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EXECUTIVE OFFICE

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SNOHOMISH COUNTY COUNCIL



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ORDINANCE NO. 87-030
AMENDING SNOHOMISH COUNTY CODE
TITLE 20, RELATING TO SHORT SUBDIVISION CODE

BE IT ORDAINED:

Section 1. That SCC, Title 20, section 20.08.020, enacted by Resolution adopted August 28, 1972, is amended to read:

20.08.020 [(Board)] Council. [~~"Board" is the board of county commissioners~~] "Council" means the Snohomish County Council.

Section 2. That SCC, Title 20, section 20.08.030, enacted by Resolution adopted August 28, 1972, is amended to read:

20.08.030 Comprehensive plan. "Comprehensive plan" is the goals, objectives and policies, documents and maps adopted by motion by the [(board)] council to guide the physical development of the county; to coordinate county programs, services and controls, and to promote the general welfare.

NEW SECTION. Section 3. That a new section 20.08.051, is added to SCC, Title 20, to read:

20.08.051 Department. "Department" means the Department of Planning and Community Development.

Section 4. That SCC, Title 20, section 20.08.070, enacted by Resolution adopted August 28, 1972, is amended to read:

20.08.070 Access panhandle. "Access panhandle" is a strip of land having a width narrower than that of the lot, tract, or parcel to be served thereby and designed for the purpose of providing access to a lot, tract, or parcel being [~~less in width than the minimum lot width allowed under the applicable zoning~~] of a width as provided in subsection 20.28.010(7), SCC.

Section 5. That SCC, Title 20, section 20.12.020, last amended by Ord. 86-097 adopted September 15, 1986, is amended to read:

20.12.020 Exemptions. The provisions of this resolution shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

ORDINANCE RELATING TO ZONING AND
AMENDING SNOHOMISH COUNTY CODE,
TITLE 20, SHORT SUBDIVISION CODE
Page 1

s;ordtitle20:7
3/2/87

(2) Divisions made by testamentary provisions or the laws of descent;

(3) Any division of land regulated by Title 19, Snohomish County Subdivision Code;

(4) Boundary line adjustment of parcels not in a plat or short plat approved subsequent to August 10, 1969, where access is not affected and where no new lot is created thereby and where no lot is reduced in size below the minimum square footage required by the applicable zoning control; PROVIDED, that in order to assure that no new lot will result therefrom, a declaration of boundary line adjustment, in a form prescribed by the [(Planning B)]department, shall be recorded with the Snohomish County Auditor;

(5) Divisions of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

(6) Any division where no permanent road may be constructed and where restrictive covenants or lease provisions prohibit construction of buildings of a type that permits human occupancy, overnight camping, or other human habitation;

(7) Any division of land into lots, tracts, or parcels, where the smallest tract is at least one thirty-second (1/32) of a section, or is twenty (20) acres if the land is not capable of subdivisional description.

Section 6. That SCC, Title 20, section 20.12.030, last amended by Ord. 86-024 adopted May 14, 1986, is amended to read:

20.12.030 Limitations on regulations.

(1) Two lot subdivisions. Where the division of land is into two (2) lots or parcels only, then the provisions of Sec. 20.20.040 and Sec. 20.20.050 relating to identification markers shall not apply and the [(Planning-B)]department may request immediate review and comment from the Snohomish Health District, County Engineering Department, and any other agency listed in Sec. 20.20.070 and then may summarily consider the proposed short subdivision on the date of application.

Section 7. That SCC, Title 20, section 20.12.040, last amended by Resolution adopted November 26, 1979, is amended to read:

20.12.040 Public dedications. Where a public dedication is to be made such dedication shall be made in conformance to the existing plans of the accepting body. All public dedications shall be subject to the approval of the [(Board-of-County Commissioners)] council.

Section 8. That SCC, Title 20, subsection 20.12.050 (3), last amended by Ord. 86-024 adopted May 14, 1986, is amended to read:

20.12.050 Redivisions of Land.

. . .

