

SNOHOMISH COUNTY COUNCIL



CO00022789

ORDINANCE NO. 95-004

AMENDING SNOHOMISH COUNTY CODE TO CHANGE ALL REFERENCES TO THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF COMMUNITY AFFAIRS, THE COMMUNITY DEVELOPMENT DIVISION, THE OFFICE OF COMMUNITY DEVELOPMENT, THE PLANNING DEPARTMENT, AND THE PLANNING DIVISION TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

BE IT ORDAINED:

Section 1. Snohomish County Code section 2.01.010, adopted by Ordinance 82-130 on December 10, 1982, is amended to read:

2.01.010 Creation and purpose.

There is hereby established a Snohomish county department of planning and ((community)) development services. It shall be the purpose of this department to manage overall land use planning activities, provide coordination of the associated permit and inspection process, and perform other resource management functions which may be assigned to it. The department will be responsible for implementing land use and resource management policies as defined by the county council.

Section 2. Snohomish County Code subsections 2.01.020(1) and (2) adopted by Ordinance 82-130 on December 10, 1982, is amended to read:

2.01.020 Definitions.

The following definitions shall apply to terms used in this chapter:

- (1) "Department" means the Snohomish county department of planning and ((community)) development services.
- (2) "Director" means the director of the department of planning and ((community)) development services.

Section 3. Snohomish County Code, section 2.02.110, last amended by Ord. 85-105, on December 4, 1985, is amended to read:

2.02.110 Applications.

Applications for permits or approvals within the jurisdiction of the examiner shall be presented to the appropriate county department as specified by the ordinance governing the application. The department of planning and ((community)) development services shall be responsible for assigning and/or coordinating hearing dates and assuring that due notice of public hearing is given for each application, which notice shall be in accordance with the statute or ordinance governing the application.

Section 4. Snohomish County Code, Section 2.02.120, last amended by Ord. 93-077 on September 8, 1993, is amended to read:

2.02.120 Master application.

Any person proposing a land use project which would require more than one of the permits or approvals over which the examiner has jurisdiction, may submit a master application to the department of planning and ~~((community))~~ development services on forms furnished by the department containing all necessary information. The master application shall thereafter be jointly processed by the department and the examiner subject to the most lengthy time limitation applicable to any of the required permits or approvals. If the examiner's decision on any of the required permits or approvals would be final with right of appeal to the council, then the decision of the examiner on the master application shall be final with right of appeal to the council; PROVIDED, That decisions issued pursuant to Title 21 SCC (shoreline management permit decisions) shall be appealable directly to the state shorelines hearings board pursuant to chapter 90.58 RCW, notwithstanding their incorporation into a master application decision.

Section 5. Snohomish County Code, subsections 2.02.125(1), (5) and (10), last amended by Ord. 93-077 on September 8, 1993, is amended to read:

2.02.125 Procedures for appeals within the examiner's jurisdiction.

Administrative appeals over which the examiner has jurisdiction shall be subject to the following procedural requirements:

(1) Appeals shall be addressed to the hearing examiner but shall be filed in writing with the ~~((community development division))~~ department of planning and development services within 15 calendar days of the date of action or, in those cases requiring personal or certified mail service, the date of service of the administrative action being appealed, and shall be accompanied by a filing fee in the amount of \$100.00; PROVIDED, That the filing fee shall not be charged to a department of the county or to other than the first appellant; and PROVIDED, FURTHER, That the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of procedural defect such as but not limited to untimely filing, lack of standing, facial lack of merit, etc.

(5) The ~~((community development division))~~ department of planning and development services shall forward the appeal to the examiner's office within three working days of its filing.

(10) Notice of appeal hearings conducted pursuant to this section, containing at a minimum the information required in SCC 18.73.050(4)(a) - (e), shall be given as provided below not less than 15 calendar days prior to the hearing to:

(a) For all appeal hearings: by postage prepaid mail (unless otherwise required herein) to:

- (i) the appellant (by certified mail);
- (ii) the appellant's agent/representative, if any (by certified mail);
- (iii) the respondent; and
- (iv) other parties of record as defined by SCC 2.02.165;

(b) For appeals arising from Title 20 SCC, notice shall be given as required by SCC 19.16.040 in addition to the notices required by subsection (a), above.

(c) For appeals arising from Title 23 SCC, notice shall be mailed to:

- (i) all persons listed in subsection (a), above;
- (ii) agencies with jurisdiction as disclosed by documents in the appeal

file; and

(iii) All taxpayers of record and known site addresses within 500 feet of any boundaries of the property subject to the appeal; PROVIDED, That the mailing radius for written notice shall correspond to the mailing radius required for the notice of hearing of any discretionary permit or action associated with the environmental

document under appeal where such mailing radius is greater than 500 feet. The department of planning and ~~((community))~~ development services shall perform the required mailing under subsection (c).

Section 6. Snohomish County Code, subsection 2.02.130(1), last amended by Ord. 93-077 on September 8, 1993, is amended to read:

2.02.130 Report of department.

(1) Where the hearing to be conducted before the examiner concerns a matter evolving from a land use statute or ordinance, the department of planning and ~~((community))~~ development services shall coordinate and assemble the reviews of the other county departments and governmental agencies having an interest in the subject application/appeal and shall prepare a report summarizing the factors involved and the department's findings and recommendations.

Section 7. Snohomish County Code, subsections 2.02.171(2) and (7), last amended by Ord. 93-077 on September 8, 1993, is amended to read:

2.02.171 Appeal to county council from examiner's decision.

Where the examiner's decision is final and conclusive with right of appeal to the council, the following provisions shall apply:

(2) Appeals may be filed by any aggrieved party of record or a department of the county; PROVIDED, That only the petitioner for reconsideration may appeal from the denial of a petition for reconsideration. Appeals shall be addressed to the Snohomish county council but shall be filed in writing with the ~~((community development division))~~ department of planning and development services within 10 calendar days following the date of the examiner's decision on reconsideration pursuant to SCC 2.02.167 and shall be accompanied by a filing fee in the amount of \$100.00; PROVIDED, That the filing fee shall not be charged to a department of the county or to other than the first appellant; and PROVIDED FURTHER, That the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect.

(7) Within seven calendar days following timely filing of a complete appeal with the ~~((Community development division))~~ department of planning and development services, notice thereof and of the date, time and place for council consideration shall be mailed by the council's office to the applicant/appellant, to the examiner, and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments as prescribed in SCC 2.02.180.

Section 8. Snohomish County Code, section 2.06.020, last amended by Ord. 92-019 on March 25, 1992, is amended to read:

2.06.020 Board membership.

The board shall consist of 10 members appointed by the council pursuant to chapter 2.03 SCC. Board members shall consist of one person residing in each of the five agricultural districts created by this chapter; another member shall be engaged in farming within the county; two members shall be engaged in upland agriculture within the county but outside of the agricultural districts as defined in this chapter; and the remaining two members shall be "at-large" members. All members shall have a direct

interest in agricultural preservation within the county and at least five members shall be engaged in agriculture as their primary source of income. A representative of the planning and development services director shall act as an advisor and nonvoting member of the board.

Section 9. Snohomish County Code, section 2.08.030, last amended by Ord. 93-034 on April 28, 1993, is amended to read:

2.08.030 Commission's hearings.

The commission shall conduct such hearings as are required of a planning commission by chapter 36.70 RCW and such other hearings as are required by this code and shall make findings of fact and conclusions therefrom which shall be transmitted to the department of planning and ~~((community))~~ development services. The department shall transmit the same on to the council with such comments and recommendations it deems necessary.

Section 10. Snohomish County Code, section 2.08.050, last amended by Ord. 93-034 on April 28, 1993, is amended to read:

2.08.050 Administrative responsibility.

The director of planning and ~~((community))~~ development services shall be responsible for providing secretarial and technical assistance to the commission.

Section 11. Snohomish County Code, section 2.08.060, last amended by Ord. 93-034 on April 28, 1993, is amended to read:

2.08.060 Financing.

The commission shall incur no financial obligations nor authorize any financial expenditures except for such purposes as are expressly authorized in advance by the county council in such a manner as the law provides. Appropriations for the operation of the commission shall be separately identified, but the office accounting or other office records of finances shall be kept by the department of planning and ~~((community))~~ development services.

Section 12. Snohomish County Code, subsection 2.10.010(25), last amended by Ord. 93-122, on Dec. 1, 1993, is amended to read:

2.10.010 Executive functions.

The following functions of government not otherwise provided for in the charter are deemed executive functions and shall be performed by the county executive:

(25) Approval of contracts and contract amendments implementing programs or projects administered by the department of planning and ~~((community))~~ development services; PROVIDED, The county council has approved necessary contracts with state, federal, or other sources of funds, if any funds from such sources are used, whether or not such sources of funds are used, and the county council has appropriated funds for such programs or projects; and PROVIDED FURTHER, That the division shall submit to the county council an annual report, not later than February 15th of each year, showing the parties, contract amount, and purpose of each contract and contract amendment approved and signed by the county executive.

Section 13. Snohomish County Code, section 4.14.090, last amended by Ord. 93-066, Aug. 18, 1993, is amended to read:

4.14.090 Establishment of a technical advisory committee.

A technical advisory committee is hereby established to assist the conservation futures program advisory board. The committee shall review project proposals on such issues as technical merit, financial feasibility and extent of benefit. The committee shall consider elements found in the fund allocation criteria for use as an aid in recommending annual individual programs. The committee shall also develop an early action strategy for prioritizing proposals for allocation of the conservation futures funds to resolve issues such as whether the funds should be used to leverage additional monies available from other sources and whether funds should be allocated for projects on a county-wide or district by district basis. A recommendation to the board on the early action strategy shall be the first item of business for the committee. The recommendation shall be provided to the board by March 1, 1990.

The technical advisory committee shall consist of one representative from the planning division of the Snohomish county department of planning and ~~((community))~~ development services; one representative from the parks division of the department of parks and recreation; one representative from the county department of budget and finance; one representative from the Snohomish county planning commission; one representative from the Snohomish county parks board; one representative from a parks/planning and ~~((department))~~ development services of a city or town whose population base is 10,000 or greater; and one representative from a parks/planning and ~~((department))~~ development services of a city or town whose population base is less than 10,000. Terms of committee members shall be limited to four years.

Section 14. Snohomish County Code, section 4.40.065, last amended by Ord. 91-203, January 15, 1992, is amended to read:

4.40.065 Fund administration.

Administration of the hotel-motel tax fund will rest with the ~~((planning division of the))~~ department of planning and ~~((community))~~ development services. The ~~((planning division))~~ department shall develop procedures for implementation of this chapter which are based upon the following program policies:

(1) Prior to October 1st each year, department of budget and finance staff shall provide a projection regarding the extent of appropriation capacity within the hotel-motel tax fund for the ensuing year.

(2) The hotel-motel tax fund manager and fund accountant from the department of budget and finance shall attend meetings with the ~~((planning division))~~ department of planning and development services where project selections are made.

(3) The ~~((planning division))~~ department of planning and development services and the department of budget and finance shall determine that there is sufficient appropriation capacity and a cash flow within the hotel-motel tax fund to meet approved payment schedules.

(4) Use of funds must be in compliance with state statutes governing the use of hotel-motel tax revenue.

(5) Each funded project must have specific goals and measurable service output to which the project sponsor can be held accountable through the contract, project monitoring and reporting processes.

(6) No county official shall make any preliminary commitment to any entity interested in obtaining funding for any project.

- (7) All policies and guidelines shall apply to all proposed projects.
- (8) There shall be no borrowing from the current expense fund.
- (9) To assure fund integrity and proper accounting for project activity, a checklist shall be established and attached to each project contract or interlocal agreement providing review history and paper trail including:
- (a) executive recommendations.
  - (b) council approval.
  - (c) adopted budget.
  - (d) budget and finance department review demonstrating appropriation capacity and cash flow sufficiency.
  - (e) prosecuting attorney review.
  - (f) executed contract or interlocal agreement.
- (10) At its discretion, the ~~((planning division))~~ department of planning and development services may manage the fund in such a way as to enable a midyear granting cycle. All provisions of this section shall apply to any midyear grant program.
- (11) The ~~((planning division))~~ department of planning and development services is authorized to approve grantee requests to reprogram a maximum of 20 percent of approved funds within expenditure categories enumerated in the original contract; PROVIDED That this authorization shall not be construed as permitting: (1) assignment of new funds to a project in excess of the amount originally approved by council, or (2) funding of expenditure categories not cited in the original governing contract.
- (12) The ~~((planning division))~~ department of planning and development services is authorized to recover a portion of its costs of hotel/motel fund administration from the fund on an annual basis. Such recovery shall amount to five percent of the total grant allocation for the year in which the recoverable administrative costs are incurred.

Section 15. Snohomish County Code, section 4.46.170(5), last amended by Ord. 93-137 on December 22, 1993, is amended to read:

4.46.170 Duty to inventory and to declare real property surplus.

The property management division shall prepare an inventory, current as of the preceding December 31, of all county-owned real property showing cost, if known, method of acquisition, current departmental custodianship, present and estimated value, special characteristics, and improvements affecting its economic value and potential uses. The property management division shall submit the inventory to the council by February 15 of each year, PROVIDED That real property acquired for the sole use of a road right-of-way shall not be included on such inventory.

County departments having custodianship of real property shall provide, no later than November 1 of each calendar year, a list of each property, its present use, cost of improvements made that year and any property considered surplus to the department's future needs to property management division.

The property administrator shall review and make recommendations to the council for disposal of surplus real property in accordance with SCC 4.46.160. Possible uses to be considered shall include:

- (5) Retention by the county if the parcel is contained within an environmentally sensitive area described as follows:
- (a) Property zoned as flood hazardous property.
  - (b) Property zoned as slide hazardous property.
  - (c) Wetlands recommended by the department of planning and ~~((community))~~ development services for retention.
  - (d) Access to public lakes, rivers, or creeks.

(e) Areas determined by the public works department to contain hazardous waste sites.

Section 16. Snohomish County Code, section 4.57.020, last adopted by Ord. 84-009 on March 14, 1984, is amended to read:

4.57.020 Administration of fund.

The fund established by this chapter shall be administered by the director of the department of planning and ~~((community))~~ development services, or his designee, who shall be the only persons authorized to approve disbursements from the fund.

Section 17. Snohomish County Code, section 4.84.020, last adopted by Ord. 91-017 on February 20, 1991, is amended to read:

4.84.020 Purpose of fund.

The purpose of the community development fund is to provide for administration and enforcement of Snohomish county land-use policies by the department of planning and ~~((community))~~ development services ~~((division of community development.))~~

Section 18. Snohomish County Code, section 4.84.030, last adopted by Ord. 91-017 on February 20, 1991, is amended to read:

4.84.030 Source of resources.

Resources of the community development fund shall consist of revenues generated from activities of the department of planning and ~~((community))~~ development services ~~((division of community development))~~ including but not limited to fees and charges paid in accordance with chapter 13.110 SCC, fees paid in accordance with chapter 24.12 SCC, construction related fees paid in accordance with chapter 17.02 SCC, and revenues from distribution of ordinances and code information, contracts, penalties or judgments, and investment interest.

Section 19. Snohomish County Code, section 6.01.070, last adopted by Ord. 87-038 on June 3, 1987, is amended to read:

6.01.070 Protest by public officials.

The sheriff, director of ~~((community development, community))~~ planning and development services, prosecuting attorney, director of public works, fire marshal, health district director or any other county official, while an application is pending for any license/permit provided for under the provisions of this chapter, may petition the licensing authority to deny the license/permit. The petitioner shall file a copy of the petition with the licensing authority who shall promptly submit a copy of the petition to the applicant in person or by certified mail. The applicant may respond thereto in writing within 10 days of receipt of the petition. If the petition fails to set forth in detail alleged facts that show the issuance of the license/permit will result in a violation of the zoning or license/permit code, or violation of other laws, the petition shall be summarily stricken by the licensing authority and the licensing authority may direct the license/permit to be issued. If the petition does set forth such allegations, the licensing authority shall direct an investigation of said allegations and may deny the license/permit if the allegations are found to be true.

Section 20. Snohomish County Code, subsections 6.64.020(2) and (6), adopted by Ord. 87-038 on June 3, 1987, is amended to read:

6.64.020 Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth below:

(2) "Building department" means the Snohomish county department of planning and ~~((community))~~ development services.

6) "Director" means the director of the Snohomish county ~~((building department))~~ department of planning and development services and his or her designee.

Section 21. Snohomish County Code, subsection 7.42.020(3), last amended by Ord. 90-199 on November 28, 1990, is amended to read:

7.42.020 Definitions.

For the purposes of this chapter:

(3) "Urban/suburban service zone" means those areas of the unincorporated county that have been officially so designated by motion of the county council through approval of the urban/suburban service zone map. The criteria used to determine the boundary of the urban/suburban service zone shall be population density and distribution, and serviceability factors, with particular attention being paid to the following:

(a) whether the area is contained within a U.S. Census Bureau designated urbanized area for the most recent census;

(b) whether the area is within an incorporated city having a population greater than 4,000 persons as registered by the Snohomish county ~~((planning))~~ department of planning and development services;

(c) whether the area is adjacent to areas meeting criteria (a) or (b) above and have a population density of at least 200 persons per square mile;

(d) whether, if the area is not adjacent to (a) or (b) above, the area has a population greater than 4,000 persons within a contiguous area and a population density of at least 200 persons per square mile.

The urban/suburban service zone may be modified annually by motion of the county council based upon input by the director of the county solid waste management division.

Section 22. Snohomish County Code, subsection 7.42.030(1), added by Ord. 90-199 on November 28, 1990, is amended to read:

7.42.030 Authority delegated to the director of the solid waste management division.

(1) The director of the solid waste management division shall, on an annual basis, review changes in population and population density as reported by the Snohomish county ~~((planning))~~ department of planning and development services. Based on this review and consultation with collection companies the director may recommend to the county council modifications to the urban/suburban service zone.



