

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED
ORDINANCE NO. 95-026
ENACTING REGULATORY REFORM AMENDMENTS;
AMENDING SNOHOMISH COUNTY CODE
TITLE 20;
CHAPTERS 20.20 and 20.26;
RELATING TO SHORT SUBDIVISION CODE

BE IT ORDAINED:

Section 1. Snohomish County Code (SCC) Title 20, Section 20.20.045, last amended by Ord. 95-004, Sec. 111 on February 15, 1995, is **AMENDED** to read:

20.20.045 Public notice and commenting.

(1) Public notice of application shall be given for preliminary short plat applications. Such notice shall solicit comments on the preliminary short subdivision; shall contain a summary of the proposed action; shall contain a statement indicating how to become a party of record as defined in SCC 2.02.165; and may contain any other information which the county finds may be of assistance in providing a complete and reasonably understandable summary. Said notice shall be given as follows:

(a) Within 15 days of receiving an application, the department shall mail to all taxpayers of record and known site addresses within 500 feet of the subject property and contiguous property owned by applicant and, where the application is located adjacent to a right-of-way of a state highway, to the state department of transportation; PROVIDED, That notice shall be mailed to all taxpayers of record and known site addresses 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;

(b) Within 15 days of filing an application, an applicant shall publish notice in the official county newspaper and in a newspaper of general circulation in the area where the proposal is located; and

(c) Within five working days of filing an application, an applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right-of-way. If no public right-of-way exists, the signs shall be placed at the point of access to the property. The signs shall remain posted throughout the review process and until all appeal periods have expired. 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 short subdivision application until such verification is received.

(2) Public notice may be given at the discretion of the department to community organizations of record. Such notice shall solicit comments on the preliminary short subdivision and shall be given within 15 days after application submittal;

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

(4) Public notice of preliminary short subdivision approval, and final short subdivision approval where no preliminary approval is given, shall be ~~((as follows:~~

~~(a) Mailing))~~ mailed to all parties of record, as defined in SCC 2.02.165, on the preliminary short subdivision; ~~((and))~~

~~((b) Conspicuous posting on the subject property by the applicant of two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county;))~~

(5) Public notice of short subdivision denial shall be given pursuant to subsection (4)~~((a))~~ above, and shall also be mailed to the applicant;

(6) The notices provided for in subsections (4) and (5) above shall specify the appeal process available and deadline for filing appeals pursuant to SCC 20.20.090;

(7) 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;

(8) 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.

Section 2. SCC Title 20, Section 20.26.010, added by Ord. 90-201 on January 2, 1991, is **AMENDED** to read:

20.26.010 Final short plat application.

An application for final short plat approval requires that the applicant submit to the department all of the following:

(1) A final short plat map prepared as a record of survey by a registered professional land surveyor according to the procedures and requirements of applicable state laws and regulations and in the following format:

(a) The map shall consist of one or more pages, each 18 inches wide and 24 inches long, clearly and legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on a suitable material as allowed by the procedures and requirements of chapter 58.09, 58.17.165 and 58.17.255 RCW and chapter 332-130 WAC.

(b) The map shall contain a horizontal scale of one inch equals 50 feet or such scale as the department determines will clearly portray all of the drafting detail of the survey map;

(c) A marginal line shall be drawn completely around each map page, leaving an entirely blank margin of two inches on the left edge and one-half inch on the other three sides;

(d) The map scale, graphic scale and north arrow shall be shown on each page; and

(e) All signatures placed on the map shall be original signatures written in permanent black ink;

(2) ~~((Twelve))~~ Four dark line prints of the final short plat;

(3) The final short plat filing fee;

(4) A current short plat certificate prepared by a title company no more than 30 days prior to the date of final short plat application, giving a full and correct description of property to be short subdivided, showing all encumbrances to the title, and showing all persons having an ownership interest in the property;

(5) An approval letter from the jurisdiction responsible for supplying water and/or sewage disposal services to the short plat; and

(6) Computational check data, in either a manual or an electronic computer format, confirming all map dimensional requirements;

(7) The disclosure and resolution of any and all encroachments such as fences, buildings, slabs, driveways or a physical appurtenance which indicates encroachment.

Section 3. SCC Title 20, Section 20.26.020, added by Ord. 90-201 on January 2, 1991 is **AMENDED** to read:

20.26.020 Required information.

In addition to all survey map requirements of applicable state laws and regulations, the final short plat shall include:

(1) A full and complete legal description of all land included in the short subdivision;

(2) The names and locations of all roads, streets, and other public ways within and adjacent to the short subdivision;

(3) The centerline and location data, and widths and sidelines of all roads, streets and easements;

(4) All dimensions along the lines of each lot to the nearest hundredth of a foot, with the true bearings and any other data necessary for the location of lot and easement lines in the field;

(5) All easements, which shall be identified by broken lines and their recording numbers;

(6) All contiguous subdivisions and short subdivisions by name and recordation information, and identification of any contiguous unplatted property which is owned by anyone with an ownership interest in the subject short subdivision;

(7) Any city or county boundaries crossing or adjoining the short subdivision;

(8) All lots shown in their entirety on one map sheet, numbered in sequence, and indicating the lot area with road easements and access panhandles excluded;

(9) Accurate designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners within the short subdivision together with accurate references to appropriate recorded documents;