(3) Within an Exempt Subdivision. Land within a subdivision exempted from plat or short plat requirements by RCW 58.17.040 (2) or SCC Section 20.12.020 (7) may not be further subdivided in any manner within five (5) years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel until a final plat thereof has been approved and filed for record pursuant to Snohomish County regulations concerning the subdivision of property into five (5) or more lots, tracts or parcels; provided, that the above prohibition shall not apply as to lots, tracts or parcels conveyed to purchasers for value.

For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or ~~[(planning)]~~ the department, or such other similar proof as is considered sufficient by the ~~[(planning)]~~ department. After five (5) years, further divisions may be permitted by a parcel owner when otherwise consistent with the then current regulations of Snohomish County.

Section 9. That SCC, Title 20, section 20.20.010, enacted by Resolution adopted August 28, 1972, is amended to read:

20.20.010 Application. ~~[(Seven-(7))]~~ Eight (8) copies of the proposed short plat shall be submitted on a form provided by ~~[(to)]~~ the ~~[(planning)]~~ department ~~[(upon-forms-furnished-by-said body)]~~ which shall affix thereto a file number and the date of receipt.

Section 10. That SCC, Title 20, section 20.20.020, last amended by Ord. 81-037 adopted April 29, 1981, is amended to read:

20.20.020 Fees. A fee of two hundred dollars (\$200.00) shall be paid ~~[(to-the-office-of-community-development)]~~ at the time of application for short plat approval. A fee of fifty dollars (\$50.00) shall be paid ~~[(to-the-office-of-community-development)]~~ upon filing of an appeal pursuant to Section 20.20.090 or application for modification pursuant to Chapter 20.32.

Section 11. That SCC, Title 20, section 20.20.070, last amended by Ord. 86-024 adopted May 14, 1986, is amended to read:

20.20.070 Department procedure on application. (1) The ~~[(planning)]~~ department shall distribute one (1) copy of the short plat to each of the following:

- A. County health district;
- B. County engineering department;
- C. Washington State Department of Transportation, if the short plat application covers property located adjacent to the right-of-way of a state highway;
- D. Any other federal, state or local agencies as may be relevant.

(2) The [~~planning~~] department shall then set a date for return of findings and recommendations from each relevant agency, the date to be ten (10) working days from the date of application, provided, however, that the Department of Transportation shall have fourteen (14) days from the date of receipt in which to make findings and recommendations. If the findings and recommendations are not so returned, then the [~~planning-~~] department may make such findings as it deems just.

Section 12. That SCC, Title 20, section 20.20.080, last amended by Ord. 85-105 adopted December 4, 1985, is amended to read:

20.20.080 Department action. (1) The [~~planning~~] department shall consider and review the proposed short subdivision with regard to:

A. Its conformance to the general purposes of the comprehensive plan and planning standards and specifications as adopted by the laws of the state of Washington and Snohomish County;

B. Whether appropriate provisions are made in the short subdivision for: drainage ways, streets, alleys, other public ways, water supplies, and sanitary wastes;

C. The physical characteristics of the short subdivision site and may disapprove because of flood, inundation, or swamp conditions. It may require construction of protective improvements as a condition of approval;

D. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.

(2) The department [~~of-planning-and-community-development~~] may:

A. Approve the short subdivision with or without conditions; or

B. Return the short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings or

C. Disapprove the short subdivision and the short plat thereof or

D. Submit the proposed short plat to the hearing examiner for his consideration together with the department's [~~of-planning and-community-development's~~] recommendation. The examiner shall hear the application in accordance with the procedures of Chapter 2.02 Snohomish County Code and with such notice as is required for

hearings on preliminary plat applications; the examiner's decision shall be final and conclusive with right of appeal to the council pursuant to Chapter 2.02 SCC.