Section 23. Snohomish County Code, section 13.01.010, last amended by Ord. 91-197 on December 18, 1991, is amended to read:

13.01.010 Definitions.

Insofar as not inconsistent with this section, the definitions contained in RCW 47.04.010 and amendments thereto shall apply to this title. Unless the context clearly requires otherwise, the definitions in this section apply throughout this title and accompanying procedures:

**Benefit area:** The term benefit area as used in chapter 13.140 SCC, refers to all property specially benefited by improvements ordered by a given road improvement district.

**County council:** The county legislative authority.

**Department:** Unless stated otherwise in each following section, the definition "department" shall mean the department of public works (DPW) and/or the ~~((community development division (CDD)))~~ department of planning and development services (PDS), as designated in the following matrix:

Section Title	DPW	<del>((CDD))</del> <u>PDS</u>
13.01.030 Design Standards and Specifications	x	
13.01.040 Violations	x	x
13.01.050 Encroachment - Abatement	x	x
13.05 Design Standards and Specifications	x	
13.10 Permits	x	x
13.30 Type A Transactions	x	
13.40 Type B Transactions	x	
13.50 Type C Transactions	x	
13.60 Type D Transactions		x
13.70 Type E Transactions	x	
13.80 Franchises	x	
13.90 Establishment	x	
13.95 Latecomers Cost Recovery	x	
13.100 Vacation	x	
13.110 Fees and Charges		x
13.120 Street Numbering	x	
13.130 Enforcement	x	x
13.140 RID Formation	x	

**Design standards:** The design standards and specifications of the department of public works.

**Developed road:** A privately maintained road within county right-of-way which has design standards greater than a primitive road but which is not a part of the county primary road system as designated in RCW 36.86.070.

**Director:** Unless stated otherwise in each following section, the definition "director" shall mean the director of public works (DPW) and/or the ~~((manager of the community)) development division (CDD))~~ director of planning and development services (PDS), or their designees, as designated in the following matrix:

Section Title	DPW	<del>((CDD))</del> <u>PDS</u>
13.01.020 Powers of the Director	x	x
13.01.030 Design Standards and Specifications	x	
13.01.040 Violations	x	x
13.01.050 Encroachment - Abatement	x	x
13.05 Design Standards and Specifications	x	

13.10	Permits	x	x
13.30	Type A Transactions	x	
13.40	Type B Transactions	x	
13.50	Type C Transactions	x	
13.60	Type D Transactions		x
13.70	Type E Transactions	x	
13.80	Franchises	x	
13.90	Establishment	x	
13.95	Latecomers Cost Recovery	x	
13.100	Vacation	x	
13.110	Fees and Charges	x	x
13.120	Street numbering	x	
13.130	Enforcement	x	x
13.140	RID Formation	x	

**Owner:** An "owner" is the owner of property designated by the owner who is undertaking or contributing to the cost of the construction or improvement of a county road or roads incidental to a "development" as defined in SCC 26B.51.040.

**Permit:** A document including any license, permit or franchise, authorizing specified use of county right-of-way and granted under the provisions of this title.

**Permittee:** The person named in any permit as permittee, and any successor to any rights or interests of a permittee under a permit or in property installed on the right-of-way pursuant to a permit. In the event of any transfer of any permit or any property installed on the right-of-way, all grantors and grantees shall remain permittees.

**Permitted use:** Use of any portion of the right-of-way for the benefit of a particular person, organization, association, or corporation, public or private, other than as a thoroughfare for vehicles and pedestrians and uses incidental thereto, under a permit issued under this title.

**Primary road:** An opened, county-maintained right-of-way that meets the requirements of RCW 36.86.070. Such roads are classified according to the federal functional classification system and are designated by the county council as the county primary road system including such designations as rural minor collector, rural major collector, rural minor arterial, rural principal arterial, urban collector, urban minor arterial and urban principal arterial.

**Petition:** A petition, as referenced in chapter 13.140 SCC, shall mean a petition signed by owners according to records of the county auditor of property to an aggregate amount of the majority of the lineal frontage upon the contemplated improvement and of the area within the limits of the county road improvement district in accordance with RCW 36.88.050.

**Primitive road:** An unmaintained or privately maintained county right-of-way that meets the requirements of RCW 36.75.300. A primitive road has a gravel or earth driving surface, and has an average annual-daily traffic of 100 or fewer vehicles. A primitive road must be established by county council ordinance.

**Procedures:** The internal procedures of the department of public works as adopted by the director for the implementation of this title.

**Procedures manual:** A manual prepared and published by the director in which all procedures necessary for the proper administration of this title are detailed.

**Property owner:** The term property owner, referred to in chapter 13.140 SCC, means the owner or reputed owner of property according to records of the county auditor.

**Resolution of intent:** The term resolution of intent, as used in chapter 13.140 SCC, refers to a resolution passed by the county council declaring its intention to order the improvements of the proposed road development district and indicating the use of chapter 35.43 RCW for the formation method.

RID: RID, as referenced in chapter 13.140 SCC and further defined in chapter 36.88 RCW, means a road improvement district created by the county for the improvement of county roads, existing private roads that will become county roads as a result of this improvement district process and/or, with the approval of the state department of transportation, state highways.

Right-of-way: All property in which the county has any form of ownership or title and which is held for public road purposes, regardless of whether or not any road exists thereon or whether or not it is used, improved, or maintained for public travel.

Sheriff: The Snohomish county sheriff or his designee.

Structure: Any building, booth, stand, sign, pole, posts, pipe, wire, cable, or any other thing constructed on or over or installed within the right-of-way.

Unmaintained road: A road within county right-of-way which is accessible to public travel but is not maintained by the county.

Unopened right-of-way: A county right-of-way that exists by dedication or deed, but for which no vehicular roadway has been constructed by the county or other parties.

Unsafe condition: Any condition as determined by the director or the sheriff which is a hazard to health or endangers the safe use of the right-of-way by the public, does or may interfere with any facility in the right-of-way, or may cause damage thereto.

Section 24. Snohomish County Code, subsection 13.40.040(5), last amended by Ord. 85-051 on July 3, 1985, is amended to read:

13.40.040 Terms - Oversize, overweight.

Type B permits for oversize, overweight movings are subject to the following additional terms:

(5) A permit to move a building or other structure shall not be granted if:

(a) The building is too large to move without endangering persons or property in the county; or the weight of building or structure would cause damage to the roadway.

(b) The building or structure is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it cannot be moved without endangering persons and property in the county.

(c) The building or structure is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the county.

(d) The applicant's equipment is unsafe and persons and property would be endangered by its use.

(e) Appropriate approval to locate on the new site if within the county, has not been secured from the department of planning and ~~((community))~~ development services.

Section 25. Snohomish County Code, subsection 13.60.040(11), last amended by Ord. 87-095, on September 23, 1987, is amended to read:

13.60.040 Access - Culvert, tile frontage or driveway.

Type D permits which require culvert, tile frontage or driveway installations are subject to the following additional terms:

(11) Right-of-way use permit applications for culvert-driveway and/or tile frontage shall be available at the permit counter of the ~~((division of community development (DCD)))~~ department of planning and development services (PDS) and be completed at

that location. After initial inspection by the department of public works (road maintenance), the permit will be mailed to the applicant. Applicable fees will be collected at ~~((DCD))~~ PDS.

Section 26. Snohomish County Code, subsection 13.60.050(6), last amended by Ord. 87-095, on September 23, 1987, is amended to read:

13.60.050 Access - Building construction.

Type D permits for access to facilitate construction of abutting property are subject to the following additional terms:

(6) Right-of-way use permit applicants for building construction purposes shall be available at the permit counter of the ~~((division of community development (DCD)))~~ department of planning and development services (PDS) and be completed concurrent and as an attachment to the building permit application. Applicable fees will be collected at the ~~((DCD))~~ PDS. Such right-of-way use application may be for more than one lot provided each lot is contained within the same subdivision

Section 27. Snohomish County Code, section 13.120.020, added by Ord. 85-051, on July 3, 1985, is amended to read:

13.120.020 Conformance to master plan.

The numbering system and all streets within the system shall conform to the master plan on file in the office of the director. All houses within the system shall be numbered in conformance to the system. The number utilized by each house shall be that number within the system assigned by the director of the department of planning and ~~((community))~~ development services or his designee which shall consist of a base number in conformance with the master plan and a two digit suffix number to designate the position of the lot between two numbers in the master plan. Numbers assigned during any previous numbering system heretofore authorized are ratified and shall remain in full force and effect.

Section 28. Snohomish County Code, section 14.01.010, added by Ord. 92-014, on April 1, 1992, is amended to read:

14.01.010 Purpose and intent.

Public housing authorities and nonprofit housing organizations shall be eligible to receive priority permit processing in accordance with this chapter from the department of planning and ~~((community))~~ development services and the department of public works for all complete permit and development approval applications submitted for low-income housing projects owned by such public housing authorities and nonprofit housing organizations.

Section 29. Snohomish County Code, subsection 14.01.020(2), added by Ord. 92-014, on April 1, 1992, is amended to read:

14.01.020 Definitions.

As used in this chapter, the following words and phrases shall have the meaning given in this section unless the context clearly indicates otherwise:

(2) "Director" means the director of the ~~((planning division of the))~~ department of planning and ~~((community))~~ development services.

Section 30. Snohomish County Code, subsections 14.01.040(1) and (2), added by Ord. 92-014, on April 1, 1992, is amended to read:

14.01.040 Permits subject to priority processing.

Eligible applicants may apply for priority permit processing for the following:

(1) All permits, approvals and reviews connected with the community development division of the department of planning and ~~((community development's))~~ development services' site development permit process including, but not limited to:

- (a) building permits issued pursuant to Title 17 SCC;
- (b) completion permits issued pursuant to Title 17 SCC;
- (c) mechanical permits issued pursuant to Title 17 SCC;
- (d) mobile home/accessory permits issued pursuant to Title 17 SCC;
- (e) drainage plan approvals granted pursuant to Title 24 SCC;
- (f) demolition permits issued pursuant to Title 17 SCC;
- (g) grading permits issued pursuant to Title 17 SCC;
- (h) plumbing permits issued pursuant to Title 17 SCC;
- (i) plan reviews conducted pursuant to Title 17 SCC; and
- (j) condominium conversion approval granted pursuant to Title 17 SCC;

(2) All approvals and reviews connected with the ~~((planning division of the))~~ department of planning and ~~((community development's))~~ development services' land use permit and approval process including, but not limited to:

- (a) short subdivision approvals granted pursuant to Title 20 SCC;
- (b) preliminary and final subdivision approvals granted pursuant to Title 19 SCC;
- (c) mobile home park approvals granted pursuant to Title 18 SCC;
- (d) boundary line adjustment approvals granted pursuant to Title 29 SCC;
- (e) binding site plan approvals granted pursuant to Title 18 SCC;
- (f) shoreline permits issued pursuant to Title 21 SCC;
- (g) conditional use permits issued pursuant to Title 18 SCC;
- (h) nonconforming use expansions granted pursuant to Title 18 SCC;
- (i) townhouse approvals granted pursuant to Title 18 SCC;
- (j) planned residential development approvals granted pursuant to Title 18 SCC;
- (k) rezones granted pursuant to Title 18 SCC;
- (l) flood hazard permits issued pursuant to Title 27 SCC;
- (m) environmental reviews conducted pursuant to Title 23 SCC;
- (n) variances granted pursuant to Title 18 SCC;

Section 31. Snohomish County Code, section 14.01.040, added by Ord. 92-014, on April 1, 1992, is amended to read:

14.01.070 Priority permit processing procedure.

(1) After receiving an application submitted pursuant to SCC 14.01.050, the director shall review the application in accordance with administrative policies and procedures adopted pursuant to SCC 14.01.080 and shall determine whether or not the proposed low-income housing project is eligible for priority permit processing. If the proposed project is determined to be eligible, the director shall execute a low-income housing preservation agreement with the applicant. Following execution of the agreement, the director shall issue a certificate of eligibility to the applicant and shall

transmit copies of the certificate of eligibility to the departments of planning and ~~((community))~~ development services, and public works which will authorize and require the departments to provide the proposed low-income housing project priority permit processing.

(2) The departments of planning and ~~((community))~~ development services, and public works shall review and process permits for which certificates of eligibility have been issued in the most expeditious manner allowable under state law and county ordinance. Priority permit processing shall begin on the next working day immediately following receipt by the department of a certificate of eligibility. Departmental staff shall, upon receipt of a permit application and accompanying certificate of eligibility, process the permit applications ahead of all permit applications not accompanied by a certificate of eligibility. Whenever possible, applications for multiple permits for a single low-income housing project shall be processed on a concurrent, rather than sequential basis.

Section 32. Snohomish County Code, Section 16.04.095, added by Ord. 93-162, on January 12, 1994, is amended to read:

16.04.095 Section 9.105 amended.

Section 9.105 is amended to read as follows:

The definition of "Chief or Chief of the fire department" is deleted and the following definition is added:

"CHIEF OR CHIEF OF THE FIRE DEPARTMENT" shall mean the director of Snohomish county ~~((community development))~~ department of planning and development services or his or her duly authorized designee.

Section 33. Snohomish County Code, subsection 17.02.110(1), last amended by Ord. 92-143, on November 24, 1992, is amended to read:

17.02.110 Grading permit fees.

(1) A grading permit fee, which is in addition to any other fees provided by law, shall be collected by ~~((community development))~~ the department of planning and development services upon submission of a complete application. The fee shall be composed of three parts: a site review fee for preliminary application screening and site review, a base fee for permit administration, and a plan review and inspection fee for review of grading plans and on-site inspection for conformance to grading permit conditions, and shall be collected as follows:

(a) Site review fee: \$100.00.

(b) Base fee: \$200.00.

(c) Plan review and inspection fee, based on the total number of cubic yards of earth movement, either cut or fill, whichever is greater: \$0.33/cu.yd.

(d) The plan review and inspection fee shall not exceed \$23,000.

(e) Grading associated with projects administered by Snohomish soil conservation district shall not be subject to the plan review and inspection fee.

Section 34. Snohomish County Code, Section 17.04.060, added by Ord. 85-020, on May 1, 1985, is amended to read:

17.04.060 Subsection 104(e) new paragraphs added - Moved buildings.

New paragraphs are added to subsection 104(e) as follows:

Every application for a permit for moving a building shall contain the following additional information:

1. Identification of the building(s) or structure(s) to be moved and the existing location thereof;

2. The legal description, street address, assessor's tax account number and the description of the new location to which the building will be moved.

Prior to any building or structure being brought into or being moved within Snohomish county at any place under the jurisdiction of the ~~((division of community development))~~ department of planning and development services, such building or structure shall first be inspected at its site where originally occupied and shall first have a new site permit issued.

Any approval granted for moving a building into or within Snohomish county is conditioned upon its placement upon a permanent foundation within 90 days from the date it is moved into or within Snohomish county and having met all the requirements of section 104 (e).

Section 35. Snohomish County Code, Section 17.04.100, added by Ord. 85-020, on May 1, 1985, is amended to read:

17.04.100 Exemption from plan check - Non-human occupation.

The ~~((division of community development))~~ department of planning and development services shall issue building permits for all structures classified as group M, division 1 or 3 occupancy, without required plan check when designed and stamped by a licensed Washington state structural engineer and said structure is not to be used for human habitation, and when, in the opinion of the building official, the proposed building meets the intent of this exemption, PROVIDED all other required permits are first obtained.

Section 36. Snohomish County Code, Section 17.04.180, last amended by Ord. 90-129, on August 9, 1990, is amended to read:

17.04.180 Subsection 307(a) amended - Occupancy.

Subsection 307(a) is amended to read:

No building, structure or portion thereof in Group A, E, I, H, B or R division 1 occupancy shall be used or occupied, and no change in use occupancy classification of a building, structure or portion thereof, shall be made until the building official has issued a certificate of occupancy for such uses, or change of uses as each occurs, or at least annually, PROVIDED, that such certificate of occupancy shall not issue until all requirements imposed as a condition of building permit issuance, subdivision approval and all requirements of Snohomish county code have been met. The inspection and compliance division of ~~((community development))~~ department of planning and community development shall inspect said occupancy uses as necessary, but at least annually.

No building in group R-3 or M shall be used or occupied without first having obtained approval from the building official or his authorized representative.

Section 37. Snohomish County Code, Section 17.16.150, added by Ord. 85-021, on May 1, 1985, is amended to read:

17.16.150 Disclaimer of liability.

Snohomish county is not responsible for the accuracy of plans (preliminary or final) submitted for approval to the division of community development of the Snohomish county department of planning and ~~((community))~~ development services, and does not guarantee that plan reviews and/or inspections will detect any hazard, design defect or code violation.

Section 38. Snohomish County Code, Section 17.18.090, added by Ord. 85-021, on May 1, 1985, is amended to read:

17.18.090 Liability disclaimer.

Snohomish county is not responsible for the accuracy of plans (preliminary or final) submitted for approval to the division of community development of the Snohomish county department of planning and ~~((community))~~ development services

Section 39. Snohomish County Code, section 17.28.025, added by Ord. 81-076, on August 3, 1981, is amended to read:

17.28.025 Prestate insignia mobile homes.

All individual mobile homes to be located or relocated within Snohomish county that do not have an insignia of approval from the Washington state department of labor and industries, or the U.S. Department of Housing and Urban Development, or Snohomish county or were constructed prior to July 1, 1968 are subject to the following minimum livability requirements and preinspection before being moved to a new location. The county ~~((office of community development))~~ department of planning and development services shall establish inspection procedures to ensure to the extent feasible that prior to movement of such mobile homes to a new location, the following minimum livability requirements are met:

- (1) The unit shall have a safe operable heating facility capable of maintaining a room temperature of 70 degrees Fahrenheit at three feet above the floor in all habitable rooms.
- (2) The unit shall be equipped with a water closet, lavatory, bathtub or shower, kitchen sink and hot and cold running water. All facilities shall be installed and maintained in a safe and sanitary condition.
- (3) The unit shall be weather protected to provide shelter and exclude dampness.
- (4) All electrical service-entrance conductors, service equipment, switches, lighting outlets, power outlets and appliances shall be maintained in a safe manner. If the inspector requests, you must present evidence that Washington state labor and industries electrical inspection division approves your unit.
- (5) All openable windows and doors shall be in an operable condition to provide for adequate natural ventilation and provide emergency exits, as per requirements of chapter 8 of the housing code of Snohomish county.
- (6) An operable smoke detector shall be installed within the unit in a hallway adjacent to the bedroom area.
- (7) The unit shall be structurally sound with no apparent hazardous conditions in floors, walls, ceilings and roofs.
- (8) The unit shall have been well maintained, free of debris and infestation of insects, vermin or rodents.
- (9) Applicant shall pay an inspection fee pursuant to SCC 17.04.160 in addition to the fees set forth in SCC 17.28.050.
- (10) The inspection form shall include a statement that inspection does not constitute a warranty that the unit is safe or livable.



