subdivision" is the division or redivision of land into five (5) or more lots one of which contains less than one-one

hundred twenty-eighth (1/128) of a section, or five (5) acres if the land is not capable of subdivisional description.

Section 9. That the title of SCC Chapter 19.16 is amended to read:

CHAPTER 19.16

PRELIMINARY PLAT SUBMITTAL AND NOTICE PROCEDURES

Section 10. That SCC Section 19.16.010, last amended by Ord. 85-088 adopted September 18, 1985, is amended to read:

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~~] department, public works and parks representatives for the purpose of preliminary review and discussion of the proposal.

(2) A master application, [(P)] preliminary plat and environmental checklist shall be [(filed-with-the-office-of community-planning)] submitted with appropriate fees to the department. Within three (3) weeks of the date of receipt of the application the [~~director~~] department shall determine if the application is incomplete or inaccurate. The [~~director~~] department 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~~] department. Resubmittals with the necessary information making the application complete within six (6) months of original filing will not be subject to additional plat filing fees.

(3) The applicant shall transmit [~~not-less~~] no fewer than 18 copies to the [(office-of-community-planning)] department. Whenever a preliminary plat is revised prior to [~~its-approval~~] public hearing, the subdivider shall submit 10 copies of the revision, appropriately marked as such to the [~~office-of-community-planning~~] department. The [~~office-of-community-planning~~] department 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.

(5) The [~~office-of-community-planning~~] department 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 11. That SCC Title 19, subsection 19.20.010(1), last amended by Ord. 85-088 adopted September 18, 1985, is amended to read:

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 with the [~~Department-of-Planning-and-Community-Development~~] department 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[~~(if 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 12. That SCC Title 19, section 19.20.030, adopted by Ord. 80-116 December 29, 1980, is amended to read:

19.20.030 Prohibition against other subdivisions. No subdivision by short plat (Title 20, SCC) [~~Large-Tract Segregation-(Title-20A7-SEC)~~] shall be approved which includes any land contained within an approved preliminary plat during the period in which such preliminary plat is valid.

Section 13. That the title of SCC Title 19, Section 19.22.020 enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

19.22.020 Format - Small Lot Subdivision

Section 14. That the title of SCC Section 19.22.030 enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

19.22.030 Content - Small Lot Subdivision

NEW SECTION, Section 15. That the following new section is added to SCC Title 19, Chapter 19.22:

19.22.040 Content and Supporting Documents - Large Lot Subdivision. Preliminary plat applications for large lot subdivisions shall include the following:

- (1) Plat name;
- (2) The name, address and telephone number of the applicant;
- (3) A certification by the applicant showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement, or option by any person, firm, or corporation in any manner connected with the development and the names, addresses and telephone numbers of all such persons, firms or corporations;
- (4) The legal descriptions of the boundaries of the land to be subdivided;
- (5) The number and, unless subdivisionally described, square footage computation, of each lot with sufficient accuracy to show that each such lot contains at least sufficient footage to meet minimum zoning and large lot subdivision requirements;
- (6) The desired plat map scale shall be a minimum of one inch equals two hundred feet (1"=200');
- (7) The date, scale and north arrow;
- (8) The source of water supply and, if a public system is used, the name of the supplier;
- (9) The method of sewage disposal and, if sanitary sewer is used, the name of the district having management over the system; where on-site disposal systems are proposed, a report shall be submitted by a licensed on-site system designer or civil engineer experienced in on-site system design to the health district which shall identify an area preliminarily acceptable for sewage disposal based upon a minimum of two (2) soil logs on each five (5) acre lot. Preliminary acceptability shall be based upon minimum standards of the Snohomish Health District. The Snohomish

Health District may require additional data than that submitted to confirm site suitability for on-site sewage disposal;

- (10) The existing zoning classification;
- (11) Preliminary road alignment showing minimum access to all lots;
- (12) Identification of critical areas as defined in Title 24, Chapter 24, Snohomish County Drainage Ordinance;
- (13) Environmental checklist;
- (14) Vicinity sketch sufficient to locate the property;
- (15) Location and width of any existing easements or rights-of-way crossing the property.

Section 16. That the title of SCC Chapter 19.28 enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

CHAPTER 19.28

~~[(PRELIMINARY-PLAT)]~~ SMALL LOT SUBDIVISION
STANDARDS CAPABLE OF MODIFICATION

Section 17. That SCC Title 19, Section 19.28.010, enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

19.28.010 Standards-General. For Small Lot Subdivisions, ~~[(?)]~~ 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)]~~ approved by the hearing examiner and/or the council during the preliminary plat approval process.