Section 13. That SCC, Title 20, section 20.20.090, last amended by Ord. 85-105 adopted December 4, 1985, is amended to read:

20.20.090 Hearing examiner review, if aggrieved. Any person aggrieved by the decision of the department [~~(of-planning-and community-development)~~] on a short subdivision application may request a review of that decision by the hearing examiner. Such request must be made [~~(in-writing)~~] within fifteen (15) calendar days from the date of the [~~(department's)~~] written decision [~~(was made)~~]. Appeals shall be filed with the department [~~(of-planning and-community-development)~~] in writing and shall contain a brief description of why error is assigned to the department's determination and shall be accompanied by a fee of fifty dollars (\$50.00). Such appeal fee shall not be charged to [~~(a department)~~] an agency of the county or [~~(other-than-the-first)~~] a second appellant. The appeal shall be heard pursuant to Chapter 2.02 SCC and notice shall be required as is provided for hearings on preliminary plat applications. The decision of the hearing examiner shall be final and conclusive with right of appeal to the council pursuant to Chapter 2.02 SCC.

Section 14. That SCC, Title 20, section 20.24.010, enacted by Resolution adopted August 28, 1972, is amended to read:

20.24.010 Application. Eight (8) copies of [~~(7)~~]the application shall be submitted on a form provided by the [~~(Planning-D)~~]department and shall contain the following information:

- (1) The name, address, and telephone number of the subdivider;
- (2) A certification by the subdivider 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 and addresses and telephone numbers of all of such persons, firms, or corporations;
- (3) The existing zoning classifications;
- (4) The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum zoning and health requirements. The square footage of land contained in road easements or access panhandles shall not be included in the lot size computation;
- (5) The source of water supply and, if a public system is used, the name of the supplier;

(6) The method of sewage disposal and, if sanitary sewer is used, then the name of the district having management over the system.

Section 15. That SCC, Title 20, subsection 20.24.020 (1), enacted by Resolution adopted November 26, 1979, is amended to read:

20.24.020 Map. A map shall be prepared on a sheet of paper or on reproducible material, either of them having dimensions of eight and one-half (8 1/2) inches by fourteen (14) inches and containing the following information:

(1) A legal description of the perimeter of the short subdivision [~~and of the lots, tracts or parcels therein together with the legal description of private roads and easements therein, all prepared or approved and sealed by a registered land surveyor or prepared or approved and certified by a Title Company~~]. In addition, where it differs from the description of the short subdivision, a legal description of the contiguous land owned by the subdivider shall be included [~~which description~~] and may be copied from the applicable deeds or other instrument evidencing ownerships[~~(7)~~]. Prior to final approval, the legal descriptions of the lots, tracts or parcels within the short subdivision, together with the legal description of private roads and easements therein, must be submitted. All required legal descriptions must be prepared or approved and sealed by a registered land surveyor, or prepared or approved and certified by a Title Company.

Section 16. That SCC, Title 20, section 20.24.040, enacted by Resolution adopted August 28, 1972, is amended to read:

20.24.040 Certificates. The following declarations and certificates must be obtained prior to final approval of the short subdivision:

- (1) A declaration of short subdivision;
- (2) Certification of approval by the [~~Planning Department~~] department given when it finds that the short plat serves a public use and interest and complies with all adopted recommendations for approval.

Section 17. That SCC, Title 20, section 20.24.050, enacted by Resolution adopted August 28, 1972, is amended to read:

20.24.050 Certification. The written approval of the [~~Planning Department~~] department [~~or the Board, if it renders the decision~~] shall be inscribed on the face of the short plat.

Section 18. That SCC, Title 20, section 20.28.010, last amended by Ord. 86-097 adopted September 15, 1986, is amended to read:

20.28.010 Minimum standards. [~~Upon the following subject matters, the public use and interest shall be deemed to require as a minimum the standards set out below.~~] The public use and interest require, as to the following subject matters, that the following minimum standards be met:

(1) That each lot shall contain sufficient square footage to meet minimum zoning and health requirements. The square footage of land contained in road easements or access panhandles shall not be included in the lot size computation;

(2) Bridges and storm drainage facilities shall be subject to the approval of the county engineer;

(3) Where any abutting county road has insufficient width to conform to minimum road width standards for Snohomish County, sufficient additional right-of-way shall be dedicated to Snohomish County on the short plat to conform the abutting half to such standards.