Section 40. Snohomish County Code, subsection 17.28.030(3), last amended by Ord. 81-014, on March 9, 1981, is amended to read:

17.28.030 Mobile home permit.

It shall hereafter be unlawful for any person to move, or locate or thereafter maintain, occupy or inhabit a mobile home on any lot, tract, parcel, or space in a mobile home park (as defined in SCC 18.90.595) in Snohomish county unless first a mobile home permit has been issued therefor, approval granted thereunder, final inspection and occupancy approval given, and the mobile home bears such insignia of approval as is required by federal, Washington state or Snohomish county law.

The mobile home permit shall include the following:

(3) A plan showing compliance with the county mobile home foundation and skirting requirements. A copy of the requirements may be obtained from the county ~~((office of community))~~ department of planning and development services.

Section 41. Snohomish County Code, subsection 17.28.060(1), last amended by Ord. 81-014, on March 9, 1981, is amended to read:

17.28.060 Inspection approval.

(1) Upon location of a mobile home upon the site, the permit holder shall notify the ~~((office of community))~~ department of planning and development services, who shall make such inspection as is appropriate to the purpose, and shall approve the mobile home for occupancy at the site and so note upon the records of the county office of community development, and may attach an insignia to the mobile home which, when attached, shall not be removed so long as the mobile home remains on the identical site when he finds:

(a) That the home bears such insignia of approval as delineated in SCC 17.28.030; and

(b) That it is located in an area zoned therefor and is so positioned upon the site as to meet applicable yard or building setback requirements for the zone in which located; and

(c) That it complies with any applicable condition imposed by the provisions of the county zoning code, including a conditional use permit or variance if applicable; and

(d) That the mobile home will comply with pertinent laws and regulations relating to sewage disposal; and

(e) That the mobile home is placed upon a permanent foundation in the manner as provided by applicable building codes; or

(i) Where applicable, meets the provisions of SCC 18.18.020(14); or

(ii) Where applicable, is placed upon a temporary foundation and has completely enclosed the area under the mobile home by a skirt enclosure.

Section 42. Snohomish County Code, section 17.28.080, last amended by Ord. 81-14, on March 9, 1981, is amended to read:

17.28.080 Disclaimer of liability.

Snohomish county is not responsible for the accuracy of plans (preliminary or final) submitted for approval to the ~~((office of community development of the Snohomish county department of community affairs))~~ department of planning and development

services, and does not guarantee that plan reviews and/or inspections will detect all hazards, design defects or code violations.

Section 43. Snohomish County Code, subsections 18.32.040(B)(7), (19), (42), (66), and (68), last amended by Ord. 94-029, on April 6, is amended to read:

(B) Reference notes for use matrix.

(7) Joint Fallout Shelter, by two or more property owners:

(a) Side and rear yard requirements may be waived by the (~~community development division~~) department of planning and development services along the boundaries lying between the properties involved with the proposal, and zone PROVIDED That its function as a shelter is not impaired.

(19) Temporary Dwelling, for a relative:

(a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling,

(b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity,

(c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician,

(d) The temporary dwelling shall be occupied by not more than two persons,

(e) Use as a commercial rental unit shall be prohibited,

(f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling,

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish county auditor and a copy of the recorded document submitted to the (~~community development division~~) department of planning and development services for inclusion in the permit file,

(h) Adequate screening, landscaping or other measures shall be provided to protect surrounding property values and insure compatibility with the immediate neighborhood,

(i) An annual renewal of the temporary dwelling permit, together with recertification of need shall be accomplished by the applicant through the (~~community development division~~) department of planning and development services in the same month of each year in which the initial mobile home/building permit was issued,

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish county auditor, and

(k) The temporary dwelling shall not be located on a lot on which a detached accessory apartment, as defined in SCC 18.90.018, is located.

(42) Sludge Utilization:

(a) Minimum total project area including setbacks is 20 acres,

(b) Access to the site shall be controlled in an acceptable manner using measures such as fences, gates, posting, etc.,

(c) For the following applications, minimum setbacks between the utilization area and the property boundary shall be observed (unless a lesser setback is agreed to by the adjoining property owner(s) outside of the project boundaries):

(i) Spray application: 500 feet,

(ii) Surface application: 300 feet, and

(iii) Sub-surface injection: 200 feet,

(d) Minimum setbacks from year-round surface waters shall be 200 feet, or greater if deemed necessary to protect water quality,

(e) A joint site inspection shall be arranged by representatives of the Snohomish health district and the Snohomish county department of planning and ((community)) development services at the time of initial application. The applicant shall provide said agencies with at least 10 days advance notice of such initial application,

(f) The applicant shall submit for approval by the hearing examiner a monitoring schedule suitable to the Snohomish health district, and

(g) Provided that sludge utilization at a completed sanitary landfill or on a completed cell within a sanitary landfill shall not be subject to the minimum area requirement of subsection a.

(66) Accessory apartments - Attached and detached:

(a) An owner-occupant of a single-family dwelling unit may establish only one accessory apartment, which may be either attached to, or detached from the single-family dwelling. A detached accessory apartment may not be located on a lot on which a temporary dwelling, as defined in SCC 18.90.305, is located.

(b) The single-family dwelling unit to which an attached accessory apartment is to be added, or which is located on the same lot as the detached accessory apartment, must be owner-occupied on the date of application and remaining owner-occupied for as long as the attached or detached accessory apartment exists.

(c) The minimum floor area for an attached or detached accessory apartment shall be 450 square feet, but in no case shall the original single-family dwelling unit be reduced below 900 square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an attached accessory apartment shall not exceed the following percentage of the floor area of the single-family dwelling unit to which it is accessory, or the following fixed amount, whichever is applicable:

If the floor area of the single-family dwelling unit is:	the floor area of the attached accessory apartment shall not exceed:
Under 2,000 sq. ft.	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft. whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft. whichever is greater
over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

The floor area of a detached accessory apartment shall not exceed 40 percent of the floor area of the single-family dwelling unit to which it is accessory, or 850 square feet, whichever is less.

(d) For an attached accessory apartment, the architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling. Entrances for the attached accessory apartment shall be on the side or in the rear of the dwelling.

(e) For a detached accessory apartment located within a new structure, the exterior materials, roof form, and window spacing and proportions of the detached accessory apartment structure shall approximate those of the existing single-family dwelling. For a detached accessory apartment located within an existing structure, the structure is not required to approximate the exterior features of the existing single-family dwelling.

(f) In zones categorized as residential, multiple family or commercial, no portion of a detached accessory apartment shall extend beyond the building front of the existing single-family dwelling.

(g) An applicant must provide documentation that the water supply is potable and of adequate flow and that the existing or proposed sewage or septic system is capable of handling the additional demand placed upon it by the attached or detached accessory apartment.

(h) One off-street parking space shall be provided and designated for the attached or detached accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Additional spaces shall be provided to accommodate any additional vehicles owned and/or used by occupants of the attached or detached accessory apartment. Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards.

(i) An owner-occupant of a single-family dwelling with an attached or detached accessory apartment shall file, on a form available from the ((community development)) department of planning and development services, a declaration of owner occupancy with the ((community development)) department of planning and development services prior to issuance of the building permit for the attached or detached accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the ((community development)) department of planning and development services.

(67) Temporary woodwaste recycling and temporary woodwaste storage facilities: These two uses require a temporary use permit and are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) An application for a temporary use permit to allow a woodwaste recycling and/or woodwaste storage facility shall include the following:

(i) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, equipment, parking areas, access drives/fire lanes, extent of vegetation clearing, buffer widths, on-site sewage disposal areas (if proposed), proposed site structures, existing site structures that are to remain or be removed, natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the site.

(ii) Operational information which demonstrates that:

(A) Adequate fire prevention and protection measures have been incorporated into the proposal. Approval of said measures shall be obtained from the county fire marshal prior to temporary use approval;

(B) Adequate provisions have been incorporated into the proposal which will ensure that the type of woodwaste brought to the site consists only of materials authorized by this title and does not contain wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, copper-chrome-arsenate, paints or stains; the operator shall be responsible for insuring that such material does not enter the site;

(C) The woodwaste material is being stored in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300(3)(c)(i);

(b) A temporary use permit shall be subject to the following minimum performance standards:

(i) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used. All woodwaste material shall be limited to temporary storage at a rate in conformance with the Snohomish health district regulation, EHD 8-30-300(3)(c)(i);

(ii) The applicant shall demonstrate that an adequate water supply is available at the site to sustain necessary fire flow pressure for purposes of fire protection as determined by the applicable fire district in consultation with the county fire marshal.

(iii) The proposed operation shall be carried out in conformance with all applicable provisions of county code and state law and shall avoid the emission of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity.

(iv) A type I buffer as described in SCC 18.43.040(1) is required around the perimeter of all storage, recycling, processing, parking and other outside activity areas. When the subject property is zoned LI or HI, this type I buffer shall supersede the LI and HI buffer requirements described in the landscaping requirements matrix in SCC 18.43.050 for outside storage or waste areas, where the abutting property is designated commercial, or where the abutting property or use is residential.

(v) Woodwaste and recycled material placed in a pile shall be stored in piles no more than 30 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet.

(vi) The combined total storage area for woodwaste and recycled materials shall not exceed two acres.

(vii) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled product being prohibited.

(viii) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be setback at least 20 feet from adjacent properties; PROVIDED, That where such activities are adjacent to properties containing an existing residential use, properties where the existing zoning is categorized as residential, multiple family or rural, or adjacent to any stream or wetland designated by Snohomish county, the minimum setback shall be 100 feet; PROVIDED FURTHER, That where such activities are fully enclosed within a structure, the minimum setback may be reduced to 50 feet depending on the sensitivity of the resource. The character of the minimum setback area shall be determined by the planning and development services director in accordance with adopted county regulations, plans and policies.

(68) Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:

(a) The provisions of 18.32.040(B)(11)(a), (c), (d) and (f) shall be met;

(b) A minimum lot size of one acre is required;

(c) The following table identifies the maximum allowable combined accessory building and attached garage area and the minimum required building setback for the garage and/or the accessory building from adjacent residentially zoned properties according to the home occupation lot or parcel size:

	One ac.	Two ac.	Three ac.	Four ac.	Five or more ac.
Area (sq.ft.)	500	600	700	800	900
Setback (ft.)	30	40	50	60	70

(d) The home occupation shall in no way affect the appearance of the accessory building and/or the attached garage as accessory to the residential dwelling;

(e) The home occupation shall be fully enclosed within the accessory building and/or the attached garage including no outside storage of equipment or materials;

(f) The home occupation shall not create a level of noise vibration, smoke, dust, odors, heat, light, or glare beyond that which is acceptable in a residential area;

(g) The following activities, including any similar activities, are prohibited as home occupations: minor or major automobile, truck or heavy equipment fueling, maintenance or repair; autobody work or painting; parking or storage of heavy

equipment; and any Group H occupancies as defined in the Uniform Building Code except for woodworking and spray finishing in conjunction with woodworking activities;

(h) The home occupation hours of operation shall be limited to: 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m., Saturday and Sunday;

(i) A certificate of occupancy shall be obtained from the ~~((community development division))~~ department of planning and community development prior to commencing the home occupation to ensure building and fire code compliance. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 16.04.060.

Section 44. Snohomish County Code, subsection 18.41.010(4), last amended by Ord. 92-119, on Nov. 9, 1992), is amended to read:

18.41.010 Minimum access requirements.

Access to lots shall be as provided herein:

(4) Lots whose legal access is provided across either a railroad company right-of-way or county owned trail must demonstrate evidence that a crossing permit (license) has been granted by the railroad right-of-way or by the Snohomish county parks department in the case of a county owned trail. Such evidence must contain the name of the current property owner or contract purchaser and said permit (license) shall be recorded with the county auditor and presented to the department of planning ~~((division))~~ and development services prior to the issuance of development permits. Aggregations of lots whose legal access is provided across a railroad company right-of-way or county owned trail may collectively enter into an incorporated homeowners association for a single crossing permit (license) to benefit the aggregation of said lots. The articles of incorporation, bylaws and permits (license) shall be recorded with the county auditor. Prior to the issuance of development permits, evidence of the arrangements with the railroad company or Snohomish county parks department must be presented to the department of planning ~~((division))~~ and development services. However, the above restrictions shall not apply where the railroad or county owned trail crossing is a maintained county road or county right-of-way.

Section 45. Snohomish County Code, section 18.43.020, last amended by Ord. 86-s148 on February 4, 1987, is amended to read:

18.43.020 Timing of installation - Bond.

All required landscaping shall be installed prior to building occupancy, PROVIDED, That the planning division may authorize up to a 120-day delay when planting season conflicts could produce a high probability of plant loss. For the maintenance and/or replacement of landscape areas, a bond or assignment of funds to the county in a reasonable amount and for a reasonable duration as determined by the department of planning ~~((division))~~ and development services shall be required

Section 46. Snohomish County Code, subsections 18.43.060(1), (4), and (7), last amended by Ord. 87-008 on March 4, 1987, is amended to read:

18.43.060 Landscaping requirements for parking and outdoor display areas.

(1) No building permit shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the department of planning ~~((division))~~ and development services;

(4) Ten percent of the parking area shall be landscaped (exclusive of landscaping required by (2) above to be located on the street frontage); PROVIDED, That:

- (a) No landscaping area shall be less than 50 square feet in area,
- (b) No parking stall shall be located more than 45 feet from a landscaped

area.

The department of planning ((division)) and development services may approve landscaping plans involving alternatives to this specification for individual properties if it finds the alternative would be more effective in meeting the purposes of this section,

(c) All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in the satisfaction of these requirements;

(7) When a parking area abuts residentially designated property along any interior property line, a type "I" buffer, or a minimum five foot wide type "II" buffer with plantings spaced to form a solid, sight-obscuring screen within a reasonable period of time, as determined by the department of planning ((division)) and development services, shall be installed along the property line. This requirement shall not apply when the abutting residentially designated property is six feet or more above or below the elevation of the immediately adjacent parking area;

Section 47. Snohomish County Code, subsection 18.43.070(1), last amended by Ord. 92-075, July 22, is amended to read:

18.43.070 Alternative landscape area provisions for auto wrecking and junk yards.

Notwithstanding the provisions of SCC 18.43.050, above, the following provide for a reduction in landscape area requirement for auto wrecking and junk yards in the LI and HI zones.

(1) A reduction in the width of the landscape area requirement may be applied for on the following basis:

(a) The proposed reduction shall not result in a landscaped area which is less than 10 feet from necessary right-of-way boundary of a neighborhood collector or access street as determined by the department of public works;

(b) An alternative landscape area plan designed and certified by a registered landscape architect shall be submitted with a filing fee of \$175.00 to the county;

(c) The alternative landscape area plan shall either (i) provide for thickly-foliaged evergreen plantings of sufficient size and spacing such that they are capable of obscuring a fence and/or wall within two years after planting, or (ii) provide for some other aesthetically pleasing alternative which, for example, may combine elements of attractive privacy fence materials, textures and colors with more open landscaping which, nevertheless, must be capable of eventually obscuring the fence above four feet above ground level;

(d) The landscaped area reduction shall be designed or may be modified so as to not adversely affect traffic sight distances, fire safety, aesthetic views, utilities, or other identifiable police power concerns in the foreseeable future; and

(e) The alternative landscape area plan shall be subject to approval of or modification by the hearing examiner if submitted in connection with any other application requiring his consideration. Otherwise, it shall be subject to approval of or modification by the director of planning and ~~((community))~~ development services, or his/her designee, according to the following procedure:

(i) The applicant shall, within 15 days of submitting an alternative landscaped area request, conspicuously post two or more signs as determined by the department. Signs and instructions 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.

(ii) The director shall, within 20 days of the receipt of an alternative landscaped area request, notify all taxpayers of record and known site addresses within 500 feet of any subject landscaped area. Comments of interested parties must be received by the department within 15 days of said notification. Said notice shall include a summary of the proposed action and a statement indicating how to become a "party of record" as defined in SCC 2.02.165. Said notice may also contain any other information which the county finds may be of assistance to provide a complete and reasonably understandable summary;

(iii) The determination of the director regarding a requested alternative shall be made within 45 days of receipt of the request and shall be transmitted in writing to the applicant and all persons receiving public notice as required by SCC 18.43.070(1)(e)(i) above and all parties of record as defined in SCC 2.02.165. Said determination shall include findings of fact for approval or denial and requirements for modifications, if any; and

(iv) The determination of the director regarding a requested alternative landscaped area shall be final unless appealed to the hearing examiner under the provisions for administrative appeals in chapter 18.72 SCC.