(10) All required endorsements, covenants, affidavits and certificates;

(11) Specific wording as may be required by the conditions of preliminary short plat approval;

(12) The location of all elements controlling the boundaries of the short plat including, but not limited to, the following:

(a) the subdivision of the section or sections of land wherein the short plat is located, including all of the controlling elements thereof, if the boundaries are located in whole or in part by reference to the subdivision of such section(s);

(b) the controlling elements of recorded plat(s), short plat(s), or other parcels or subdivisions of land, if located in whole or in part by reference thereto; and

(c) textual data as may be necessary or helpful to clearly establish the methodology by which said boundaries were established;

(13) The case file number of the short plat application;

(14) Identification of a lot or lots which may be developed with a duplex structure and which requires the following:

(a) a note which indicates the lot number or numbers or the affected lots; and

(b) a note within the lot boundaries (or next to the lot boundary, with indicator) of the affected lot or lots. Failure to disclose the intent to develop a lot or lots with duplexes is subject to the provisions of SCC 20.36.025;

(15) ~~((Location of all applicable setback lines as defined in chapter 18.42 SCC; and))~~ The location and nature of any and all encroachments such as fences, buildings, slabs, driveways or a physical appurtenance which indicates encroachment;

(16) The physical description of any monuments shown, found, established or reestablished, including the location of monuments at distances above any high water mark associated with a body of water, river, stream or wetland that reasonably insures against their damage or destruction by flooding or erosion;

(17) Identification of any native growth protection areas and other lands within the short subdivision where development is restricted.

Section 4. SCC Title 20, Section 20.26.030, added by Ord. 90-201, on January 2, 1991 is **AMENDED** to read:

20.26.030 Dedications.

(1) All roads and streets or portions thereof and parcels of land shown on the final short plat and intended for any public use shall be offered for dedication for public use except where the provisions of this title provide otherwise.

(2) Roads and streets, or portions thereof, may be required to be set aside by the county for future dedication where the immediate opening and improvement is not required, but where it is necessary to insure that the county can later accept dedication when the roads or streets become needed due to the traffic impacts of the short subdivision together with the expected traffic impacts of reasonably foreseeable future development of the area or adjacent areas.

(3) Easements being dedicated shall be indicated on the face of the short plat as follows: An easement is hereby reserved for and granted to all utilities and their respective successors and assigns serving this short plat, under and upon the exterior 10 feet parallel with and adjoining the street frontage of all lots, tracts and common areas in which to install, lay, construct, renew, operate and maintain underground conduits, cables, pipe, and wires with necessary facilities and other equipment for the purpose of serving this short subdivision and other property with electricity, telephone and other utility service, together with the right to enter upon the lots at all times for the purposes herein stated; PROVIDED, That if any private road(s) should become a public road(s) 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.

Section 5. SCC Title 20, Section 20.26.040, last amended by Ord. 95-004, Sec. 113 on February 15, 1995 AMENDED to read:

20.26.040 Acknowledgments and certificates.

(1) Acknowledgments and certificates required by this title shall be stated in substantially the language indicated in the following subsections:

~~((1))~~ (a) Declaration of Short Subdivision and of Covenants. 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 development services of Snohomish county, subject to the following covenants and conditions:

~~((a))~~ (i) 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))~~ 58.17 RCW, and the ordinances of Snohomish county, and subject to the penalties attendant thereto;

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

~~((c))~~ (iii) 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))~~ (iv) 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))~~ (v) 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))~~ (vi) 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))~~ (vii) 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))~~ (viii) 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))~~ (viii) 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))~~ (b) 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, 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.

(2) This approval must be used on all short plats where right-of-way dedications occur:

"Dedication of right-of-way approved in regular session by the County Council:

(County Council Chairperson)

Approved by the Snohomish County Executive: _____

(County Executive)"

(3) For an ((A)) acknowledgment in an individual capacity:

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))~~

I certify that I know or have satisfactory evidence that (name of person) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)

(Seal or stamp)

Title
My appointment expires: _____

For an acknowledgment in a representative capacity:

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that (name of person) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the (type of authority, e.g., officer, trustee, etc. of (name of party on behalf of whom instrument was executed) to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)

(Seal or Stamp)

Title
My appointment expires: _____

(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 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))~~ Short Plats, page _____, records of Snohomish County, Washington.

Auditor By: _____
Deputy County Auditor

Section 6. SCC Title 20, Section 20.26.060, last amended by Ord. 95-004, Section 115 on February 15, 1995, is **AMENDED** to read:

20.26.060 File with auditor.

A final short plat approved by the department of planning and development services shall be filed as a ~~((record of survey))~~ short plat 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 planning division, the community development division,))~~ the department of public works~~((,))~~ and the health district, two to the department of planning and development services and three ~~((each))~~ to the county assessor. All required paper copies shall bear the auditor's recording data.

Section 7. This ordinance shall become effective July 20, 1995.

PASSED this 24th day of May, 1995

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

Kress Miller
Chairperson

ATTEST:

Sheila McCallister
Clerk of the Council, asst.

{ APPROVED
{ VETOED
{ EMERGENCY

DATE: 6/16/95
[Signature]
County Executive

ROBERT J. DREWEL
County Executive

ATTEST:

Marilyn B. Abel

_____, DPA
Approved as to form only on:

Date

D-24