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SNOHOMISH COUNTY COUNCIL

ORDINANCE NO. 87- 059
AMENDING SNOHOMISH COUNTY CODE
TITLE 19, CHAPTER 19.16, RELATING TO
ADMINISTRATIVE REVIEW OF LARGE LOT SUBDIVISIONS
AND AMENDING AMENDED ORDINANCE NO. 87-013, DELETING
SUNSET DATES FOR REFERENCED SECTIONS OF SCC TITLES 19 AND 20

BE IT ORDAINED:

Section 1. That SCC, Title 19, subsection 19.16.030(1), last amended by Ord. 80-116 adopted December 29, 1980, is amended to read:

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, however, that for large lot subdivisions for which a public hearing is requested, as specified in SCC 19.16.050(2)(A), the ninety (90) day limitation is extended to include up to an additional twenty-one (21) days; Provided further, that if an EIS is required, as provided in RCW 43.21C.030, the ninety (90) day((s)) 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.

Section 2. That SCC, Title 19, section 19.16.040, last amended by Ord. 85-088 adopted September 18, 1985, is amended to read:

19.16.040 Notice of [(hearing)] application.

(1) For small lot subdivision applications, n((N))otice of the public hearing to be held before the hearing examiner in accordance with the provisions of Chapter 2.02, SCC, shall be given in each of the following manners not less than fifteen (15) calendar days prior to the hearing:

((+e+)) (A) The applicant shall post on the subject property at least two (2) signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. Signs for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting.

((b)) (B) The planning division of the department of planning and community development shall provide notice of hearing in the following manner:

(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 each taxpayer of record within five hundred (500) feet of 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 that are owned by the owner of the 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 Department of Transportation 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.

(C) All hearing notices required by this section (1) shall include the date, time and place of the public hearing, and a description of the location of the proposed subdivision in the form of either a vicinity location sketch or a written description, other than a legal description.

(2) For large lot subdivision applications, the notice requirements shall be as follows:

(A) After the filing of a large lot subdivision application, the department shall give public notice in the following manner:

(i) Within ten (10) days after filing, publication of one notice in a newspaper of general circulation within the county; and publication in a newspaper of general circulation within the area where the real property which is proposed to be subdivided is located;

(ii) At least ten (10) days after the filing of the application, notice of filing of application shall also be mailed, at a minimum, to the owner of each lot or parcel of property located within five hundred (500) feet of the site.

(iii) Notice of filing shall also be mailed to any city or town whose municipal boundaries are within one mile of the proposed subdivision; to the Department of Transportation 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 department.

(B) The applicant shall post notice as described in 19.16.040(2)(C) for seventeen (17) consecutive days, beginning no later than three (3) days from the date of publication, on or around the land proposed to be subdivided in at least five (5) conspicuous places designed to attract public awareness of the proposal, including one sign on each frontage abutting a public right-of-way or at the point of access to the property. Signs for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting.

(C) All public notices required by this section (2) shall include a description of the location of the proposed subdivision in the form of either a vicinity location sketch or a written description, other than a legal description, a notification that no public hearing will be held on the application except as provided in SCC 19.16.050(2)(A) and (B) and instructions and time frames for making written comments.

(D) Any person has a period of twenty (20) days from the date of publication to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven (7) days from receipt of the comments to respond thereto.

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

Section 3. That SCC, Title 19, section 19.16.050, adopted by Ord. 80-116 December 29, 1980, is repealed.

NEW SECTION. Section 4. That a new section 19.16.050 is added to SCC, Title 19, as follows:

19.16.050 Hearing and approval procedure.

(1) Preliminary plat applications shall be processed in accordance with the provisions of this title and Title 23 SCC and, in addition, in accordance with the provisions of Chapter 2.02 SCC where applicable. Approval of a preliminary plat by the hearing examiner is final and conclusive unless appealed to the council pursuant to the procedures set out in Chapter 2.02 SCC.

(2) A public hearing on a proposed large lot subdivision shall be held in the following circumstances:

(A) If any person files a request for a hearing with the department within twenty-one (21) days of the publishing of notice of filing. If such a hearing is requested, notice requirements for the

public hearing shall be in conformance with RCW 58.17.090, and the ninety-day (90) period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 and SCC 19.16.030 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the hearing examiner in accordance with procedures established in Chapter 2.02 SCC.

(B) Within twenty-one (21) days of the filing of the request for approval of the subdivision, the director may cause a public hearing to be held on the proposed subdivision in accordance with Chapter 2.02 SCC, such hearing shall be held within ninety (90) days of the filing of the request for the subdivision.

(3) If no public hearing is held on a proposed large lot subdivision, the department shall complete the review of the proposed preliminary plat and transmit a recommendation to council, as provided in RCW 58.17.100, not later than fourteen (14) days following the completion of the department's review.

(A) Upon receipt of the recommendation, the council shall, at its next public meeting, set a date for the public meeting where it may take action on the recommendations of the department.

(B) If, after considering the matter at a public meeting, the council desires to change the department's recommendation approving or disapproving the preliminary plat, the change in the recommendation shall not be made until the council shall, conduct a public hearing and approve or disapprove the preliminary plat.

(C) The decision of the council shall be final and conclusive unless appealed pursuant to the appeal procedures contained in Chapter 58.17 RCW.

(4) Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision.

Section 4. That Sections 1 and 2 of Amended Emergency Ordinance No. 87-013, adopted February 25, 1987, are repealed.

Section 5. The effective date of this ordinance shall be August 3, 1987.

Dated this 22nd day of July, 1987.

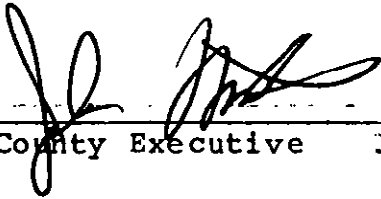
SNOHOMISH COUNTY COUNCIL
Snohomish County Washington

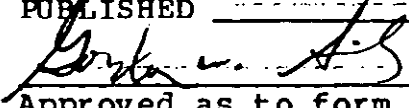
Stanley Bartholomew
Chairman

Raymond J. Merton
Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE 7-24-87


County Executive JOHN MARTINIS
Deputy Executive

PUBLISHED _____
 _____, DPA
Approved as to form only on
_____ 6/22/87 _____
(Date)