Section 48. Snohomish County Code, subsection 18.44.010(2), added by Ord. 86-037, May 7, 1986, is amended to read:

18.44.010 General requirements.

The following regulations shall pertain to signs in all zones where signs are allowed unless modified by more specific regulations within this chapter:

(2) For signs or displays that involve moving parts or flashing or blinking lights simulating traffic signals, three copies of drawings or sketches showing the proposed size, lettering, and location on the ground shall be filed with the department of planning ((division)) and development services for the approval of the state highway department and/or the director of public works;

Section 49. Snohomish County Code, subsection 18.45.080(3), amended by Ord. 87-026, April 29, 1987, is amended to read:

18.45.080 Conditions for joint use.

(3) Parties concerned in the joint use of off-street facilities shall submit a proper legal instrument defining the conditions of the joint use for review and approval of the department of planning ((division)) development services and prosecuting attorney.

Section 50. Snohomish County Code, subsection 18.46.030(1), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.46.030 Subdivision regulations.

In addition to the requirements of Titles 19 and 20 SCC, the following procedures and regulations shall apply to all subdivision and short subdivision activity:



(1) Determination of Slope. The subdivider shall determine land slope and assess the applicability of this chapter. This information shall be provided to the department of planning ((division)) and development services along with the completed application. The planning and development services director may call for engineering or other technical justification for any development in sloped areas if he or she determines that public health, safety, welfare or environment may be jeopardized by such development. The imposition of such requirements may be appealed as an administrative determination under chapter 18.72 SCC.

The subdivider may use either or both of the following methods to determine land slope except that all subdivisions under Title 19 SCC require use of method (b):

(a) Inquire at the department of planning ((division)) and development services for pre-existing slope information. Available information may be adequate for slope assessment in certain situations, and

(b) Obtain a topographic survey from a registered professional engineer or land surveyor which defines the slope of the property to a recognized and acceptable mapping standard. In all areas proposed for roads or dwellings, elevations of 90 percent of the area shall be within three feet of the actual ground elevations;

Section 51. Snohomish County Code, subsection 18.51.040(4), amended by Ord. 88-013 on March 30, 1988, is amended to read:

18.51.040 Plans.

(4) Upon evaluation by the department of planning division and development services, the plans shall be submitted to the hearing examiner for approval.

Section 52. Snohomish County Code, subsection 18.51.050(6), amended by Ord. 94-003 on February 16, 1994, is amended to read:

18.51.050 PRD standards.

The following special conditions shall be met in all PRD overlay zones, except where the optional PRD standards for bulk requirements of SCC 18.51.055 are followed:

(6) Minimum Lot Area and Bulk Requirements for Townhouse Dwellings.

(a) Minimum lot area per dwelling unit shall be an average of 2,000 square feet,

(b) Every townhouse lot shall have a front setback of not less than 15 feet, and a rear setback of not less than five feet, both measured from the property line; PROVIDED, That when two or more townhouse dwelling units are being developed on adjacent lots, minimum front setbacks may be reduced by not more than 10 feet in order to give individual identity and privacy to the units, as long as the average of all front setbacks in a townhouse structure is not less than 15 feet, and each lot has a combined total of 30 feet of front and rear setbacks,

(c) Every townhouse at each end of a group of attached units shall maintain a side setback of not less than five feet with a minimum building separation of not less than 10 feet; PROVIDED, That if the side setback adjoins public open space, this setback requirement may be reduced by an amount equal to the distance from the side lot line to the centerline of the open space. Such modified setback shall be endorsed upon the approved site plan. No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space,

(d) Bulk and Setback Variation. Each townhouse structure shall have horizontal or vertical variation either within each dwelling unit's front building face

and/or between the front building faces of all adjoining units to provide visual diversity to the townhouse structure and individual identity to townhouse units. Upon building permit application, a plot plan of the entire structure in which each unit is located shall be provided by the builder to show compliance with this requirement. The ~~((community development division))~~ department of planning and development services shall review and approve or deny the building design which may incorporate variations in roof lines, common wall "fin" extensions, setbacks and other structural variations. Disagreements between the applicant and the ~~((community development division))~~ department of planning and development services may be appealed to the hearing examiner.

(e) Lot coverage requirements shall be as follows:

(i) townhouse and accessory structures shall together cover no more than 55 percent of the lot, and

(ii) patios, driveways and walkways shall not increase the total lot coverage to more than 65 percent of the lot, unless paved with perforated concrete blocks or other permeable material, and

(f) Townhouse building height shall not exceed 30 feet;

Section 53. Snohomish County Code, Section 18.51.080, amended by Ord. 88-013 on March 30, 1988, is amended to read:

18.51.080 Revision of the official site plan.

Revisions of an official site plan shall be permitted as set forth below:

(1) Minor Revisions. Minor revisions or changes in the official map may be permitted by administrative action of the ~~((manager))~~ director of the department of planning ~~((division))~~ and development services and shall be properly recorded within the rezone file and as a part of the records for the approved building permits;

(2) Major Revisions. Major revisions of an official site plan shall be processed in the same manner as an original application; and

(3) Determining Major, Minor Revisions. A "major" revision means any proposed change in the basic use in a PRD, or any proposed change in the plans and specifications for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree. A "minor" revision means any proposed change in an official map which does not involve a substantial alteration of the character of the PRD. The determination of whether a proposed change is a "major" or "minor" revision shall be made by the planning ~~((manager))~~ and development services director in accordance with the foregoing principles.

(4) Any changes shall be noted on the official PRD site plan filed with the department of planning and ~~((community))~~ development services.

Section 54. Snohomish County Code, subsection 18.53.040(3), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.53.040 Revisions.

Revisions to site plans approved by the hearing examiner shall be permitted as follows:

(3) Determining Major, Minor Revisions. A "major" revision means any proposed change in the basic use in a site plan, or any proposed change in the plans and specifications for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree. A "minor" revision means any proposed change in a site plan

which does not involve a substantial alteration of the character of the site plan. The determination of whether a proposed change is a "major" or "minor" revision shall be made by the ~~((manager))~~ director of the department of planning ((division)) and development services in accordance with the foregoing principles and may be appealed pursuant to chapter 18.72 SCC.

Section 55. Snohomish County Code, subsection 18.53.060(3), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.53.060 Performance and design standards.

All townhouses shall meet the following standards and regulations:

(3) Bulk and Setback Variation. Each townhouse structure shall have horizontal or vertical variation either within each dwelling unit's front building face and/or between the front building faces of all adjoining units to provide visual diversity to the townhouse structure and individual identity to townhouse units. Upon building permit application, a plot plan of the entire structure in which each unit is located shall be provided by the builder to show compliance with this requirement. The department of planning ((division)) and development services shall review and approve or deny the building design which may incorporate variations in roof lines, common wall "fin" extensions, setbacks and other structural variations. Disagreements between the developer and the department of planning ((division)) and development services may be appealed to the hearing examiner;

Section 56. Snohomish County Code, subsections 18.54.010(2) and (4), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.54.010 Qualifying criteria and guidelines for establishing and continuing MC zones.

(2) With respect to any applications for MC zoning, recommendations shall be made relative to the manner in which the subject land meets the purposes of this zoning code and of this chapter. In addition, specific recommendations may be made by the department of planning ((division)) and development services on matters of concern to the application at hand including, but not limited to, the following:

(a) The adequacy of environmental safeguards bearing on public health, safety and welfare, as evaluated against the standards of federal, state and local pollution control agencies,

(b) Revocations of previous permits and/or forfeiture of bonds unless corrective action has been undertaken without cost to the county or state,

(c) Experience with reclamation of similar site,

(d) Ecological impact, and

(e) Impact on agricultural operations in the vicinity;

(4) Land rezoned to MC may be reviewed as deemed necessary by the department of planning ((division)) and development services and at intervals not to exceed 10 years to determine whether substantial changes in the comprehensive plan and local conditions beyond any such developments anticipated in granting the zone have occurred, and to consider the current mineral status of the land, all to determine whether a rezone to another classification is warranted.

Section 57. Snohomish County Code, subsection 18.54.010(3), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.54.050 Bonds.

(3) The surety executing the bond shall continue to be firmly bound up to the limits of the bond, under a continuing obligation, for payment of all necessary costs and expenses that may be incurred or expended by the county in covering any and all such required work to be done. However, in no event shall the liability of the surety exceed the amount stated in its bond regardless of the number of years the bond shall remain in force. Liability under the bond may be released only upon written notification from the hearing examiner which notification shall be given upon completion of compliance or acceptance by the hearing examiner of a substitute bond. The portion of a bond covering reclamation which includes plantings shall not be released until after a final site inspection by the department of planning ((division)) and development services which shall take place after at least one complete growing season has elapsed since the completion of reclamation.

Section 58. Snohomish County Code, subsections 18.55.010(3) and (5), last amended by Ord. 93-077 on September 8, 1993, is amended to read:

18.55.010 Mobile home parks - Establishment.

Where permitted mobile home parks shall meet the following minimum requirements:

(3) Any applicant shall submit, along with the application, plans, drawings and other information sufficient to enable the department of planning ((division)) and development services to determine whether the mobile home park complies with the performance regulations contained in SCC 18.55.020 of this title. The submittals shall include the following:

(a) Overall site development plan showing location of all mobile home pads, buildings and uses, areas devoted to open space and buffering, ingress and egress points, and internal pedestrian and vehicular circulation. Such plans shall include at least the following:

- (i) Project staging and expected completion time,
- (ii) Location, width and typical cross-sections of internal circulation streets,
- (iii) Dimensions and areas of the mobile home park,
- (iv) Location and size of all mobile home pads,
- (v) Location and size of all parking and bulk storage areas,
- (vi) Location and size of open space areas required by SCC 18.55.020(8), and
- (vii) Existing and proposed topography at contour intervals of no more than five feet;

(b) Storm drainage study with plans showing existing vegetation, slopes and drainage conditions, as well as proposed alterations and drainage control devices,

(c) General landscape plans showing location of buffer strips, open spaces, existing trees and plant materials to be preserved, proposed interior major tree plantings, berms, and other landscape features. Detailed landscape plans must be submitted to, and approved by, the department of planning ((division)) and development services prior to initial site work, and

(d) Other maps, plans or documentation as deemed necessary by the hearing examiner in order to effectively evaluate the impact of the proposal;

(5) Plans which are approved by the hearing examiner may, upon request of the property owner, be amended by the department of planning ((division)) and

development services as an administrative act. This authority shall be limited to amendments of a minor nature which cause no increase in intensity of use and which do not reduce performance standards below those set forth when approved and which do not increase the detrimental impact of the park on adjoining properties, and which do not substantially alter the design of the official site plan. The department of planning ((division)) and development services shall make a record of any such requested amendment, its action thereupon, and the findings it determines to be controlling on its action; all such records and findings shall become a part of the permanent file of the subject mobile home park. No changes in points of vehicular access to the property shall be approved without written concurrence from the director of public works. Disagreements over amendments may be appealed by an aggrieved party to the hearing examiner. Requested amendments, which are deemed by the department of planning ((division)) and development services to exceed the authority granted by this paragraph, shall be submitted to the hearing examiner for consideration in the manner provided in chapter 18.72 SCC for the issuance of a conditional use permit; and

Section 59. Snohomish County Code, section 18.56.040, added by Ord. 86-037 on May 7, 1986, is amended to read:

18.56.040 Modifications.

Modifications of a binding site plan shall be permitted as set forth below:

(1) Minor Modifications. Minor modifications or changes in the binding site plan may be permitted by administrative action of the manager of the department of planning ((division)) and development services and shall be properly recorded as a part of the records for the approved building permits or rezone. A "minor" modification means any proposed change in a binding site plan which does not involve a substantial alteration of the character of the binding site plan;

(2) Major Modifications. Major modifications of a binding site plan shall be processed in the same manner as an original application. Major modification means any proposed change in the basic use in a binding site plan, or any proposed change in the plans and specifications for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree.

(3) The determination of whether a proposed change is a "major" or "minor" modification shall be made by the manager of the department of planning ((division)) and development services in accordance with the foregoing principles.

Section 60. Snohomish County Code, section 18.56.050, added by Ord. 86-037 on May 7, 1986, is amended to read:

18.56.050 Granting permission for an FS zone.

Prior to formal hearing examiner consideration for the granting of an FS zone, the department of planning ((division)) and development services shall have on file the director of public works' written evaluation of the adequacy of the proposed traffic control measures and the effect of the applicant's proposal on the proper functioning of the freeway interchange. Where a state facility is involved, the director of public works evaluation shall include an evaluation by the state highway district engineer.

Section 61. Snohomish County Code, subsection 18.60.040(2), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.60.040 Preliminary plan.

The preliminary development plan shall contain, at a minimum, the following:

(2) Graphic Material. Prints of drawings, the number and scale determined by the department of planning ((division)) and development services, drawn in compliance with the performance standards of SCC 18.60.090, showing all the following information:

- (a) A vicinity sketch locating the development,
- (b) Property boundaries of the development area,
- (c) Topography, sufficient to show direction of drainage and site development suitability, with contour intervals of from five to 20 feet depending upon slope characteristics and extending not less than 150 feet beyond the property boundaries. This requirement may be waived by the planning director if the site does not warrant such information,
- (d) All existing structures and improvements within the development area which are to remain,
- (e) Existing streets bounding and/or within the development area,
- (f) Tentative traffic and pedestrian circulation pattern within the development area, showing intended street widths,
- (g) Tentative location of building lots and/or building areas and major areas intended for open space,
- (h) Phasing plan depicting development divisions, if applicable, and
- (i) General landscape plan showing areas to be landscaped, proposed plant height, and treatment of existing vegetation.

Section 62. Snohomish County Code, section 18.60.075, last amended by Ord. 88-088 on November 2, 1988, is amended to read:

18.60.075 Final plan filing fee.

To cover the administrative review costs for the final plan or phased division thereof, a filing fee of \$50.00 per acre, rounded to the next highest acre, shall be paid to the ((division)) department. A filing fee of \$100.00 shall be paid to the department of planning and ((community)) development services for administrative approval of a record of survey.

Section 63. Snohomish County Code, subsections 18.60.100(2) and (4), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.60.100 General performance requirements.

Each planned zone and uses located in the BF, PCB and IP zones shall comply with the following requirements:

(2) Development Phases. Where the proposal contains more than one phase, all development shall occur in a sequence consistent with the phasing plan which shall be presented as an element of the preliminary plan unless modification is approved by the department of planning ((division)) and development services;

(4) Restrictive Covenants. Restrictive covenants shall be provided which shall insure the long-term maintenance and upkeep of landscaping, storm drainage facilities, other private property improvements, and open space areas and facilities. Further, said covenants shall reference the binding site development plans and indicate their availability at the department of planning ((division)) and development services, and shall provide that Snohomish county is an additional beneficiary with standing to

enforce, and shall preclude the avoidance of performance obligations through lease agreements;

Section 64. Snohomish County Code, subsections 18.60.110(2) and (5), added by Ord. 86-037 on May 7, 1986, is amended to read:

18.60.110 General landscaping and open space requirements.

These requirements are in addition to those contained in 18.43.050.

(2) Landscaping materials and the maintenance thereof shall conform to and be installed in accordance with the overall site development plan. Landscaping shall be installed prior to building occupancy, PROVIDED That the department of planning ((division)) and development services may authorize up to a 60-day delay where planting season conflicts would produce a high probability of plant loss;

(5) Except where specifically prohibited by the hearing examiner, the department of planning ((division)) and development services, concurrently with action on the final BP or IP plan, may waive or modify landscaping requirements abutting residential zones and between rights-of-way or private access roads and buildings and parking areas where abutting residential uses will not be adversely affected, and where existing physical improvements, physiographic features or imminent changes in abutting land uses will render full compliance with said requirements ineffective. If said requirements are waived, or width of the buffer reduced, the department of planning ((division)) and development services shall establish the minimum side and rear yard building setbacks from residentially designated property;

Section 65. Snohomish County Code, section 18.72.090, last amended by Ord. 93-077 on September 8, 1993, is amended to read:

18.72.090 Administrative authority.

The director of the department of planning and ((community)) development services or his designee shall have the authority to make and issue orders, requirements, permits, decisions or determinations as necessary in the administration and enforcement of the provisions of this title.

Section 66. Snohomish County Code, subsection 18.72.100(1), last amended by Ord. 93-077 on September 8, 1993, is amended to read:

18.72.100 Administrative appeals - Procedure.

(1) Appeals may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board or bureau of the county affected by any order, requirement, permit, decision or determination made by the director of the department of planning and ((community)) development services or his designee in the administration and enforcement of the provisions of this title. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

Section 67. Snohomish County Code, Section 18.72.130, added by Ord. 86-037 on May 7, 1986, is amended to read:

18.72:130 Application form.

The department of planning ((division)) and development services may prescribe the form in which applications are made for a variance, conditional use permit, special use permit or administrative appeal. It may prepare and provide printed forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.

Section 68. Snohomish County Code, section 18.72.155, last amended by Ord. 94-029 on April 6, 1994, is amended to read:

18.72.155 Processing procedure - Attached and detached accessory apartments and temporary uses.

Applications for an accessory apartment (attached or detached) permit, for a temporary permit for emergency uses or structures, for a temporary woodwaste recycling and temporary woodwaste storage permit, and for a temporary dwelling permit for relatives, shall be made in writing to the ((community)) planning and development services director. The ((community)) planning and development services director may prescribe the form in which application is made and the type of information to be provided by the applicant in the application and, for temporary uses, the director may grant those permits which meet the conditions listed in SCC 18.32.040. The director may also impose special conditions to assure compatibility with surrounding properties. Temporary use permits for temporary woodwaste recycling and temporary woodwaste storage are valid for two years from the date of issuance and are eligible for renewal, subject to compliance with all applicable requirements of this title.