NEW SECTION, Section 18. That the following new chapter is added to SCC Title 19:

Chapter 19.30

LARGE LOT SUBDIVISION STANDARDS
CAPABLE OF MODIFICATION

Sections:

19.30.010 Minimum standards.

19.30.010 Minimum standards. Upon the following subject matters, the public use and interest shall be deemed to require the minimum standards as set out below:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and large lot subdivision requirements. In meeting large lot subdivision requirements, lot size computation may include the square footage of land contained in road easements, access panhandles and one-half (1/2) the width of the county road right-of-way abutting the subdivided property;

(2) Drainage facilities shall be designed to pass a twenty (20) year design storm with no culvert being less than twelve (12) inches in diameter;

(3) Bridges shall be subject to approval of the county engineer;

(4) Where any abutting county right-of-way has insufficient width to conform to minimum width standards for Snohomish County, additional right-of-way shall be deeded or dedicated to Snohomish County to conform the abutting half to such standards. Access to the boundary of all large lot subdivisions shall be provided by an open, constructed and maintained county road or county roads or approved trail permit, except that access to the boundary of the large lot subdivision by private road may be permitted where such private road is within an adjoining large lot subdivision and conforms to all the standards of this title and further, written permission is obtained from all owners of record of said private road; PROVIDED, that the county engineer may waive some or all improvement standards of this subsection when he finds that the existing private road is minimally adequate to serve the additional tracts, and that the applicant demonstrates full standards are unnecessary, impossible to achieve or result in an inequitable financial burden.

(5) Road standards:

A. Minimum road standards shall be provided as set forth in the "Minimum Standards for Private Roads Serving

Large Lot Subdivisions" section of the adopted road standards of the county engineer. Said standards require a minimum right-of-way width of sixty (60) feet. Additional width shall be provided if necessitated by cuts or fills. Cul-de-sac rights-of-way shall be ninety (90) feet in diameter;

B. The overall road network and access needs of lands in the area of the large lot subdivision shall be considered in determining road location within the large lot subdivision;

C. Where a road right-of-way extending to a boundary property line is not needed to provide improved legal access to the abutting large lots, then said right-of-way need not be initially constructed where not providing access, PROVIDED that the right-of-way is capable of being constructed to the minimum standards of large lot subdivisions;

D. Utilities located within the road right-of-way shall be placed in accordance with the minimum private road standards specifications referenced in Section 19.30.010(4) unless waiver is granted by the county engineer;

E. Utility easements meeting the standards of all involved utilities shall be established as part of the final plat map. Prior to installation of utilities, the developer shall receive approval from the involved utility district as to the acceptability of such location and minimum standards for installation.

F. Stop signs constructed to engineering department standards shall be installed as required by the engineering department;

G. Lots shall generally be designed to have a minimum of individual accesses on the public road serving the property.

Section 19. That the title of SCC Chapter 19.32 enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

CHAPTER 19.32

SMALL LOT SUBDIVISION CONSTRUCTION REQUIREMENTS

Section 20. That SCC Title 19, Section 19.36.020, enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

19.36.020-Coverage. Modification of any requirements of Chapter 19.28 or Chapter 19.30 may be requested. Modification of other provisions of this title may not be applied for or granted.

Section 21. That SCC Title 19, Section 19.36.030, enacted by Ord. 80-116 adopted December 29, 1980, is amended to read:

19.36.030-Application procedure. Any preliminary plat which includes a request for one or more modifications of the requirements of Chapter 19.28 or Chapter 19.30, shall be accompanied by a statement setting forth in detail any such modification and the reasons therefor. The [~~office of community planning~~] department shall not process any preliminary plat not meeting the requirements of Chapter 19.28 or Chapter 19.30, unless a modification has been concurrently requested.

Section 22. That SCC Title 19, subsection 19.56.040(1), last amended by Ord. 85-088 adopted September 18, 1985, is amended to read:

19.56.040--Injunctive relief.

(1) Except as provided in subsection (2) of this section, 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, 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~~] lot-subdivision, 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.

Section-23. Sections 2 through 22 are hereby repealed effective March 1, 1987.

Section 24. Emergency. The council finds that legal challenges to the validity of portions of Snohomish County Code Title 20A have been brought and that an oral ruling has been entered in one such superior court proceeding that portions of Title 20A are invalid. Based upon the foregoing, the council finds that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health and safety and for the immediate support of county government and its existing public institutions. This ordinance shall be effective immediately.

Dated this 15th day of September, 1986

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Bena Agum
Chairman

Sheila McCallister
Asst. Clerk of the Council

() APPROVED

() EMERGENCY

() VETOED

DATE 9-16-86

William D. Tucker
County Executive

PUBLISHED _____

Bob W. Sibley, DPA
Approved as to Form only

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