

SNOHOMISH COUNTY COUNCIL



CO00027414

ORDINANCE NO. 87- 034
AMENDING SNOHOMISH COUNTY CODE
TITLE 26B, RELATING TO
LARGE LOT SUBDIVISION REFERENCES

BE IT ORDAINED:

Section 1. That SCC, Title 26B, section 26B.51.020, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

26B.51.020 Development. "Development" means all subdivisions, short subdivisions as defined herein, large [~~tract segregations~~] lot subdivisions under county authority, multiple residential structures, planned residential developments, planned community businesses, planned neighborhood shopping centers, industrial parks, campgrounds, mobile home parks, industrial or commercial buildings requiring land use approvals, conditional use permits, or building permits (except building permits for single-family residences and duplexes) in unincorporated Snohomish County, and other similar projects requiring land use permits or approvals by Snohomish County.

Section 2. That SCC, Title 26B, section 26B.51.060, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

26B.51.060 Large [~~tract-segregation~~] lot subdivision.
[~~"Large-tract-segregation" means the division of land for the purpose of sale, lease or development into two or more tracts or parcels, each of which is at least one one-hundred-twenty-eighth of a section, or is five acres if the land is not capable of subdivisional description.~~] "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.

Section 3. That SCC, Title 26B, section 26B.55.010, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

26B.55.010 Time of determination.

(1) The determination of developer obligations shall be made by the county before approval of all preliminary plats, short subdivisions, large [~~tract-segregations~~] lot subdivisions, conditional and special use permits, variances and rezones incorporating binding site plans which are use-specific (including retail shopping centers).

(2) The determination of developer obligations shall be made by the county before building permit issuance for all other developments.

(3) Developers must submit a written proposal to fulfill their obligations under this title to the director in conjunction with their traffic study if required, or in any event sufficiently far enough in advance of a public hearing (or county decision if no hearing on the application is required), to allow review and recommendations by the director and hearing body.

(4) Where this chapter allows a choice of means to fulfill the developer obligations, that choice shall be based primarily upon two factors: developer preference and feasibility of accomplishing the required road work under the chosen method.

Section 4. That SCC, Title 26B, section 26B.55.030, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

26B.55.030 Developer obligations--Level of service C.

(1) Developers whose projects will be served by a road system which will be to level of service C following completion of the development shall be obligated to an agreement not to protest formation of a road improvement district, which agreement shall be filed and recorded with the county auditor for each lot, parcel or tract created or involved in the development, and which shall bind successors in interest in the property developed. An agreement not to protest formation of a road improvement district (RID) may grant the county a power of attorney to exercise a vote at such time as voting is required on formation of the RID. An agreement not to protest shall define those portions of the road system to which it applies and the approximate scope of improvements required.

(2) The agreement not to protest shall be:

(a) Imposed as a condition of preliminary/conditional approval to be executed and recorded prior to or contemporaneous with recordation of the subdivision, large [~~tract-segregation~~] lot subdivision or short subdivision; or

(b) Executed and recorded prior to the effective date of a rezone; or

(c) Imposed as a condition of approval on a conditional or special use permit to be executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; or

(d) Executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; whichever comes first.

(3) Such developers also shall be obligated to perform frontage road improvements or dedicate additional right-of-way where required.

Section 5. That SCC, Title 26B, section 26B.55.040, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

26B.55.040 Developer obligations--Level of service D.

(1) Developers whose projects will be served by a road system which will be at level of service D following completion of the development shall incur obligations to mitigate the direct impact of said development which may be fulfilled in one of the following manners:

(a) Execution of a valid written voluntary agreement between the county and the developer (and bond if required) by which the developer agrees to pay his proportionate share of the cost of mitigation improvements in accordance with this title.

(b) Formation of a road improvement district (RID) for full improvements, in conformance with RCW 36.88.060, as set forth herein;

(c) Execution of a negotiated voluntary agreement between the county and the developer (and bond if required) by which the developer agrees to fund certain partial or interim improvements which mitigate the direct impact of said development; or

(d) Execution of a voluntary agreement for the payment of a fee to mitigate a direct impact that has been identified as a consequence of the proposed development.