Section 69. Snohomish County Code, section 18.72.160, last amended by Ord. 92-075 on July 22, 1992, is amended to read:

18.72.160 Notice of hearing - Variance - Conditional or special use permits.

Upon the filing of an application for a variance, conditional use or special use permit by a property owner, the ((planning division of the)) department of planning and ((community)) development services shall set the time and place for a public hearing to consider the application, as provided for in the examiner's rules of procedure. Notice of the first public hearing for such an application shall be as set forth below:

(1) For all variance applications:

(a) The applicant shall conspicuously post at least 15 days prior to the first hearing two or more signs as determined by the department. Signs and instructions 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) The county, at least 15 days prior to the first public hearing, shall mail a notice of the hearing to all taxpayers of record and known site addresses within 500 feet of the boundaries of the subject property and contiguous property owned by the applicant; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030;

(c) The county shall provide notice by one publication, at least 15 days before the date of the first public hearing, in the official county newspaper and in a newspaper of general circulation in the affected area;

(2) For all conditional or special use permit applications:



(a) The applicant shall conspicuously post at least 15 days prior to the first hearing two or more signs as determined by the department. Signs and instructions 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) The county, at least 15 days prior to the first public hearing, shall mail a notice of the hearing to all taxpayers of record and known site addresses within 500 feet of the boundaries of the subject property and contiguous property owned by the applicant; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030;

(c) The county shall provide notice by one publication, at least 15 days before the date of the first public hearing, in the official county newspaper and in a newspaper of general circulation in the affected area;

(3) The notices required in this section shall contain the information required in SCC 18.73.050;

(4) The notices required in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(5) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the ~~((division))~~ department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 70. Snohomish County Code, subsection 18.72.175(3), last amended by Ord. 94-029 on April 6, 1994, is amended to read:

18.72.175 Notice provisions - Attached or detached accessory apartments and temporary uses.

(3) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the ~~((division))~~ department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 71. Snohomish County Code, section 18.72.180, last amended by Ord. 91-171 on November 16, 1991, is amended to read:

18.72.180 Reapplication.

Upon final action as set forth in this chapter denying an application for variance, conditional use or special use permit the department of planning ~~((division))~~ and development services shall not accept filing of an application for substantially the same matter within one year from the date of the final denial of the application.

Section 72. Snohomish County Code, section 18.72.190, last amended by Ord. 91-171 on November 16, 1991, is amended to read:

18.72.190 Permit/variance review.

The office of the examiner shall retain jurisdiction over all variances and conditional use and special use permits. Upon a petition for review being filed by any person with a substantial interest in a variance, conditional use or special use permit, or by any public official, the examiner may, in his discretion, call a public hearing for the purpose of reviewing that variance, conditional use or special use permit. The review process provided for in this section is separate and distinct from the revision process set forth in SCC 18.72.192. Any such hearing shall be processed in accordance with the provisions of chapter 2.02 SCC. Upon accepting a petition for review the examiner may, for good cause shown, direct that the department of planning and ~~((community))~~ development services issue a stop work order to temporarily stay the force and effect of all or any part of the variance, conditional use or special use permit in question until the review is finally adjudicated. Notice of the public hearing shall be as provided in SCC 18.72.160. The examiner may reaffirm, modify or rescind all or any part of the variance, conditional use or special use permit being reviewed. The examiner's decision, after hearing, shall be final and may be appealed in the manner provided in SCC 18.72.030 or SCC 18.72.070 for appeal of the type of approval under review. The provisions of Title 28 SCC may also be applied to enforce any variance, conditional use or special use permit.

Section 73. Snohomish County Code, subsection 18.72.192(1), added by Ord. 91-171 on November 16, 1991, is amended to read:

18.72.192 Revision of variances, conditional use and special use permits.

(1) Revision of an official site development plan and conditions of permit approval is permitted as follows:

(a) Minor Revisions. Minor revisions to the official site development plan may be permitted by the director of the department of planning ~~((division))~~ and development services or his designee and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of public works or his designee.

(b) Major Revisions and Permit Condition Changes. Major revisions in an official site development plan and any requested change in permit conditions shall be processed in the same manner as a new application.

Section 74. Snohomish County Code, section 18.72.195, last amended by Ord. 94-029 on April 6, 1994, is amended to read:

18.72.195 Continuing jurisdiction - Attached or detached accessory apartments and temporary uses.

The ~~((community))~~ planning and development services director shall retain continuing jurisdiction over all attached or detached accessory apartments and temporary uses and may, for good cause, modify or revoke any permit issued under the authority of this chapter.

Section 75. Snohomish County Code, subsection 18.72.220(2), added by Ord. 86-037 on May 6, 19, is amended to read:

18.72.220 Vacation of permits/variances.

Any conditional or special use permit or variance issued pursuant to this chapter may be vacated upon county approval by the current landowner PROVIDED That:

(2) The use has been terminated and no violation of the terms and conditions of the permit exists.

Requests to vacate a permit shall be made in writing to the department of planning ((division)) and development services which shall determine if the above conditions are present prior to authorizing the vacation. Vacation of any permit/ variance shall be documented by the filing of a notice of land use permit vacation on a form provided by the planning division with the county auditor. (Added Ord. 86-037, 2, May 7, 1986).

Section 76. Snohomish County Code, section 18.73.020, added by Ord. 86-037 on May 6, 1986, is amended to read:

18.73.020 Initiation.

An amendment or rezone may be initiated by:

- (1) A notarized application of one or more owners of property affected by the proposed rezone, which application shall be filed with the department of planning and ((division)) and development services;
- (2) Resolution of intention by the county council;
- (3) Resolution of intention by the planning commission; or
- (4) The planning and development services staff, when said amendment or rezone will further the objectives and goals of the comprehensive plan, preserve its integrity and assure its systematic execution.

Section 77. Snohomish County Code, section 18.73.025, added by Ord. 86-037 on May 6, 1986, is amended to read:

18.73.025 Applications - Filing.

Applications for rezone of property shall be prepared on forms provided by the department of planning ((division)) and development services. Applications shall not be processed by the county until all information required on said forms has been provided in a complete and accurate manner.

Section 78. Snohomish County Code, section 18.73.040, added by Ord. 86-037 on May 6, 1986, is amended to read:

18.73.040 Setting hearings.

All proposed amendments to this title or applications for rezone of property subject to this title shall be set for public hearing by the ~~((manager))~~ director of the department of planning ((division)) and development services when such hearing is to be held before the planning commission or hearing examiner and by the clerk of the council when such hearing is to be held before the council.

Section 79. Snohomish County Code, subsections 18.73.050(5) and (7), last amended by Ord. 92-075 on July 22, 1992, is amended to read:

18.73.050 Notice.

Notice of the first public hearing on the following described actions shall be as set forth below:

...

(5) The ~~((division))~~ department may prescribe additional methods for providing notice through its administrative procedures;

(7) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the ~~((division))~~ department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 80. Snohomish County Code, section 18.90.670, added by Ord. 86-037 on May 7, 1986, is amended to read:

18.90.670 Planning director.

"Planning director" means the director of the county department of planning and ~~((community))~~ development services (or its successor), or his designee.

Section 81. Snohomish County Code, subsections 19.08.020(9) and (10), last amended by Ord. 91-114 on August 28, 1991, is amended to read:

19.08.020 Exceptions.

The provisions of this title shall not apply to:

(9) Division of land into lots, tracts or parcels, each of which is one-one-hundred-twenty-eighth of a section or larger or five acres or larger if the land is not capable of subdivisional description, prior to September 16, 1986 actual subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(a) There was filed with the Snohomish county ~~((planning division or))~~ department of planning and ~~((community))~~ development services a large lot subdivision map of lots contained therein, or

(b) There was filed with the Snohomish county auditor a record of survey of tracts to be subdivided, or

(c) There was filed with the Snohomish county assessor a tax segregation of the tracts to be subdivided, or

(d) There were sales and/or transfers of interest in tracts or parcels;  
PROVIDED, That all such divisions listed above must comply with all other minimum requirements of applicable state laws and all applicable legal access and zoning requirements of the Snohomish county zoning code;

(10) Divisions of land into lots, tracts or parcels, each of which is one-thirty-second of a section or larger, or 20 acres or larger if the land is not capable of subdivisional description, where prior to May 16, 1991 actual subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(i) There was filed with the Snohomish county department of planning and ~~((community))~~ development services a large lot subdivision map of lots contained therein, or

(ii) There was filed with the Snohomish county auditor a record of survey of tracts to be subdivided, or

(iii) There were sales and/or transfers or interest in tracts or parcels;  
PROVIDED, That all such divisions must comply with all other minimum requirements of applicable state laws and all applicable legal access and zoning requirements of the Snohomish county zoning code.

Section 82. Snohomish County Code, section 19.12.125, added by Ord. 86-096 on September 15, 1986, is amended to read:

19.12.125 Department.

"Department" means the department of planning and ~~((community))~~ development services. (Added Ord. 86-096, September 15, 1986).

Section 83. Snohomish County Code, section 19.12.130, added by Ord. 86-096 on September 15, 1986, is amended to read:

19.12.130 Director.

"Director" is the director of the department of planning and ~~((community))~~ development services or his designated representative.

Section 84. Snohomish County Code, section 19.12.185, added by Ord. 80-116 on December 30, 1980, is amended to read:

19.12.185 ~~((Office of community planning))~~ Department of Planning and Development Services

The "~~((office of community planning~~" is the division of the department of ~~community affairs~~) Department of Planning and Development Services is the department" responsible for the processing of preliminary plat applications.

Section 85. Snohomish County Code, section 19.12.250, added by Ord. 80-116 on December 30, 1980, is amended to read:

19.12.250 Technical review.

Technical review" is that review meeting conducted by the ~~((office of community))~~ department of planning and development services with the applicant and other Snohomish county personnel, when all reports, studies and other information are completed in order to inform the applicant of mitigative measures with which he may have to comply in order to receive preliminary plat approval.

Section 86. Snohomish County Code, section 19.14.020, last amended by Ord. 92-144 on November 24, 1992, is amended to read:

19.14.020 Construction plan check fee.

When the preliminary plat applicant submits the construction plan as called for in SCC 19.32.050(2), the ~~((community development division))~~ department of planning and development services will charge a plan check fee of \$160.00 per lot.

Section 87. Snohomish County Code, section 19.14.030, last amended by Ord. 92-144 on November 24, 1992, is amended to read:

19.14.030 Plat road inspection fee.

Before the construction plan called for in SCC 19.32.050(2) is approved, the ~~((community development division))~~ department of planning and development services will charge a plat road inspection fee of \$160.00 per lot.

Section 88. Snohomish County Code, section 19.14.035, last amended by Ord. 91-173 on November 26, 1991, is amended to read:

19.14.035 Plat road bonding fee.

A fee shall be paid by the applicant to cover the costs of administering bonds or other securities as provided by SCC 19.32.010, as follows:

(1) If the developer, before requesting final approval, elects to carry out minimum improvements using the provisions of SCC 19.32.010(1), the ~~((community development division))~~ department of planning and development shall charge a fee of \$15.00 per lot. This fee is in addition to subsequent plat road inspection fees.

(2) The ~~((community development division))~~ department of planning and development services shall charge a fee of \$20.00 per lot for the administration of maintenance bonds or other securities provided under SCC 19.32.010(2).

Section 89. Snohomish County Code, Section 19.14.040, last amended by Ord. 92-144 on November 24, 1992, is amended to read:0

19.14.040 Final plat document check and signing installation fee.

Before plat documents are given final approval, the ~~((division of community development))~~ department of planning and development services will charge a fee of \$160.00 per lot, and the unit cost for each sign required.

Section 90. Snohomish County Code, Section 19.14.045, added by Ord. 91-173 on November 26, 1991, is amended to read:0

19.14.045 Final binding site plan document check fee.

Before binding site plan documents are given final approval, the ~~((division of community development))~~ department of planning and development will charge a fee of \$1,000.

Section 91. Snohomish County Code, subsections 19.16.040(2) and (5), added by Ord. 92-075, July 22, 1992, is amended to read:

19.16.040 Notice of application.

Notice of the public hearing to be held before the hearing examiner shall be given in each of the following manners not less than 15 calendar days prior to the hearing:

(2) The department of planning ~~((division))~~ and development services shall provide notice of hearing in the following manner:

- (a) Publication of one notice in the official county newspaper;
- (b) Publication of one notice in a newspaper of general circulation within the area where the real property which is proposed to be subdivided is located;
- (c) Mailed notice to each taxpayer of record and known site address within 500 feet of any portion of the boundary of the proposed subdivision and contiguous property owned by the applicant; PROVIDED, That mailed notice to each taxpayer of record and known site address within 1,000 feet of said boundaries when the existing zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030; PROVIDED, FURTHER, That mailed notice required by this subsection shall be increased to 1,500 feet for subdivision applications where

each lot is 20 acres or larger, or one-thirty-second of a section or larger if described as a fraction of a section;

(d) 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; and to any other federal, state or local agency as deemed appropriate by the department;

(5) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the ~~((division))~~ department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 92. Snohomish County Code, subsection 19.20.020(2), added by Ord. 89-092, 2, August 16, is amended to read:

19.20.020 Changes after preliminary approval.

(2) Subsequent to preliminary approval, if the department of planning ~~((division))~~ and development services learns of any possible violation of conditions of such approval, the director may set the matter for public hearing before the hearing examiner within a reasonable time, not to exceed 90 days of notice of the violation. Notice of this hearing shall be in accordance with SCC 19.16.040. At the hearing, the hearing examiner shall determine whether a violation exists, and impose conditions which conform the plat to the provisions of this title and/or to the conditions of the original preliminary plat approval.

Section 93. Snohomish County Code, section 19.20.040, added by Ord. 89-093, August 16, 1989 is amended to read:

19.20.040 Preliminary plat withdrawal.

When the owner(s) of property subject to an approved preliminary plat wish to withdraw the approved plat prior to its normal expiration pursuant to SCC 19.20.010, the owner(s) shall file with the hearing examiner's office, a notarized statement, in a form provided by the county, requesting withdrawal and acknowledging the effects of such withdrawal. The examiner shall issue an administrative order approving the withdrawal within 15 days of receipt of a properly completed request form. A copy of said order shall be transmitted to the owner(s) and to the department of planning ~~((division))~~ and development services for inclusion in the official records of the county.

Section 94. Snohomish County Code, section 19.22.010, added by Ord. 90-089 on July 18, 1990 is amended to read:

19.22.010 Application requirements - Small lot subdivisions.

Preliminary plats shall be prepared in conformance with the requirements set forth herein. The ~~the~~ department of planning ~~((division))~~ and development services may refuse to accept for filing, or return to the applicant if already filed, any preliminary plat application if the ~~division~~ determines that the information submitted is not sufficiently accurate or complete for processing. Examples of such inaccuracy or incompleteness include, but are not limited to, naturally occurring site conditions different from those

represented by application submittals, or incorrect submittal information as determined by the director. If an application which has been returned to the applicant by the ~~((division))~~ department is subsequently resubmitted, it shall be considered as a new application.

Section 95. Snohomish County Code, subsection 19.24.010(1), added by Ord. 80-116 on December 30, 1980, is amended to read:

19.24.010 General.

(1) The council, hearing examiner and ~~((office-of-community))~~ department of planning and development services shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The council or hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, fire protection and other public facilities and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the subdivision and dedication. If the council or hearing examiner finds that the proposed plat makes appropriate provisions for the above, then it shall be approved. If the council or hearing examiner finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the council or hearing examiner may disapprove the proposed plat.

Section 96. Snohomish County Code, subsection 19.28.020(7), last amended by Ord. 93-021 on May 3, 1993, is amended to read:

19.28.020 Design standards - Roads.

(7) Landscaping Within Road Rights-of-way. A developer proposing landscaped areas within county rights-of-way shall submit a landscape design plan to the department of planning and ((community)) development ((division)) services for approval. Further, the landscape design plan shall also be reviewed by the planning division to insure that fire apparatus access is not impeded by planned landscaping within county right-of-way. If approved, the final plat for such subdivision shall contain a covenant that such areas shall be maintained by the developer and his successor and may be reduced or eliminated if deemed necessary for or detrimental to county road purposes and/or fire apparatus access.

Section 97. Snohomish County Code, section 19.32.010, added by Ord. 87-095 on September 23, 1987, is amended to read:

19.32.010 Improvements - How pledged.

(1) If the proposed plat, subdivision or dedication is approved, the developer, before requesting final approval, shall elect to carry out minimum improvements in accordance with the provisions of chapter 19.28 SCC by any of the following methods:

- (a) By actual installation of improvements to the satisfaction of the division of community development; or
- (b) If acceptable to the ~~((division-of-community))~~ department of planning and development services, by furnishing the county with a plat or subdivision bond or other security sufficient to secure the estimated cost of construction and installation of all



required road and other improvements to the satisfaction of the community development division manager or his designee. The amount and time limitation of the plat or subdivision bond or other device shall be determined by ~~((the community development division manager))~~ department of planning and development services director or his designee. Condition of the bond shall be that the principal shall complete construction and installation of all improvements by the date stated in said bond; and in the event that such construction and installation is not completed by that date, the full amount of the bond shall be forfeited to the county. The by ~~((the community development division manager))~~ department of planning and development services director or his designee may forfeit all or any part of a plat or subdivision bond before the expiration of the bond if in his opinion the developer is not making reasonable efforts to complete the work within the term of the bond.

(2) A maintenance bond or other security satisfactory to ~~((the community development division manager))~~ department of planning and development services director or his designee and securing to the county the successful operation of the improvements for an appropriate period of time up to two years after final plat or subdivision approval shall be required upon completion of construction and installation of the improvements to the satisfaction of ~~((the community development division manager))~~ department of planning and development services or his designee. Upon final approval and acceptance of the improvements by ~~((the community development division manager))~~ department of planning and development services director or his designee and the filing of maintenance bond or other method of security, the construction and installation shall be released and exonerated.

Section 98. Snohomish County Code, subsection 19.32.040(1), added by Ord. 87-095 on September 23, 1987, is amended to read:

19.32.040 Monumentation.

(1) Monumentation complying with the current design standards and specifications as specified in chapter 13.05 SCC shall be placed at all street intersections, boundary angle points, points of curves in streets and at such intermediate points as may be required by the ~~((community development division manager))~~ department of planning and development services director or his designee.

