

SNOHOMISH COUNTY COUNCIL



CO00024482

AMENDED ORDINANCE NO. 94-045  
AMENDING SNOHOMISH COUNTY CODE  
TITLES 18 AND 20, CHAPTERS 18.42, 20.20, 20.24 AND 20.28,  
RELATING TO LOT SIZE AVERAGING, TIME PERIODS, DENIAL W/O  
PREJUDICE AND PRIVATE ROADWAY DESIGN & CONSTRUCTION STANDARDS  
FOR SHORT SUBDIVISIONS

BE IT ORDAINED:

Section 1. Snohomish County Code Section 18.42.080, adopted by Ordinance 86-037 on May 7, 1986, is amended to read:

18.42.080 Lot size averaging. In (~~formal~~) subdivisions and short subdivisions approved subsequent to the effective date of this section, the minimum lot area of the zone in which the subdivision or short subdivision is located shall be deemed to have been met if the area in lots plus areas dedicated for permanent and generally usable common open space or recreational uses, if any, divided by the total number of lots is not less than the minimum lot area of the zone in which the property is located; PROVIDED, That:

(1) This section shall only apply within zones having a minimum lot area requirement of twelve thousand five hundred square feet or less;

(2) In no event shall any single lot be less than six thousand square feet in area;

(3) Not more than a twenty-five percent increase over required minimum lot area for any single lot shall be credited in computing average lot area;

(4) Lots with less than the prescribed minimum lot area for the zone in which located shall have a minimum lot width of not less than sixty feet;

(5) Preliminary plats approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

Section 2. Snohomish County Code Section 20.20.030, last amended by Ordinance 90-201 on January 2, 1991, is amended to read:

20.20.030 Time for department action. Preliminary short plats shall be approved, (~~disapproved or returned to the applicant for modification or correction~~) denied, or denied without prejudice within thirty days from the date (~~of filing of a complete application, unless the applicant gives a written consent to the extension of such time period~~) the application is deemed complete for processing, unless the applicant consents to an extension of such time period. A preliminary short plat application which has been denied without prejudice may be

reactivated under the original case file and number and without additional filing fees if a revised application is submitted within six months of the date of the decision.

Section 3. Snohomish County Code Section 20.20.080, last amended by Ordinance 93-077 on September 8, 1993, is amended to read:

20.20.080 Department action.

- (1) The department shall consider and review the preliminary short plat and 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: open space, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and school and schoolgrounds;
  - (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, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and whether the public use and interest will be served by approval of the short subdivision and, if applicable, dedication.
- (2) The department may:
- (a) Approve the preliminary short subdivision and short plat with or without conditions; or
  - (b) ~~((Return the preliminary short subdivision and short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings))~~ Deny the preliminary short subdivision and short plat without prejudice in accordance with SCC 20.20.030; or
  - (c) Deny the preliminary short subdivision and short plat; or
  - (d) Submit the preliminary short subdivision and short plat to the hearing examiner for his consideration together with the department's recommendation. The examiner shall hear the application in accordance with the procedures of chapter 2.02 SCC 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 reconsideration and may then be appealed to the council pursuant to chapter 2.02 SCC.
- (3) The preliminary short subdivision shall be approved only if the department or the hearing examiner makes written findings that, if developed in accordance with the conditions imposed by the department or hearing examiner, the short subdivision makes appropriate provision for the public health, safety, and general welfare and for open spaces, drainage ways,

streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and that the public use and interest will be served by the approval of the short subdivision and, if applicable, dedication. In determining whether appropriate provision has been made;

(a) for open space, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, provisions of chapter 18.46 SCC pertaining to development on steep slopes, provisions of Title 24 SCC pertaining to drainage and other utility easements, applicable environmental policies of Title 23 SCC, and/or other applicable provisions of this title;

(b) for drainage ways, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, provisions of Title 24 SCC pertaining to drainage, provisions of Title 27 SCC pertaining to development in flood hazard areas, provision of Title 25 SCC pertaining to surface water management, provisions of Title 21 pertaining to development in areas subject to shoreline management jurisdiction, and/or other applicable provisions of this title;

(c) for streets, roads, alleys and other public ways, the department shall refer to the provisions of Title 26B, the county road ordinance, provisions of Title 16 SCC, the uniform fire code, provisions of Title 24 SCC pertaining to drainage, provisions of Title 13 SCC pertaining to roadway construction and design standards, the standards specified in the Washington state department of transportation design manual, the standards specified in the American association of state highway and transportation officials urban and rural highway design manuals, and/or other applicable provisions of this title;

(d) for transit stops, the department shall refer to the standards specified in the Snohomish county transportation authority land use and public transportation manual, and/or other location and construction standards of community transit of Snohomish county and metro for such facilities;

(e) for potable water, the department shall require documentation of compliance with Snohomish health district regulations and procedures pertaining to potable water, in accordance with any applicable interlocal agreement between Snohomish county and the Snohomish health district;

(f) for sanitary wastes, the department shall require documentation of compliance with Snohomish health district regulations pertaining to on-site sewage disposal, and shall also refer to applicable provisions of this title;

(g) for parks, recreation and playgrounds, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, including the Snohomish county parks and recreation plan, applicable environmental policies of Title 23 SCC, and/or other applicable provisions of this title;

(h) for schools, school grounds, and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, Title 13 SCC pertaining to roadway construction and design standards, and adequate documentation pursuant to Title 23 SCC on a case by case basis that unsafe walking conditions exist.