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

(5) Access to arterials. Lots within a short subdivision shall be designed so that lots adjacent to county arterials shall be laid out in such a manner as to not require direct access thereto and a waiver of the right of direct access shall be required as a condition of approval except that, if the subdivider presents proof that direct access to such lots is necessary to the development of his property and the [(planning)] department so finds, the [(planning)] department may permit direct access. This shall not apply to any parcels of one-one hundred twenty-eighth (1/128) of a section or five (5) acres or more.

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

(7) Minimum access to all lots within a short subdivision containing any lot less than one-one hundred twenty-eighth (1/128) of a section, or 5 acres in area shall be provided by an opened, constructed and maintained county road or a private road sufficiently improved for automotive travel having right-of-way width as set forth in the following table:

<u>Design Potential for Access</u>	<u>Minimum Widths</u>
One lot	20'
Two to four lots	30'
More than four lots	60'

(8) Short subdivisions where each lot contains one-one hundred twenty-eighth (1/128) of a section, or five (5) acres or

more in area, and where the final short plat is a record of survey, may take access from an opened constructed and maintained county road or county roads, or from a private road complying with the "Minimum Road Standards for Private Roads Serving Large Lot Subdivisions" contained in the county road standards. 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 lots, and that the applicant demonstrates full standards are unnecessary, impossible to achieve or result in an inequitable financial burden. Where private road access is provided, a registered professional engineer shall certify, prior to final approval, that road drainage facilities, including cross culverts, and other site improvements, have been constructed and installed in accordance with this title and sound engineering practice.

(9) The maximum number of lots that may be served by a private road shall be four (4) unless modification is granted by the hearing examiner, or unless the short subdivision contains no lot having an area of less than one-one hundred twenty-eighth (1/128) of a section or five (5) acres. In all other cases, access to any lot shall be by an opened, constructed and maintained county road or county roads.

(10) If the subdivider uses a private road, each lot having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a utilities easement.

(11) Short subdivisions located in special flood hazard areas as defined by Title 27, Snohomish County Code, shall comply with the provisions of Section 27.24.010 C.

Section 19. That SCC, Title 20, section 20.32.010, enacted by Resolution adopted August 28, 1972, is amended to read:

20.32.010 General. Any subdivider may make application to the [~~planning~~] department for a variation or modification where it appears there exists extraordinary conditions such as topography, access, location, shape, size, drainage, or other physical features of the site or other adjacent development. Such application shall accompany the proposed short plat and shall include any and all details as the developer deems necessary to support his application properly and shall outline the provisions from which the modification is sought.

Section 20. That SCC, Title 20, section 20.32.030, last amended by Resolution adopted September 28, 1978, is amended to read:

20.32.030 Minimum processing time. Such application shall be filed with the [~~Snohomish-County-planning~~] department no later

than twenty-six (26) days prior to the hearing examiner public hearing.

Section 21. That SCC, Title 20, section 20.36.020, enacted by Resolution adopted August 28, 1972, is amended to read:

20.36.020 Segregation. When it comes to the attention of the Assessor of Snohomish County that a division of land has been made whether or not contained within a short plat but not contained within a plat, he shall forthwith notify the [(Planning B)]department of such segregations.

Section 22. That SCC, Title 20, section 20.36.040, last amended by Resolution adopted September 15, 1975 is amended to read:

20.36.040 Building 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 resolution or of Chapter 58.17 RCW, unless the authority authorized to issue such permit finds that the public interest would not be adversely affected thereby. Such findings shall not be made until the matter has been referred to the [(Planning B)]department for its review and recommendations as to whether the public interest would be affected adversely thereby. If the [(Planning-B)]department should fail to make a recommendation within ten (10) days of the submission of the matter to it, then the authority authorized to issue such permit may make his own determination. 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 act and each purchaser or transferee may recover his damages from any person, firm, corporation or agent, including any amount reasonably spent as a result of an inability to obtain any development permit and any amount spent to conform to the requirements of this resolution, 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 cost of investigation, suit and reasonable attorney's fees occasioned thereby.

Dated this 13th day of May, 1987.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Shirley Bartholomew
Chairman

Kathleen J. Martin
Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE May 19, 1987

John Martinis
County Executive

JOHN MARTINIS
Deputy Executive

PUBLISHED _____

Paul A. Tamm, DPA

Approved as to form only