Section 99. Snohomish County Code, section 19.32.050, last amended by Ord. 89-113 on October 4, 1989, is amended to read:

19.32.050 Construction drawings - Submittal.

The following construction drawings, plans and evidence shall be prepared and submitted either at the time of consideration of the preliminary plat or prior to construction; PROVIDED That, any changes in layout from that submitted pursuant to the preliminary plat approval will not adversely affect public health, welfare and safety, the change may be administratively approved by the ~~((manager))~~ director of the division of community ~~department of planning and development services~~. Any other change shall be approved in the manner set forth herein for preliminary plat approval. All administratively approved changes shall be communicated to all relevant county departments and agencies.

(1) A drainage plan shall be submitted as per Title 24 SCC, drainage ordinance.

(2) A "construction plan" shall be submitted complying with the current design standards and specifications as specified in chapter 13.05 SCC. The drainage plan and construction plan as specified above shall be submitted to the ~~((community development division))~~ department of planning and development services and reviewed under the direction of and approved by a registered professional engineer as qualified

in civil engineering assigned to the ~~((community development division))~~ department of planning and development services. The director of the department of public works, or his/her designee, shall sit on the hiring panel for the selection and hiring of any registered professional engineer qualified in civil engineering with authority to approve construction plans.

Section 100. Snohomish County Code, subsection 19.32.050(1), last amended by Ord. 87-095 on September 23, 1987, is amended to read:

19.32.060 As built plans - Submittal.

After completion of all required improvements and prior to final acceptance of said improvements, the subdivider shall submit:

(1) To the ~~((division of community))~~ department of planning and development services as built drawings reflecting any changes to previously approved construction drawings. No changes in improvements may be made without prior approval of the ~~((division of community))~~ department of planning and development services;

Section 101. Snohomish County Code, subsection 19.40.010(4), last amended by Ord. 94-038 on May 4, 1994, is amended to read:

19.40.010 Procedure for filing.

(4) Each preliminary plat submitted for final approval of the county council shall be accompanied by the following agencies' recommendations for approval or disapproval:

(a) Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;

(b) Department of planning and ~~((community))~~ development services, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;

(c) Department of public works;

(d) Other relevant federal, state or local agencies. None of the agencies listed in subsections (a) and (c) of this section shall modify the terms of its recommendation without the consent of the applicant;

Section 102. Snohomish County Code, subsection 19.40.020(2), last amended by Ord. 89-224 on October 4, 1989, is amended to read:

19.40.020 Format.

(2) The scale of the plat shall be one inch equals 100 feet, or one inch equals 50 feet, or one inch equals 20 feet; or such scale as may be acceptable to the ~~((community development division))~~ department of planning and development services.

Section 103. Snohomish County Code, section 19.40.040, last amended by Ord. 89-113 on October 4, 1989, is amended to read:

19.40.040 Supplemental information.

(1) The requirements of this section shall be deemed complied with if electronic computer lot check data showing closures are submitted in a form acceptable to the director of the ~~((community-development-division))~~ department of planning and development services.

(2) If subsection one is not followed then the plat and subsection survey shall be submitted with:

(a) Complete field and computation notes showing the original or reestablished corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. The allowable error of closure shall not exceed one foot in 5,000 feet;

(b) A sketch showing all distances, angles and calculations required to determine corners and distances of the plat;

(c) Such sketch and notes are to be filed with the ~~((community-development-division))~~ department of planning and development services.

Section 104. Snohomish County Code, section 19.40.060, last amended by Ord. 80-116 on December 30, 1980, is amended to read:

19.40.060 Miscellaneous approvals.

The following approvals must be submitted in writing to the ~~((office-of-community))~~ department of planning and development services prior to its certification of the final plat as provided for in SCC 19.40.010(2):

(1) Health Approval. The Snohomish health district shall indicate compliance with the health requirements of the preliminary plat and shall indicate the adequacy of the method of sewage disposal. The health district may require that those lots which do not meet health district standards be so noted on the face of the final plat. Approval by the health district of the final plat shall not vary or negate any requirements for obtaining septic tank and drainfield permits for any lots therein;

(2) Department of Ecology Approval. In those cases where the subdivision is located in a flood-control zone as established by chapter 86.16 RCW, the department of ecology shall indicate approval of the plat and shall state any special conditions or restrictions deemed by it to be necessary for effective flood protection;

(3) Fire marshal's approval;

(4) Water purveyor's approval;

(5) Sewer district approval;

(6) Other approvals as may be required in the conditions of preliminary plat approval, e.g., PUD.

Section 105. Snohomish County Code, subsection 19.40.080(4), last amended by Ord. 85-088 on September 18, 1985, is amended to read:

19.40.080 Acknowledgements and certificates.

Acknowledgment and certificates required by this title shall be in language substantially indicated in the following subsections:

(4) Approvals.

(a) Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Snohomish County  
Director of Public Works

(b) Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Snohomish County Director,  
Department of Planning and ((Community))  
Development Services

(c) Examined, found to be in conformity with applicable zoning and other land use controls, and approved this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Chairman, County Council  
Snohomish County, Washington

Section 106. Snohomish County Code, subsection 19.40.090(1), last amended by Ord. 80-116 on December 30, 1980, is amended to read:

19.40.090 File with auditor.

(1) The original of said final plat shall be filed for record with the county auditor and recorded by him. The auditor shall prepare and distribute copies as follows: One each shall be distributed to the ~~((office of community))~~ department of planning and development services, building official, and department of public works; two each shall be distributed to the county fire official, and three each to the county assessor. All required paper copies shall bear the auditor's recording data.

Section 107. Snohomish County Code, section 19.56.020, last amended by Ord. 80-116 on December 30, 1980, is amended to read:

19.56.020 Segregation notice.

When it comes to the attention of the assessor and/or treasurer of Snohomish county that a division of land has been made and not contained within a plat or parcel map, he shall forthwith notify the ~~((office of community))~~ department of planning and development services of such segregation.

Section 108. Snohomish County Code, section 20.08.051, added by Ord. 87-030 on May 13, 1987, is amended to read:

20.08.051 Department.

"Department" means the department of planning and ~~((community))~~ development services.

Section 109. Snohomish County Code, subsections 20.12.020(4) and (8), last amended by Ord. 91-079 on May 15, 1991, is amended to read:

20.12.020 Exemptions.

The provisions of this resolution shall not apply to:

(4) Boundary line adjustments 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))~~ department of planning and development services, shall be recorded with the Snohomish county auditor;

(8) Divisions of land into lots, tracts or parcels, each of which is one thirty-second of a section or larger, or 20 acres or larger if the land is not capable of subdivisional description, where prior to May 16, 1991 actual subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(a) There was filed with the Snohomish county department of planning and ~~((community))~~ development services a large lot subdivision map of lots contained therein, or

(b) There was filed with the Snohomish county auditor a record of survey of tracts to be subdivided, or

(c) There were sales and/or transfers of interest in tracts or parcels; PROVIDED, FURTHER, That all such divisions must comply with all other minimum requirements of applicable state laws and all applicable legal access and zoning requirements of the Snohomish county zoning code.

Section 110. Snohomish County Code, subsection 20.12.050(3), last amended by Ord. 90-201 on January 2, 1991, is amended to read:

20.12.050 Redivision 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 20.12.020(7) may not be further subdivided in any manner within five 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 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 department, or such other similar proof as is considered sufficient by the ~~((planning))~~ department of planning and community development. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the then current regulations of Snohomish county.

Section 111. Snohomish County Code, subsection 20.20.045(3), last amended by Ord. 93-158 on December 29, 1993, is amended to read:

20.20.045 Public notice and commenting.

(3) Comments on the preliminary short subdivision shall be returned to the department of planning ~~((division))~~ and development services within 15 days of the notice given pursuant to subsection (1) above;

Section 112. Snohomish County Code, section 20.24.020, last amended by Ord. 90-087 on July 18, 1990, is amended to read:

20.24.020 Regulations applicable.

Short subdivision applications shall be prepared in conformance with the requirements set forth in SCC 20.24.010. The department of planning ~~((division))~~ and development services may refuse to accept for filing, or return to the applicant, if already filed, any short subdivision application if the division determines that the

information submitted is not sufficiently accurate or complete for processing. Examples of such inaccuracy or incompleteness include, but are not limited to, naturally occurring site conditions different from those represented by application submittals or incorrect submittal information, as determined by the director. The department shall notify the applicant in writing in a timely manner of this determination and shall return the application to the applicant if it is deemed incomplete or inaccurate.

If an application which has been returned to the applicant by the ~~((division))~~ department is subsequently resubmitted, it shall be considered as a new application.

Section 113. Snohomish County Code, section 20.26.040, added by Ord. 90-201 on January 2, 1991, is amended to read:

20.26.040 Acknowledgments and certificates.

Acknowledgments and certificates required by this title shall be stated in substantially the language indicated in the following 20.26.040 Acknowledgments and certificates. subsections:

(1) Declaration of Short Subdivision. The following declaration of short subdivision and of covenants shall appear on the final short plat: Know all persons by these presents: That we, the undersigned, having an interest in the real property described by this declaration, do hereby declare the herein described division of land approved as short plat number \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the Department of Planning and ~~((community))~~ Development Services of Snohomish county, subject to the following covenants and conditions:

(a) The land described by this declaration may not be further subdivided in any manner exceeding a total of four parcels by anyone within five years of the above date of approval without a final plat, having been filed for record with the auditor of Snohomish county, pursuant to the provisions of chapter 58.27 RCW, and the ordinances of Snohomish county, and subject to the penalties attendant thereto;

(b) All subsequent deeds will contain provisions for private roads in the manner described herein;

(c) All maintenance of any private road described by this declaration shall be by the owner(s) of the parcels having legal access therefrom or their successor(s), unless and until such roads are improved to Snohomish county standards and accepted by Snohomish county;

(d) Any private road will be subject to a utilities easement in favor of the grantor(s) or the successor(s) and of any electric, telephone, television cable, gas, water, or sewer company, public or private, or the successor(s) to install, construct, operate, maintain, alter, and repair their respective utilities, together with the right of ingress and egress for said purposes; PROVIDED, That if the road should become a public road at some time in the future, all easements within the road shall become null and void, and any utility facilities which physically exist shall become subject to the franchise requirements of the county;

(e) With respect to any private road described by this declaration, whether it remains private or becomes a public road, there is the additional right to make all necessary slopes for cuts and fills; and the right to continue to drain said roads and ways over and across any lot or lots where the water might take a natural course upon reasonable grading pursuant to improvement for dedication of the roads and ways shown herein. Following reasonable grading pursuant to improvements for dedication of the roads and ways shown herein, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way or hamper proper road drainage, without the approval of Snohomish county;

(f) All landscaped areas in public rights-of-way shall be maintained by the owner(s) and their successor(s) and must be reduced or eliminated at the request of the county if deemed necessary for county road purposes;

(g) Drainage easements designated on the short plat are hereby reserved for and granted to Snohomish county, except those designated on the short plat as private easements, for the right of ingress and egress and the right to excavate, construct, operate, maintain, repair and/or rebuild an enclosed or open channel stormwater conveyance system and/or other drainage facilities, under, upon or through the drainage easement; and

(h) Additional covenants, easements, and restrictions, if any, solely for the benefit of the grantor, and the successor(s), enforceable only by such persons are attached hereto as exhibits \_\_\_\_\_ and incorporated by reference as though fully set out herein. But for the exception contained in paragraph (h) above, these covenants are for the mutual benefit of the grantor and his heirs, successors and assigns and are for the further purpose of compliance with the ordinances and regulations of Snohomish county, and the county and such persons are specifically given the right to enforce these restrictions and reservations by injunction or other lawful procedure and to recover any damages resulting from such violation.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Grantor) (Grantor)  
(Grantor) (Grantor)

(2) Dedications. The intention of the owner shall be evidenced by his or her presentation for filing of a final short plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Know all persons by these presents that \_\_\_\_\_, the undersigned owner, in fee simple of the land hereby short subdivided, of short plat file number \_\_\_\_\_, and \_\_\_\_\_, the mortgagee thereof, hereby declare this short plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the short plat, and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc., shown on this short plat in the reasonable original grading of all the streets, avenues, places, etc., shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the establishment, construction, drainage, and maintenance of said roads. Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, prior to making an alteration in the drainage system after the recording of the short plat, must make application to and receive approval from the director of the department of public works for said alteration. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner, after acquiring a culvert permit from the department of planning and ((community)) development services, if required, and subject to any other existing permitting requirements therefor.

IN WITNESS WHEREOF, we set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language. That said dedication to the public shall in no way be construed to

permit a right of direct access to \_\_\_\_\_ street from lots numbered \_\_\_\_\_, nor shall the county of Snohomish or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots.

(3) Acknowledgment.

STATE OF WASHINGTON )

) ss.

COUNTY OF SNOHOMISH )

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a notary public, personally appeared \_\_\_\_\_, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that \_\_\_\_\_ signed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein mentioned. Witness my hand and official seal the day and year first above-written.

NOTARY PUBLIC in and for the State of Washington, residing at \_\_\_\_\_

(Seal)

(4) Approvals.

(a) I hereby approve this short subdivision and find from the file that the short plat meets all applicable zoning and land use controls, and makes appropriate provisions for the public health, safety and general welfare. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Snohomish County  
Planning and Development Services Director

(5) Certificates.

(a) Land Surveyor's Certificate.

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of \_\_\_\_\_ in \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Registered Professional

Land Surveyor \_\_\_\_\_  
Registration No. \_\_\_\_\_

\_\_\_\_\_  
Date

(Seal)

(b) Auditor's Certificate.

Filed for record at the request of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ m., and recorded in Vol. \_\_\_\_\_ of Surveys, page \_\_\_\_\_, records of Snohomish County, Washington.

\_\_\_\_\_  
Auditor

By: \_\_\_\_\_  
Deputy County Auditor



Section 114. Snohomish County Code, subsection 20.26.050(1), added by Ord. 90-201 on January 2, 1991, is amended to read:

20.26.050 Approval procedure.

(1) The department of planning and ~~((community))~~ development services shall examine the final short plat for adequacy of the required road improvements and right-of-way dedications, the mathematical closure of all lots and boundaries and other conditions required for compliance with the provisions of this title and the conditions of approval.

Section 115. Snohomish County Code, section 20.26.060, added by Ord. 90-201 on January 2, 1991, is amended to read:

20.26.060 File with auditor.

A final short plat approved by the department of planning and ~~((community))~~ development services shall be filed as a record of survey with the county auditor within five working days of the date of approval by the department. A final short plat shall not be deemed approved until so filed. The auditor shall prepare and distribute copies as follows: one each shall be distributed to the department of planning ~~((division, the community))~~ and development ~~((division))~~ services, the department of public works, the health district and three each to the county assessor. All required paper copies shall bear the auditor's recording data.

Section 116. Snohomish County Code, subsection 20.26.060(1), added by Ord. 90-201 on January 2, 1991, is amended to read:

20.28.020 Monumentation.

Monumentation complying with the current design standards and specifications as described in chapter 13.05 SCC shall be placed at all road and street intersections, boundary angle points, points of curves in roads and streets and at such intermediate points as may be required by the department of planning and ~~((community))~~ development services.

Section 117. Snohomish County Code, section 20.32.030, last amended by Ord. 87-030 on May 13, 1987, is amended to read:

20.32.030 Minimum processing time.

Such application shall be filed with the Snohomish county department of planning ~~((department))~~ and development services no later than 26 days prior to the hearing examiner public hearing.

Section 118. Snohomish County Code, section 21.08.010, added by Ord. 88-076 on September 7, 1988, is hereby repealed.

Section 119. Snohomish County Code, section 21.08.135, added by Ord. 88-076 on September 7, 1988, is hereby repealed.

Section 120. Snohomish County Code, section 21.12.050, last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.12.050 Letter of exemption for developments subject to U.S. Corps of Engineers permits.

Whenever a development falls within the exemptions stated in SCC 21.12.020 or 21.12.040, and the development is subject to a U.S. Corps of Engineers Section 10 permit under the rivers and harbors act of 1899, or a Section 404 permit under the federal water pollution control act of 1972, the department of planning ((division)) and development services shall prepare a letter addressed to the applicant and the regional office of the department of ecology, exempting the development from the substantial development permit requirements of chapter 90.58 RCW. The letter of exemption shall be in the form described in WAC 173-14-115.

Section 121. Snohomish County Code, section 21.16.010, last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.010 Administration.

The department of planning ((division)) and development services is vested with the duty of administering the rules and regulations relating to shoreline management in accordance with the provisions of this title, and may prepare and require the use of such forms as are essential to such administration.

Section 122. Snohomish County Code, section 21.16.020, last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.020 Application for substantial development, conditional use, or variance permits.

Any person desiring to apply for a substantial development, conditional use, or variance permit on any part of the shorelines of the state within Snohomish county, shall apply to the department of planning ((division)) and development services, using forms supplied by that office. The application shall not be considered complete until the following minimum information is provided:

- (1) Name, address, and telephone number of applicant;
- (2) Relation of applicant to property owner;
- (3) Name, address, and telephone number of property owner;
- (4) General location and legal description of the proposed development;
- (5) Current use of property;
- (6) Proposed use of property;
- (7) Name of water area and/or wetlands within which development is proposed;
- (8) Site plan map, showing (a) site boundary, (b) property dimensions in vicinity of project, (c) ordinary high-water mark, (d) typical cross section or sections, showing existing ground elevations, proposed ground elevations, height of existing structures, and height of proposed structures, (e) existing and proposed land contours using five-foot intervals in water areas and 10-foot intervals in areas landward of the ordinary high-water mark, (f) dimensions and locations of existing structures which will be maintained, and of proposed structures, (g) source, composition, and volume of fill material, (h) composition and volume of any extracted materials, and proposed disposal areas, (i) location of proposed utilities, such as water, sewer, electricity, gas, septic tanks and drainfields, (j) shoreline designation according to the master program, and (k) shorelines of statewide significance;

(9) Vicinity map, showing (a) site location using natural points of reference (roads, prominent landmarks, etc.), (b) proposed disposal areas, and (c) the general nature of land uses within 1,000 feet in all directions from the development site (e.g., residential to south, commercial to north, etc.);

(10) Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;

(11) Approximate dates of construction initiation and completion;

(12) Short statement explaining why this project needs a shoreline location, and how the proposed development is consistent with the policies of the shoreline management act of 1971;

(13) Listing of any other permits for the project from state, federal, or local governmental agencies for which the applicant has applied or will apply;

(14) Any additional materials which are required to ascertain compliance with the applicable provisions of the master program and county code.