Section 4. Snohomish County Code Section 20.20.100, adopted by Ordinance 91-155 on October 28, 1991, is amended to read:

20.20.100 Preliminary short plat approval - term. Approval of a preliminary short plat shall be effective for ~~((eighteen))~~ thirty-six months from the date of approval unless extended as provided for herein. The department may extend the approval for not more than one additional ~~((six))~~ twelve month period, upon written application by the applicant or his or her successors, if in the opinion of the director, the applicant has attempted in good faith to submit the final short plat within the ~~((eighteen))~~ thirty-six month period in accordance with the preliminary short plat approval procedures of this title.

Section 5. Snohomish County Code Section 20.24.010, last amended by Ordinance 90-201 on January 2, 1991, is amended to read:

20.24.010 Application requirements. An application for a short subdivision shall be submitted with all information required by the short subdivision application checklist, which is set forth as follows:

SHORT SUBDIVISION APPLICATION CHECKLIST

The following items are required for a complete application pursuant to state law and SCC 20.24.020.

Other information will be required in accordance with applicable Snohomish county codes before preliminary short plat approval can be granted. The applicant will be notified if any additional requirements are warranted. Please refer to the handout, "Short Subdivision Filing Instructions" for specifics.

Application form: ~~((Eight Copies))~~

I. Application Form

- \_\_\_\_\_ 1. Name, address and telephone number of the applicant(s) and all person(s) having an ownership interest in the real property.
- \_\_\_\_\_ 2. Name, mailing address and telephone number of applicant's representative.
- \_\_\_\_\_ 3. General location of property, including directions from nearest intersection of major streets.

- \_\_\_\_\_ 4. Legal description of the property to be subdivided.
- \_\_\_\_\_ 5. Date parcel was created as a legal tract of land.
- \_\_\_\_\_ 6. Approximate acreage of total property.
- \_\_\_\_\_ 7. Present use of property.
- \_\_\_\_\_ 8. Source of water supply - If public system is used, the name of the provider.
- \_\_\_\_\_ 9. Method of sewage disposal - If sanitary sewer, the name of the district with jurisdiction.
- \_\_\_\_\_ 10. List of all assessor's tax account numbers involved (all 14 digits).
- \_\_\_\_\_ 11. Section, Township, Range and existing zoning classification(s).
- \_\_\_\_\_ 12. A certification by the applicant(s) disclosing the entire contiguous land is 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 or the applicant(s), and the names, addresses and telephone numbers of all such persons, firm or corporations.
- \_\_\_\_\_ 13. Notarized signature(s) of applicant(s) and all person(s) having an ownership interest in the real property.

II. Preliminary Short Plat (~~((14 copies))~~):

- \_\_\_\_\_ 1. The preliminary short plat shall be prepared by and bear the seal of a registered professional land surveyor.
- \_\_\_\_\_ 2. The preliminary short plat shall have a minimum dimension of 18 by 24 inches and shall be drawn at a horizontal scale of fifty feet to one inch or such other scale as the department determines will clearly portray all of the drafting detail. All copies of the preliminary short plat shall be folded so as to have a maximum dimension of 9 by 13 inches. The title block shall be prominently visible when so folded.
- \_\_\_\_\_ 3. The preliminary short plat shall contain a title block, located in the lower right-hand corner, to include:
  - (a) The names, addresses and telephone numbers of the applicant(s), all parties having an ownership interest in the real property and the land surveyor; and
  - (b) The date of preparation and date of any preliminary short plat revisions (all revisions shall be initialed by the land surveyor).

- \_\_\_\_\_ 4. The preliminary short plat shall contain text data to be shown on the right-hand side of the drawing. The text data shall include:
- (a) The legal description of the proposed short subdivision;
  - (b) The existing zoning on the subject property;
  - (c) The proposed land use;
  - (d) The square footage contained within the short subdivision. The number of lots and the average lot size in square feet; lot size average calculation if SCC 18.42.080 is utilized.
  - (e) The source of water supply and the name of the purveyor;
  - (f) The method of sewage disposal and the name of the operator of the applicable sewage disposal system; and
  - (g) Applicable fire and school district.
- \_\_\_\_\_ 5. The preliminary short plat shall delineate:
- (a) The boundary lines of the tract to be subdivided;
  - (b) The development status of contiguous land, including identification of any adjacent subdivisions and short subdivisions;
  - (c) The zoning boundary lines, if any;
  - (d) The dimensions of each lot;
  - (e) The lot area computed in square feet, deleting areas contained in road easements and access panhandles;
  - (f) Consecutive numbers for all lots in the preliminary short plat;
  - (g) Contour lines with intervals sufficient to clearly show drainage, slopes and road grades within the proposed short subdivision and within fifty feet of external boundary lines of the short subdivision. The contour intervals shall be two or five feet. All contours shall be referenced to mean sea level and a bench mark; its location and elevation shall be noted. Slopes shall be determined in accordance with SCC 18.46.030 on one copy of the short plat.
  - (h) The names, locations and widths of all existing streets, road rights-of-way, easements, other public ways, watercourses, railroad rights-of-way and utilities within the proposed short subdivision and within fifty feet of the external lot lines of the short subdivision;