(2) Under options (a), (b) and (c), above, no building permits or plumbing hook-up permits will be issued unless all funding necessary for the work is committed to the road project and the work is either under contract or being performed. No use or occupancy of such developments may occur until the required road improvements are completed.

(3) Under options (c) and (d) above, the developer shall also participate in an agreement not to protest formation of a road improvement district pursuant to SCC 26B.55.030. Whenever the road improvement district is formed, the developer and/or his successors in interest shall receive credit equal to the value of the improvement constructed pursuant to any negotiated agreement plus credit for the value of the cost of living increase from the time the improvement was constructed until the time the road improvement district is formed or equal to the fees paid pursuant to the fee option plus the value of the cost of living increase from the time the fees were paid until the time the road improvement district is formed.

(4) Where a written agreement between the developer and the county is required, the county may require a bond or other security acceptable to it to ensure that the payment will be made as agreed upon.

(5) Where the proportionate share or negotiated agreement option is selected, the agreement shall be:

(a) Imposed as a condition of preliminary/conditional approval to be fully executed and satisfactory bond or other security provided if required, at or prior to recordation of the

subdivision, short subdivision, or large [~~tract-segregation~~] lot subdivision; or

(b) Executed and recorded prior to rezone approval; or

(c) Imposed as a condition of approval on a conditional or special use permit to be executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; or

(d) Executed and recorded prior to or contemporaneously with issuance of any building or similar development permit; whichever comes first.

(6) Where the RID option is chosen, the required RID shall be:

(a) Imposed as a condition of preliminary/conditional approval requiring that the county legislative authority must have adopted a resolution creating the RID before the subdivision, large [~~tract-segregation~~] lot subdivision, or short subdivision may be recorded; or

(b) Created prior to the effective date of a rezone; or

(c) Imposed as a condition of approval on a conditional or special use permit requiring that the county legislative authority must have adopted a resolution creating the RID prior to issuance of any building or similar development permit; or

(d) Created prior to issuance of any building or similar development permit; whichever comes first.

(7) Where the fee option is chosen, an agreement to pay the fee shall be imposed and executed in the same fashion as provided for in SCC 26B.55.040(5). The fee must be paid in full prior to the issuance of a use or occupancy permit for the project.

(8) Such developers also shall be obligated to perform frontage road improvements or dedicate additional right-of-way, where required.

Section 6. That SCC, Title 26B, section 26B.55.060, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

~~26B.55.060-- Special considerations--Short subdivisions and large [~~tract-segregations~~] lot subdivisions.~~ Except in cases where apparent hazardous traffic or road conditions would result or where known hazardous traffic or road conditions would be aggravated, developers proposing large [~~tract-segregations~~] lot subdivisions or short subdivisions shall not ordinarily be required to individually fund, in whole or in part, immediate road improvements. Ordinarily, developers proposing short subdivisions and large [~~tract-segregations~~] lot subdivisions, their successors and assigns shall be required to participate in road improvement districts (RIDs) when road improvement is otherwise required by this title. In furtherance of this policy, an agreement not to protest formation of a RID will ordinarily be required at or prior to recordation of short subdivisions and

large [~~tract-segregations~~] lot subdivisions, when developer participation is required pursuant to this title.

Section 7. That SCC, Title 26B, section 26B.55.100, last amended by Ord. 82-029 SS3(part), adopted May 11, 1982, is amended to read:

26B.55.100 Credit for payment or obligations previously made or incurred. Where a payment is made or an obligation incurred prior to issuance of a building permit, plumbing hook-up permit, or the preliminary approval of a subdivision, or approval of a large [~~tract-segregation~~] lot subdivision or short subdivision, and at the time of such subsequent issuance or approval there appears to be a need for an increase or decrease in the level and/or change in form of commitment to road improvements, the county shall, by the procedure set forth in this title, increase or decrease the level and/or alter the form of commitment to road improvement required. If such increase, decrease, or alteration is required, credit shall be given for any previous payment or obligations incurred in conformity with this title.

Dated this 10th day of June, ¹⁹⁸⁷~~1986~~

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kathryn L. Weston
Clerk of the Council

Shirley Bartholomew
Chairman

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

DATE 6/19/87

John Martinis
JOHN MARTINIS
Deputy Executive
County Executive

PUBLISHED _____
Judith A. Tanner, DPA
Approved as to form only