Section 123. Snohomish County Code, section 21.16.030, added by Ord. 91-173 on November 26, 1991, is amended to read:

21.16.030 Fees.

Filing fees for requests/actions covered by this title shall be paid to the department of planning ((division)) and development services to cover cost of administration at the time an application is presented as follows:

(1) Shoreline variance: \$900.00;

(2) Shoreline single family residence variance: \$600.00;

(3) Shoreline substantial development permit or shoreline conditional use permit in accordance with the following table:

Total cost of proposed development	Fee
Up to \$10,000	\$ 500
\$10,001 to \$100,000	\$1,000
\$100,001 to \$500,000	\$3,000
\$500,001 to \$1,000,000	\$4,000
More than \$1,000,000	\$5,000

(4) An additional fee, in the amount of \$800.00 shall be paid to the department of planning ((division)) and development services, to cover the cost of administration, for proposed substantial development, conditional use, and variance permits which require a public hearing. The additional fee shall be paid prior to scheduling the proposed permit for public hearing.

Section 124. Snohomish County Code, section 21.16.040, last amended by Ord. 93-158 on December 29, 1993, is amended to read:

21.16.040 Notice requirement.

(1) Upon receipt of a complete and proper application for a substantial development, conditional use, or variance permit, the ~~((community development))~~ department of planning and development services shall instruct the applicant to:

(a) Post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right-of-way within five working days of filing an application. If no public right-of-way exists, the signs shall be placed at the point of access to the property. At a minimum, the sign shall contain the following information: type of permit requested, assigned county file number, project description and county contact person. The signs shall remain posted throughout the review process and until all appeal periods have expired. Such posting shall be evidenced by

submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within 15 days of application, the department shall discontinue processing of the permit application until such verification is received.

(b) Publish notices thereof at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within Snohomish county at least 30 days prior to county action;

(c) Mail notice at least 30 days prior to county action to all taxpayers of record and known site addresses, as shown by the records of the county assessor, within 500 feet of the boundary of the property upon which the substantial development, conditional use, or variance is proposed; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030. At the discretion of the department, posting of the notice in at least three conspicuous places in the area under consideration may be substituted for mailed notice;

(2) An affidavit that the notice has been properly published pursuant to SCC 21.16.040(1)(b) above, and deposited in the U.S. mail or posted as applicable pursuant to SCC 21.16.040(1)(c) above, shall be submitted by the applicant to the department prior to county action on the permit application.

(3) Notice forms shall be supplied by the department. In accordance with WAC 173-14-070, all notices of application for substantial development, conditional use, or variance permits shall be in the following form:

NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE OF VARIANCE PERMIT (use appropriate permit)

NOTICE IS HEREBY GIVEN that \_\_\_\_\_, (state full name), who is \_\_\_\_\_, (describe relationship to property, such as owner, lessee, etc.) of the below described property has filed an application for a \_\_\_\_\_ (substantial development, conditional use, or variance) permit for the development of (describe development, including uses) located at (street address, if known, or distance and direction to nearest town) within the \_\_\_\_\_ quarter section of Section \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_ E, W.M., in the County of Snohomish, Washington. Said development is proposed to be within \_\_\_\_\_ (name of water area) and/or its associated wetlands. Any person desiring to express their views or be notified of the action taken on this application should notify the ~~((community development))~~ department of planning and development services, in writing, within 30 days of the final date of publication of this notice which is \_\_\_\_\_. Publication dates of this notice are \_\_\_\_\_ and \_\_\_\_\_.

Section 125. Snohomish County Code, subsection 21.16.050(4), last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.050 Public hearing required, when.

(4) In all other cases, the department of planning ~~((division))~~ and development services shall determine whether a public hearing is warranted. The determination of the department of planning ~~((division))~~ and development services shall be based on the review of a complete application with respect to compliance with the policies and regulations of the shoreline management act, master program, comprehensive plan, and other adopted county regulations, policies, and ordinances (e.g., slope policy, Title 26B SCC); the provisions of the state environmental policy act (chapter 43.21C RCW);

and comments received from interested persons. If the department of planning ((division)) and development services finds that a public hearing would assist in implementing the county's adopted plans, policies, regulations, and ordinances, or that certain persons or the environment could be adversely affected by the proposed development, a public hearing shall be held. The determination of the department of planning ((division)) and development services pursuant to this paragraph shall be final and not subject to appeal.

Section 126. Snohomish County Code, section 21.16.060, last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.060 County action on permit applications which do not require public hearing.

(1) The department of planning ((division)) and development services is authorized to grant substantial development, conditional use, or variance permits for those applications which do not require a public hearing, pursuant to SCC 21.16.050. The planning division shall review and process as expeditiously as possible all applications filed in conformance with this title.

(2) The decision of the department of planning ((division)) and development services shall be based on information from the complete application, written comments from interested persons, and observations from a site inspection, and shall contain findings based upon the record and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the county's comprehensive plan, and other official policies, objectives, and land use regulatory enactments. The decision shall contain a statement that the decision is final and that review of the decision is available pursuant to the appeal procedure prescribed in SCC 21.16.090. Said decision shall be mailed within five calendar days to the applicant and all persons who notified the planning division their desire to receive a copy of the final county decision.

(3) In authorizing a substantial development, conditional use, or variance permit, the department of planning ((division)) and development services may impose special conditions to prevent undesirable effects of the proposed use. Such conditions shall be attached to the permit, and shall be binding upon the applicant and successors or assigns, appealable under SCC 21.16.060, and enforceable under chapter 21.24 SCC.

Section 127. Snohomish County Code, section 21.16.070, last amended by Ord. 92-075 on July 22, 1992, is amended to read:

21.16.070 County action on permit applications requiring public hearing.

(1) The department of planning ((division)) and development services shall notify the applicant, in writing, of the requirement for a hearing as soon as possible following the receipt of a complete and proper application for a substantial development, conditional use, or variance permit and, in no case, later than 30 days following the publication of the second notice described in SCC 21.16.040, unless a longer period is agreed to, in writing, by the applicant.

(2) Within a reasonable time following the determination of the department of planning ((division)) and development services that a public hearing should precede the issuance or denial of a substantial development, conditional use, or variance permit, the department of planning ((division)) and development services shall schedule the application for public hearing before the hearing examiner. Said hearing shall not be scheduled until the requirements of the state environmental policy act and Snohomish

county environmental policy ordinance have been fulfilled, and fees according to SCC 21.16.030(2) have been paid.

(3) The department of planning ((division)) and development services Shall publish notice of the date, time, place, and purpose of the hearing in a newspaper of general circulation in the county, and in a newspaper of general circulation in the affected area, at least 15 calendar days prior to the hearing. In addition, at least 15 days prior to the hearing the planning division shall mail notice of the hearing to all taxpayers of record and known site addresses within 500 feet of the property considered; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030. In addition, at least 15 days prior to the hearing the applicant shall conspicuously post on the subject property at his/her own expense, two or more signs as determined by the department. Signs and instructions 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;

(4) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(5) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Said notice shall be in the following form:

NOTICE OF PUBLIC HEARING

SHORELINES

CONDITIONAL USE,

OR VARIANCE PERMIT

NOTICE IS HEREBY GIVEN that the SNOHOMISH COUNTY HEARING EXAMINER

(state full name) will hold a PUBLIC HEARING on \_\_\_\_\_ (date), at

\_\_\_\_\_, (time), \_\_\_\_\_ (meeting room name),

\_\_\_\_\_ (number) Floor, County Administration Building, Everett, Washington at

which time and place the following will be considered. \_\_\_\_\_ (time) a.m./p.m.

\_\_\_\_\_ (type of permit - substantial development, shorelines variance

or shoreline conditional use)

File No. ZA \_\_\_\_\_

(state full name of applicant) has filed an application for a \_\_\_\_\_

(type of permit - substantial development, shorelines variance or shoreline conditional

use) to/for \_\_\_\_\_ (description of proposed use, development,

activity, etc.). The proposed project is located within \_\_\_\_\_ (name of

water area) and/or its associated wetlands. The property, comprised of approximately

\_\_\_\_\_ (number) acres is described as follows:

legal description

The property is generally located \_\_\_\_\_ A (mitigated

Declaration of Non-Significance) (existing environmental document) (Final

Environmental Impact Statement) (use applicable terms) has/have been issued for this

proposal by the lead agency, \_\_\_\_\_ (name of lead agency), in

accordance with the Snohomish County Environmental Policy Ordinance, Title 23. Any

person desiring to become a party of record for this application shall:

(1) notify the department of planning ((division)) and development services in writing prior to the public hearing date;

(2) testify at the hearing; or

(3) sign a party of record register at the hearing.

Said document(s) and a complete text and map of the subject request can be reviewed at the department of planning ((division)) and development services. Contact \_\_\_\_\_ (planner's name), phone \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

PUBLISHED: \_\_\_\_\_ (date)

BY: \_\_\_\_\_

SCHEDULING OFFICIAL

DEPARTMENT OF PLANNING ((DIVISION)) AND DEVELOPMENT SERVICES

(4) The hearing examiner shall consider the proposed substantial development, conditional use, or variance permit based on information from the application; observations from a site inspection; written comments from interested persons; the advice of the various county departments; and views expressed during a public hearing. The hearing examiner may request that an applicant furnish information concerning a proposed substantial development, conditional use, or variance permit, in addition to information required in an application. The decision of the hearing examiner shall be final and conclusive. Review of the examiner's decision shall be provided by SCC 21.16.090.

Section 128. Snohomish County Code, subsection 21.16.080(1), last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.080 Permit, filing and form.

(1) Any ruling by the county on an application for substantial development, conditional use, or variance permit, whether it be by the department of planning ((division)) and development services, hearing examiner or the county council, shall be filed with the department of ecology and attorney general. Copies of the original application; affidavit of public notice; vicinity map; permit; final order; and where applicable, the environmental checklist, threshold determination and/or environmental impact statement pursuant to chapter 43.21C RCW; shall be filed with the regional office of the department of ecology and attorney general within eight days of the county's final decision.

Section 129. Snohomish County Code, section 21.16.120, last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.120 Time requirements of permit.

(1) The following time requirements shall apply to all substantial development, conditional use, and variance permits:

(a) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the shoreline management act must be undertaken within two years after the approval of the permit.

Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the policies and regulations of the shoreline management act and master program. In determining the running of the two-year period, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue. PROVIDED, That the county may, at its discretion, extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction. The department

of planning ((division)) and development services is authorized to act upon requests for extension of the two-year time period.

(b) If a project for which a permit has been granted pursuant to the act has not been completed within five years after the approval of the permit by the county, the department of planning ((division)) and development services shall, at the expiration of the five-year period, review the permit, and upon showing a good cause, either extend the permit for one year, or terminate the permit. The running of the five-year period shall not include the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue. Nothing herein shall preclude the county from issuing permits with a fixed termination date of less than five years.

Section 130. Snohomish County Code, subsections 21.16.130(1) and (4), last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.16.130 Revisions to substantial development, conditional use, and variance permits.

(1) An applicant seeking to revise a substantial development, conditional use, or variance permit shall submit detailed plans and text describing the proposed changes in the permit to the department of planning ((division)) and development services. If the department of planning ((division)) and development services determines that the proposed changes are within the scope and intent of the original permit, the department of planning ((division)) and development services is authorized to approve a revision.

(4) The revised permit shall become effective immediately upon final action by local government or when appropriate under circumstances described in SCC 21.16.130(3) above, by the department of ecology. Within eight days of the date of final county action, the revised site plan, text, final ruling on consistency with WAC 197-14-064, and the approved revision shall be sent to the regional office of the department of ecology and the attorney general to complete their files. In addition, the department of planning ((division)) and development services shall submit a notice of revision approval to persons who have notified the county of their desire to receive a copy of the action on a permit, pursuant to SCC 21.16.040.

Section 131. Snohomish County Code, subsection 21.20.020(6), last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.20.020 Conditional use permits.

The purpose of a conditional use permit is to allow more flexibility for implementing the use regulations of the master program in a manner consistent with the policies of the shoreline management act. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department of ecology to prevent undesirable effects of the proposed use.

(6) All applications for conditional use permits shall be forwarded to the department of ecology pursuant to WAC 173-14-130 for final approval or disapproval. No approval or disapproval shall be final until same has been acted upon by the department of ecology. The department of planning ((division)) and development services shall notify those interested persons having requested notification of the department's final decision, pursuant to SCC 21.16.040.



Section 132. Snohomish County Code, subsection 21.20.030(5), last amended by Ord. 88-076 on September 7, 1988, is amended to read:

21.20.030 Variance permits.

The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the shoreline management act.

(5) All applications for variance permits shall be forwarded to the department of ecology pursuant to WAC 173-14-130, as amended, for final approval or disapproval. No approval or disapproval shall be final until same has been acted upon by the department of ecology. The department of planning ((division)) and development services shall notify those interested persons having requested notification of the department's final decision, pursuant to SCC 21.16.040.

Section 133. Snohomish County Code, section 21.24.080, added by Ord. 85-027 on May 1, 1985, is amended to read:

21.24.080 Permit rescission.

Whenever any development or substantial development is in violation of a permit issued pursuant to this title, the ~~((community development division))~~ department of planning and development services may, concurrent with or as an alternative to any other remedy provided by this title or other law or ordinance, initiate permit rescission proceedings by scheduling a public hearing before the hearing examiner and serving the permittee with written notice thereof. Said notice shall contain a general description of the alleged noncompliance and date, time, and place of public hearing. It shall be served by registered mail at least 15 calendar days prior to such hearing. In addition, the ~~((community planning division))~~ department of planning and development services shall publish such notice in a newspaper of general circulation in the county, and mail such notice to property owners of record within 300 feet of the property considered or post the notice in at least three conspicuous places on the subject property, at least 15 calendar days prior to the hearing. The permit rescission request shall be processed in accordance with the procedures established in chapter 2.02 SCC. Any person aggrieved by the action taken by the county on a rescission request may seek review by filing a request for review with the shorelines hearings board, pursuant to RCW 90.58.181(1) and chapter 461-08 WAC, within 30 days of the county's action.

Section 134. Snohomish County Code, subsections 23.12.120(1) and (2), amended by Ord. 91-177 on December 11, 1991, is amended to read:

23.12.120 Environmentally sensitive areas.

Certain categorical exemptions shall not apply when located in identified environmentally identified environmentally sensitive areas.

(1) The categorical exemptions set forth in WAC 197-11-800(1)(B)(i), (except for single family residential and accessory structures), (iii), (iv) and (v), (2)(g), (6)(a), (24)(b) and (d), (25)(h) and, where a shoreline development permit is required or a communication or electrical line crosses over a body of water subject to the shoreline management act, (24)(a) and (c), shall not apply when the proposed activity is located within any of the following environmentally sensitive areas:

(a) Rural, conservancy and natural environment, as designated by the Snohomish county shoreline management master program.

(b) All lands having 25 percent or greater slope as designated on the slopes maps in the comprehensive planning area map series, or base map series on file with the county department of planning and ((community)) development services, or, when such slopes have not been mapped for a comprehensive planning area, contained within landslide hazard areas designated on the disaster risk map on file with the department of planning and ((community)) development services.

(c) All lands designated agriculture by the Snohomish county agricultural preservation plan and all lands designated sensitive lands, watershed/site sensitive or environmentally sensitive by adopted Snohomish county comprehensive plans.

(2) The categorical exemption set forth in WAC-197-11-800(1)(b)(i) for single family residential structures and accessory structures shall not apply when the proposed activity is located within any of the following environmentally sensitive areas:

(a) Conservancy and natural environment, as designated by the Snohomish county shoreline management master program;

(b) Any site disturbance taking place within 65 feet of a wetland or stream located within lands designated sensitive lands, watershed/site sensitive or environmentally sensitive by adopted county comprehensive plans, or contained within the aquatic resource inventory maps;

(c) Any site disturbance on lands having 25 percent or greater slope, as designated on the slope maps in the comprehensive planning area map series or base map series on file with the department of planning and community development or, when such slopes have not been mapped for the comprehensive planning area or base map series, contained within landslide hazard areas designated on the disaster risk map on file with the department of planning and ((community)) development services.

Section 135. Snohomish County Code, section 23.16.080, added by Ord. 84-111 on September 19, 1984, is amended to read:

23.16.080 Designation of official to perform consulted agency responsibilities.

The director of the Snohomish county department of planning and ((community)) development services shall be responsible for the preparation of written comments for the county in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS. All consultation requests shall be forwarded to the director of the department of planning and ((community)) development services who shall distribute them to appropriate departments with expertise or jurisdiction for their timely preparation of written responses.

Section 136. Snohomish County Code, section 23.16.120, added by Ord. 84-111 on September 19, 1984, is amended to read:

23.16.120 Responsibility of consulted departments.

Departments when responding to consultation requests from a lead agency through the director of the department of planning and ((community)) development services pursuant to SCC 23.16.080, or from a lead department where Snohomish county is the lead agency, shall provide to the director or lead department in writing such responsive data, comments, information, test results and other material which it possesses relevant to its area of jurisdiction or expertise.