- (i) The layout widths of all proposed rights-of-way and easement lines within the short subdivision, and a center line profile of all proposed public and private road(s) within the short subdivision;
- (j) The location of all existing structures within the short subdivision and all existing structures within twenty-five feet of the external lot lines of the short subdivision;
- (k) Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the short subdivision;
- (l) All parcels of land intended to be dedicated or reserved for public use or to be reserved for public use or to be reserved in the deeds for the common use of the property owners of the short subdivision with the purposes clearly indicated;
- (m) Base flood elevation data, pursuant to SCC 27.24.010(c)(4) when the short subdivision is located in whole or in part within a flood hazard area;
- (n) Identification of any critical areas as defined in chapter 24.08.040 SCC;
- (o) The location of the nearest fire hydrant;
- (p) Identification of any native growth protection areas and other lands within the short subdivision where development is restricted;
- (q) The location of building setback lines on each lot in accordance with the requirements of SCC 18.42;
- (r) Identification of lot or lots which may be developed with a duplex structure. Failure to disclose the intent to develop a lot or lots with duplexes is subject to the provisions of SCC 20.36.025; and
- (s) A vicinity map, preferably located in the upper right-hand corner, clearly identifying the location of the property at a scale of not less than one inch to two thousand feet and including municipal boundaries, township and section lines, major roads, railroad and transmission rights-of-way, rivers, streams and lakes and indication of the scale used.

III. Required Supporting Documents (Two copies unless noted otherwise):

- \_\_\_\_\_ 1. Any covenants, conditions and restrictions presently encumbering the land and any proposed encumbrances. (2 copies)
- \_\_\_\_\_ 2. A current short plat certificate prepared by a title company no more than thirty days prior to the date of preliminary short plat application, giving a full and correct description of the property to be short subdivided, showing all encumbrances to title, and showing all persons having an ownership interest in the property. (2 copies)
- \_\_\_\_\_ 3. A preliminary drainage plan.

Section 6. Snohomish County Code Section 20.28.010, last amended by Ordinance 87-030 on 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:

(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 department so finds, the department may permit direct access. This shall not apply to any parcels of one-one hundred twenty-eighth of a section or five 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 of a section, or five 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:~~)

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

designed and constructed in accordance with the adopted standards and specifications established by Chapter 13.05 SCC.

(8) Short subdivisions where each lot contains one-one hundred twenty-eighth of a section, or five 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 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. When 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~~) eight, generating a maximum of 80 average daily trips in designated urban areas per the adopted Interim Arterial Plan and a maximum of 90 average daily trips in designated rural areas per the adopted Interim Arterial Plan, as determined by the Institution of Transportation Engineer (ITE) Trip Generation Manual, 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 of a section or five acres. In all other cases, access to any lot shall be by an opened, constructed and maintained county road or 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 SCC shall comply with the provisions of SCC 27.24.010(C).

Section 7. Applicability.

(1) The time periods specified in section SCC 20.20.100 of this ordinance pertaining to the term of preliminary short plat approval shall apply to any short subdivision in which the term of preliminary approval as specified in existing section 20.20.100 SCC

has not expired prior to the effective date of this ordinance. The term of approval remaining for any short subdivision that qualifies under this applicability section shall be thirty-six months, less the time period from the date of preliminary short subdivision approval to the effective date of this ordinance. Any short subdivision to which the above provisions apply, shall also be eligible for a 12 month term extension pursuant to the provisions of section SCC 20.20.100.

(2) The provisions established by this ordinance shall apply to any application for short subdivision which is complete on or after the effective date of this ordinance.

Applicants for short subdivision proposals for which a complete application was filed, but has not been granted preliminary approval prior to the effective date of this ordinance, who wish to have their proposal considered under the provisions of this ordinance may file a new written application. For such applications for which a new lot design is proposed, an application fee of \$200.00 will be charged. For such applications for which no new lot design is proposed, no fee will be charged.

Section 8. Effective Date. The effective date of this ordinance shall be July 1, 1994.

PASSED this 15<sup>th</sup> day of June, 1994

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

Karen Miller  
Chairperson

ATTEST:

Barbara Sibonzi  
Clerk of the Council, ASST.

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

DATE 6/3/94  
[Signature]  
County Exedutive

ATTEST:

[Signature]

\_\_\_\_\_, DPA  
Approved as to form only on

\_\_\_\_\_  
(Date)

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