

Snohomish County Council
Snohomish County, Washington



CO00023944

AMENDED
ORDINANCE NO. 92-134

RELATING TO 200,000 SQUARE FOOT LOTS IN CERTAIN
SUBDIVISION APPLICATIONS SUBMITTED PRIOR TO
APRIL 22, 1992 AND AMENDING SNOHOMISH COUNTY CODE
SECTIONS 19.28.020 AND 20.28.010

WHEREAS, Prior to April 22, 1991, a large-lot subdivision was defined in Title 19 as a "division of land into five or more lots, each of which is 1-128th of a section or larger, or five acres or larger if the land is not capable of subdivisional description."; and

WHEREAS, Title 19 no longer contains a separate definition of large-lot subdivision, but includes certain unique development standards for subdivisions where all lots are five acres or larger in size unless subdivisionally described; and

WHEREAS, the zoning code, at SCC 18.42.020 provides that the minimum lot area in the rural-five acre zone is 200,000 square feet; and

WHEREAS, since 1989, the Planning Department has resolved the conflict between SCC 18.42.020 and SCC 20.28.010(8), SCC 19.28.020(2) and former SCC 19.12.165 through an administrative policy which allowed large-lot subdivisions and large-lot short subdivisions to include lots which were 200,000 square feet or more in size; and

WHEREAS, in File Number ZA8911487, the Hearing Examiner rejected the Planning Department's administrative policy and held that Title 19 provisions controlled minimum lot size requirements for large-lot subdivisions; and

WHEREAS, on April 22, 1992, in Motion No. 92-131, the County Council issued a decision upholding the Hearing Examiner's decision in File Number ZA8911487; and

WHEREAS, a number of property owners and permit applicants were advised by the County prior to the Hearing Examiner's and County Council's decision in File Number ZA8911487 that the 200,000 square foot minimum lot size would satisfy the five acre minimum lot size requirements of Titles 19 and 20 for large-lot subdivisions and large-lot short subdivisions respectively; and

WHEREAS, several large-lot subdivision applications, preliminary plat applications, and short plat applications containing 200,000 square foot lots have been submitted to the County prior to the County Council's decision in File Number ZA8911487 on April 22, 1992 effectively prohibiting the use of such lot sizes to satisfy the requirements of Titles 19 and 20, which applications have not yet received preliminary approval by the County; and

WHEREAS, fairness and equity require that the County continue to process applications for subdivisions, large-lot subdivisions or short subdivisions which were filed pursuant to SCC 19.28.020(2), former SCC 19.12.165, or SCC 20.28.010(8) prior to April 22, 1992 and in which all lots are at least 200,000 square feet or subdivisionally described are proposed, as meeting the minimum lot area requirements of Titles 19 and 20 SCC;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Applications submitted prior to April 22, 1992, for large-lot subdivisions filed pursuant to former SCC 19.12.165 (Section repealed August 28, 1991), for preliminary subdivisions filed pursuant to SCC 19.28.020(2), and for short subdivisions filed pursuant to SCC 20.28.010(8) which include lots containing 200,000 square feet or more shall be accepted as meeting the minimum lot area requirements of Titles 19 and 20 SCC.

~~((Section 2. -- SCC Title 19, subsection 19.28.020(2), last amended by Ordinance No. 91-114, adopted August 8, 1991, is amended to read:~~

~~19.28.020 -- Design standards roads.~~

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~~(2) -- Access to the boundary of subdivisions where all lots are five acres in size or larger, are one one hundred twenty-eight (8) h of a section or larger when described as a fraction of a section or, if located in the Rural-5 acre zone, are 200,000 square feet or larger, 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 subdivisions by private road may be permitted where such private road is in an adjoining 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 SCC 19.28.020(4)(a) 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.))~~

~~(Section 3,--SGC Title 20, subsection 20.28.010(8), last amended by Ordinance No. 81-030, adopted May 13, 1987, is amended to read:~~

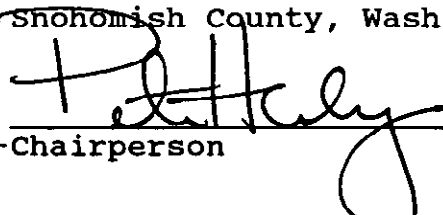
~~20.28.010--Minimum standards,--The public use and interest require, as to the following subject matters, that the following minimum standards be met:~~

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~~(8)--Short subdivisions where each lot contains one--one hundred twenty eighth of a section ((7)) or, if located in the Rural-5-acre zone, are ((five acres)) 200,000 square feet 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 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 lot, 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 improvements, have been constructed and installed in accordance with this title and sound engineering practice.))~~

PASSED this 9th day of December, 1992.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Vice-Chairperson

Approved as to Form Only:



Deputy Prosecuting Attorney

ATTEST:

Barbara Dikorski
Clerk of Council, Asst.

- () APPROVED
() VETOED
() EMERGENCY

DATE:

12/14/92
[Signature]
County Executive

PUBLISHED _____ and _____

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