Section 137. Snohomish County Code, subsection 23.20.080(1), added by Ord. 84-111 on September 19, 1984, is amended to read:

23.20.080 Lead agency determination.

(1) Any department receiving or initiating a nonexempt proposal, shall determine the lead agency for that proposal pursuant to the criteria set forth under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency. To make the lead agency (and lead department) determination, such acting department must determine to the best of its ability the other agencies (and departments) with jurisdiction over the proposal. This can be done by requesting information from a private applicant and through consultation with the county department of planning and ((community)) development services, which serves as an information center established pursuant to the state environmental coordination procedures act of 1973.

(a) If the acting department determines that Snohomish county is the lead agency, it shall additionally determine the lead department for the proposal in accordance with chapter 23.24 SCC. If the lead department is not the acting department, the acting department shall transmit to the lead department the application it received together with the completed environmental checklist and its lead agency and lead department determination and explanation therefor. If not disputed pursuant to SCC 23.24.080, the lead department shall immediately mail a copy of the lead agency determination and explanation thereof to all other agencies with jurisdiction. The lead department shall then proceed to the threshold determination procedures in WAC 197-11-300 through WAC 197-11-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, such agency may within 15 days of receipt of the determination petition DOE for a lead agency determination pursuant to WAC 197-11-946.

(b) If the acting department determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with the completed environmental checklist and its determination of lead agency and explanations therefor. If the agency receiving this determination does not agree that it is the lead agency, and the dispute cannot be resolved by agreement, DOE shall be petitioned for a lead agency determination pursuant to WAC 197-11-946.

Section 138. Snohomish County Code, subsection 23.24.200(2), last amended by Emergency Ord. 91-042 on March 13, 1991, is amended to read:

23.24.200 Private projects.

(2) For private projects which require licenses from more than one department, the lead department shall be one of the departments with jurisdiction, based upon the following order of priority:

- (a) Department of planning and ((community)) development services,
- (b) Engineer/public works;
- (c) Auditor;
- (d) Council;
- (e) Other departments.

Section 139. Snohomish County Code, section 24.08.090, last amended by Ord. 87-095 on September 23, 1987, is amended to read:

24.08.090 Director.

"Director" means the ~~((manager))~~ director of the department of planning and ~~((community))~~ development ~~((division))~~ services or his designee.

Section 140. Snohomish County Code, section 24.10.010, last amended by Ord. 87-095 on September 23, 1987, is amended to read:

24.10.010 Adopted.

That certain drainage procedures manual, a copy of which is located in commissioners' proceedings file D-9 of this date, is hereby adopted this 26th day of November, 1979, with said fees to become effective January 1, 1980. The department of planning and ~~((community))~~ development ~~((division))~~ services ~~((manager))~~ director is hereby authorized to make technical modifications to the manual.

Any appeal to a modification shall be heard by an ad hoc committee consisting of two members from the The department of planning and ~~((community))~~ development ~~((division))~~ services, two members representing professional engineers and one member to be chosen by the committee, whose recommendation shall, in turn, be decided upon by the county council

Section 141. Snohomish County Code, section 26A.03.100, added by Ord. 91-026 on July 3, 1991, is amended to read:

26A.03.100 Credit to developer for land dedication or conveyance in excess of required mitigation.

In the case where the developer proposes and the director accepts a dedication or conveyance of land, the fair market value of which exceeds the developer's mitigation obligation for a subdivision or development, the director, in consultation with the department of planning and ~~((community))~~ development services, may reimburse or credit the developer as follows:

- (1) Direct cash payment from the trust fund(s); and/or
- (2) For subdivisions or planned residential developments in single family residential zones as follows: R 7200, R 8400, R 9600, R 12,500 and R 20,000, an adjustment in allowable dwelling units equal to the value of the excess dedication, providing all minimum requirements of the zone are met; and/or
- (3) Issuing a parks and recreation mitigation credit document equal to the dollar value of the excess dedication or conveyance of land. Said parks and recreation mitigation credit document shall be valid for six years from the date of issuance and may be applied toward a developer's mitigation obligation within the region in which the subdivision or development generating the credit is located.

Section 142. Snohomish County Code, subsections 26B.55.010(3), (4) and (5) added by Ord. 90-186 on November 14, 1990, is amended to read:

26B.55.010 Time of determination

(3) The director, following review of any required traffic study and any other pertinent data, shall inform the developer in writing what the development's impacts and mitigation obligations are under this title. The developer shall make a written proposal for mitigation of the development's direct traffic impact. When the developer's written offer of mitigation has been reviewed for accuracy and completeness by the

director, the director shall make a recommendation to the ~~((planning division or the community development division, as appropriate))~~ department of planning and development services, as to the conditions of approval or reasons for recommending denial of the land use application, citing the requirements of this title.

(4) In cases which require a public hearing, a developer must submit a written proposal to the director, which outlines how and when the developer offers to fulfill its obligations under this title after any required traffic study has been reviewed and the director has stated the direct traffic impact mitigation requirements pursuant to chapter 26B.55 SCC or in any event sufficiently far enough in advance of a public hearing to allow review and recommendations by the director and hearing body. If an offer is not received by the time the department makes its written recommendation on the case to the planning division, the director will recommend denial of the development for lack of compliance with this title.

(5) A duplex residential permit for a lot for which capacity improvement payment or offsite road improvement obligations were not imposed when it was created, will be issued by the community development director only after the appropriate mitigation measure is taken. The director is not required to review duplex residential building applications. Application forms for all duplex residential building permits shall be accompanied by a statement that development of every lot in the county with a new duplex residence will have an impact on the road system that must be mitigated. The statement shall outline the options available to the developer for investigating the impact and proposing appropriate road improvements or making a payment as allowed by this title. The notice shall include all information necessary for the applicant to make an informed decision as to how to proceed. Applicants in such cases shall inform the county of their mitigation choice at the time of permit issuance and proceed accordingly. (Added Ord. 90-186, November 14, 1990).

Section 143. Snohomish County Code, section 26B.55.100, added by Ord. 90-186 on November 14, 1990, is amended to read:

26B.55.100 Authority of the ~~((community development division and the planning division))~~ department of planning and development services.

(1) The director of the ~~((community development division))~~ department of planning and development services shall have discretion under this title to refuse to issue a building permit; or shall condition issuance of a building permit and/or any certificate of occupancy or final inspection approval for a development upon compliance of conditions imposed by the director or other county authority. The director of the ~~((community development division))~~ department of planning and development services so acting shall proceed in conformity with this title.

(2) The director of the department of planning ~~((division))~~ and development services shall have discretion under this title to refuse the approval of a short subdivision; or shall condition issuance of approval of a short subdivision upon compliance of conditions imposed by the director or other county authority. The director of the department of planning ~~((division))~~ and development services in so acting shall proceed in conformity with this title.

Section 144. Snohomish County Code, section 26B.58.900, added by Ord. 91-082 on May 22, 1991, is amended to read:

26B.58.900 Application of 1990 Title 26B SCC amendments.

All development applications deemed complete by the department of planning ~~((division or community))~~ development ~~((division))~~, as appropriate, prior to February 9,

1991, shall be reviewed for all purposes allowed under state law, including environmental review pursuant to the Snohomish county environmental policy ordinance (SCEPO), Title 23 SCC, under the provisions of Title 26B SCC as codified prior to February 9, 1991, unless the developer, where allowed by state law, consents in writing to the application of the provisions of Amended Ordinance No. 90-186 thereto. The traffic impact mitigation policies of Title 26B SCC utilized for SEPA review pursuant to Title 23 SCC, will be determined with reference to the date on which a complete application was filed and not the date upon which the particular land development application vested for purposes of SEPA, unless, where allowed by state law, the developer who presented a complete application prior to February 9, 1991, consents in writing to the application of the provisions of Title 26B SCC as amended by Amended Ordinance 90-186 thereto.

Section 145. Snohomish County Code, section 26C.05.010, added by Ord. 91-027 on February 27, 1991, is amended to read:

26C.05.010 School district eligibility.

To qualify for impact mitigation pursuant to this title, a school district shall submit to the county on an annual basis a capacity analysis which demonstrates that the district is experiencing positive enrollment growth based upon a five-year growth projection estimate. The capacity analysis shall be based upon professionally accepted population projection methodologies consistent with standard projection methods and Snohomish county population estimate techniques, and verified by the county department of planning ((division)) and development services. If, at some point during the projection period, after taking into account other known, available funding sources, the district is projected to have unhoused students, as defined herein, or inadequate bus seating capacity for projected enrollment, the district will be eligible for impact mitigation for those elements projected to be deficient

Section 146. Snohomish County Code, section 26C.05.020, added by Ord. 91-027 on February 27, 1991, is amended to read:

26C.05.020 Annual certification requirements.

Each district shall submit to the county on an annual basis an annually adjusted itemization of costs for the impact mitigation elements listed in SCC 26C.07.020, together with documentation in support thereof. The county department of planning ((division)) and development services shall certify that a school district's documentation is complete and acceptable to the county. Annual certification shall be completed by July 31 of each year. The prior year's certified data shall apply until the new certification is given each year.

Section 147. Snohomish County Code, section 26C.07.090, added by Ord. 91-027 on February 27, 1991, is amended to read:

26C.07.090 Trust accounts.

Impact mitigation required pursuant to this title shall be deposited by the ((community development division)) department of planning and development services directly into a treasurer's trust account, which shall be established for each participating school district. Funds deposited into these accounts shall be expended as provided in SCC 26C.07.100.

Section 148. Snohomish County Code, section 26C.07.120, added by Ord. 91-027 on February 27, 1991, is amended to read:

26C.07.120 Unacceptable impact levels.

When it is determined pursuant to this title that a proposed subdivision or development will result in an unacceptable impact level within a school district, the county may deny the subdivision or development until the unacceptable impact level is remedied. When it is demonstrated pursuant to this title that, although present school facility capacity exists, school facilities cannot be provided quickly enough to avoid an unacceptable impact level at any point during the district's five-year enrollment projection period, the county may deny a proposed subdivision or development until a remedy is identified for the projected unacceptable impact level. The school district shall document any existing or projected unacceptable impact level and provide written notification thereof to the county at the earliest possible date. (Added Ord. 91-027, February 27, 1991). [See printed volume for Development Mitigation Formula Worksheet.]

Development Mitigation Formula Worksheet

Appendix 1

Population Impact Calculation:

1. # Units      X      (Single Family Residence Factor) (a) =      Students
2. # Units      X      (One Bedroom Multi-Family Residence Factor) (a) =      Students
3. # Units      X      (Two or More Bedroom Multi-Family Residence Factor) (a) =      Students

26C.07.120 4. Total Students Generated from Development (Add lines 1, 2, 3)      Total Students

5. # of Students (Line 4)      X      % (Student Population Config. by Level) (b) =      Elem. Students
6. # of Students (Line 4)      X      % (Student Population Config. by Level) (b) =      Jr. High Students
7. # of Students (Line 4)      X      % (Student Population Config. by Level) (b) =      Sr. High Students

Land Acquisition Impact Calculation:

8.      Elem. Students (Line 5) x      [10 acres x      (Land Acquis. Cost)]500=\$      Impact
9.      Jr. High Students (Line 6) x      [20 acres x      (Land Acquis. Cost)]750=\$      Impact
10.      Sr. High Students (Line 7) x      [30 acres x      (Land Acquis. Cost)]1,000=\$      Impact

11. Total Land Acquisition Impact (Add Lines 8, 9, 10) = \$      Total Land Acquisition Impact

Local Effort Construction Cost Impact Calculation:

12.      Elem. Students (Line 5) x      (Boeckh Index x 80 sq. ft. x Local Effort)=\$      Impact
13.      Jr. High Students (Line 6) x      (Boeckh Index x 100 sq. ft. x Local Effort)=\$      Impact
14.      Sr. High Students (Line 7) x      (Boeckh Index x 120 sq. ft. x Local Effort)=\$      Impact
15.      Students x Per Pupil Cost to Reopen Unoccupied School = \$      Impact
16. Total Local Effort Construction Cost Impact (Add lines 12, 13, 14 & 15)=\$      Total Local Effort Construction Cost Impact

Bus Fleet Impact Calculation:

17.      [(Total Students (line 4) x Student Busing Factor)] x      Seats  
 Runs=\$      Total Bus Fleet Impact      New Bus Cost      Average Bus

(a) Specific public school student generation rates for each type of development will be supplied by empirical studies conducted by or for each school district within 120 days of adoption of Ordinance 90-     and updated at least once every five years thereafter, and supplied to the ((planning)) department of planning and development services.

(b) Student population configuration by level within each district will be supplied by empirical studies conducted by or for each school district within 120 days of adoption of Ordinance 90-     and updated at least once every five years thereafter, and supplied to the ((planning)) department of planning and development services.



Section 149. Snohomish County Code, section 27.08.012, added by Ord. 84-014 on February 27, 1984, is amended to read:

27.08.012 Department.

"Department" means the department of planning and ~~((community))~~ development services.

Section 150. Snohomish County Code, section 27.08.018, added by Ord. 84-014 on February 27, 1984, is amended to read:

27.08.018 Director.

"Director" means the director of the department of planning and ~~((community))~~ development services or his authorized designee.

Section 151. Snohomish County Code, subsection 28.08.020(2), last amended by Ord. 89-100 on August 9, 1989, is amended to read:

28.08.020 Definitions.

For the purpose of this title, the words and phrases designated in this section shall be defined as follows:

(2) "Director or directors" means the directors of the department of planning and ~~((community))~~ development services, the department of public works, or such other person as the council shall by ordinance authorize to utilize the provisions of this title, and shall also include any duly authorized representative of such director(s).

Section 152. Snohomish County Code, subsection 28.08.070(1), added by Ord. 85-017 on May 1, 1985, is amended to read:

28.08.070 Technical review committee.

(1) There is established the enforcement technical review committee, consisting of one designated representative from each of the following departments or offices: the department of planning and ~~((community))~~ development services, the department of public works, and the office of the prosecuting attorney. The committee shall select one member as its chairperson. The committee shall meet periodically and at such times as it deems necessary to carry out the functions specified in this title.

Section 153. Snohomish County Code, section 29.04.030, added by Ord. 85-059 on July 10, 1985, is amended to read:

29.04.030 Department.

"Department" shall mean the department of planning and ~~((community))~~ development services.

Section 154. Snohomish County Code, section 29.04.040, added by Ord. 85-059 on July 10, 1985, is amended to read:

29.04.040 Director

"Director" shall mean the director of planning and ~~((community))~~ development services.

Section 155. Snohomish County Code, section 29.08.010, added by Ord. 85-059 on July 10, 1985, is amended to read:

29.08.010 Authority to act.

The director of the department of planning and ~~((community))~~ development services is authorized to grant or deny a proposed boundary line adjustment under criteria set forth in SCC 29.12.020.

Section 156. Snohomish County Code, section 32.11.040, last amended by Ord. 92-018 on April 27, 1992, is amended to read:

32.11.040 Imposition of conditions on projects.

Based on available information including that provided by the applicant pursuant to the requirements of SCC 32.11.010(2) and (3), the department of planning and ~~((community))~~ development services shall impose conditions designed to prevent degradation of groundwater quality or quantity. Such conditions may include determining background water quality and quantity prior to development, determining groundwater levels, monitoring of those levels, mitigation plans including prevention, and development of groundwater quality or quantity management plans. All conditions to permits shall be based on known, available and reasonable methods of prevention, control, and treatment.

Section 157 Snohomish County Code, section 32.14.060, added by Ord. 93-038 on August 4, 1993, is amended to read:

32.14.060 Procedure to delete or add farmland designations.

(1) The county shall review landowners' requests to have their land excluded from an interim farmland designation. Requests for exclusion shall be accepted by the county for six months following the adoption of the interim agricultural conservation plan. The properties to be reviewed shall be evaluated for their consistency with the five mandatory criteria described in appendix A of the interim agricultural conservation plan and a site visit by the department of planning ~~((division)) and development services~~ staff shall be conducted as part of the review. Where a single parcel has been placed in more than one interim resource land designation, by the department of planning ~~((division)) and development services~~ staff shall evaluate the property and recommend a single interim resource land designation. Recommended changes in the interim farmland boundary resulting from review of individual properties shall be processed as a comprehensive plan amendment. This subsection shall be repealed when permanent farmlands are designated as part of the countywide comprehensive plan.

(2) The county shall review landowners' requests to have their land designated as interim farmland. Requests for designation shall be accepted by the county until permanent farmlands are designated as part of the countywide comprehensive plan. Planning and development services staff shall develop criteria for evaluating requests for inclusion and a site visit by the department of planning ~~((division)) and development services~~ staff shall be conducted as part of the review. Recommended changes in the interim farmland boundary resulting from review of individual properties shall be processed as a comprehensive plan amendment. This subsection shall be

repealed when permanent farmlands are designated as part of the countywide comprehensive plan.

Section 158. Snohomish County Code, section 32.14.080, added by Ord. 93-038 on August 4, 1993, is amended to read:

32.14.080 Assign\_((community development division)) department of planning and development services agricultural specialist.

Within six months of the effective date of this chapter, the county shall hire or assign and train a ((community development division)) department of planning and development services specialist in agricultural site development, shoreline, grading and related review to assist in and accelerate agricultural related permit processing.

Section 159. Snohomish County Code, section 32.14.090, added by Ord. 93-038 on August 4, 1993, is amended to read:

32.14.090 Plan designation list.

The department of planning ((division)) and development services shall maintain a list of farmland areas for which a request for redesignation from agricultural to other designations has been submitted at agricultural conservation plan public meetings and public hearings either orally or in writing. The list may also include farmland areas that may be added to an agricultural designation because of further data analysis. Redesignation requests shall be addressed in the rural/resource element of the updated comprehensive plan.

PASSED this 15<sup>th</sup> day of February, 1995

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

Karen Miller  
Chairperson

ATTEST:

Barbara Tikusti  
Clerk of the Council, #557.

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

DATE 2/17/95  
[Signature]  
COUNTY EXECUTIVE

Sue Tanner, DPA  
Approved as to form only on:  
December 29, 1994  
(Date)

ATTEST: Marilyn B. Abel

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