SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

CO00023132

AMENDED ORDINANCE NO. 95-063

RELATING TO LAND USE REGULATIONS, OFFICIAL SITE PLANS, BINDING SITE PLANS, AND AMENDING CHAPTERS 13.110, 14.01, 17.02, 18.41, 18.45, 18.5118.53, 18.56, 18.60, 18.72, 18.90, 19.08, 19.12, 21.16, 24.16, 26B.51 AND ADDING SECTIONS TO 4.32, 18.42, 18.43, 18.44, 18.51, 18.53, 18.55 18.56, 18.60, AND 18.90 SCC

BE IT ORDAINED:

Section 1. A new section is added to Chapter 4.32 of the Snohomish County Code to read:

4.32.065 Record of binding site plan.

Any 18 x 24 inch record of binding site plan document prepared pursuant to RCW 58.17.035 shall be filed according to the following fee schedule:

(1) Base fee (WA State)	$26.00
(2) Recording fee (including surcharge)	27.00
(3) Each additional page	5.00

Section 2. Snohomish County Code Section 13.110.030 last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

13.110.030 Development Application Review Fees.

(1) Upon submittal of any development application or other land use approval requiring approval of Snohomish county, the developer shall pay a $200 base review fee plus $5 per each new vehicle trip generated by the development. For purposes of setting the review fee only, vehicle trips generated will be determined by the following table:

(a) Single-family residential	10 trips/unit
(b) Multi-family residential	6 trips/unit
(c) Office/office park/business park	12 trips/1,000 s.f.
(d) Industrial/industrial park/warehouse manufacturing/other industrial type uses	6 trips/1,000 s.f.
(e) School	2 trips/employee
(f) Church/day care	7 trips/1,000 s.f.
(g) *Commercial-5,000 s.f. or less	20 trips/1,000 s.f.
(h) *Commercial-5,001 s.f. ((~~thru~~)) through 25,000 s.f.	15 trips/1,000 s.f.
(i) *Commercial-25,000 s.f. or more	10 trips/1,000 s.f.

*Commercial use is any use not otherwise defined in this table.

(2) In any case, the maximum fee for any individual application shall not exceed $5,000.

(3) The following development types are exempt from the development application review fee of 13.110.030(1).

(a) Rezones not requiring ((~~binding~~)) official site plans.
(b) Lot width variances.
(c) Commercial building permits for portable classrooms.
(d) Commercial building permits for rockeries.
(e) Building permits for single-family residences on existing tax lots.

(4) Commercial building permit applications that have undergone prior development review within twelve months of building permit application will pay only the $200 base fee.

Section 3. Snohomish County Code Section 14.01.040, last amended by Ordinance No. 95-004 on February 15, 1995, 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 department of planning and 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 department of planning and 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~~)) official 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;

(3) All permits, approvals and reviews connected with the department of public works' site development review process including, but not limited to:

(a) traffic impact reviews conducted pursuant to Title 26B SCC;

(b) trail access permits issued pursuant to Title 13 SCC;

(c) road construction permits issued pursuant to Title 13 SCC;

(d) right-of-way permits issued pursuant to Title 13 SCC;

(e) temporary access permits issued pursuant to Title 13 SCC; and

(f) right-of-way vacation reviews conducted pursuant to Title 13 SCC.

(4) Priority permit processing does not include any public hearing, hearing examiner or county council processes associated with any of the permits, approvals or reviews referred to in subsections (1), (2) or (3).

Section 4. Snohomish County Code Section 17.02.040, last amended by Ordinance No. 93-125, on November 23, 1993, is amended to read:

17.02.040 Plan review fee.

Whenever a plan, drawing or such other document is required to be reviewed under provisions of the Snohomish county code (SCC), a plan review fee equaling the permit fee for which the plan, drawing or such other document is required, shall be paid except as follows:

(1) The plan review fee shall be reduced to 70 percent of permit fees for R-3 and M occupancies.

(2) A plan review fee for successive construction, as that term is used in SCC 17.04.150, shall be 20 percent of the building permit fee specified in SCC 17.02.100.

(3) The plan review fee shall be supplemented for A, I, R-1, E, H and B occupancies as follows:

(a) Commercial building permit project application for one or more buildings or additions requiring site plan review: $640.00.

(b) Commercial building permit application for one or more buildings or additions with a previously approved official site plan or binding site plan: $500.00.

(c) Tenant improvement not requiring site plan review: $100.00.

Section 5. Snohomish County Code Section 18.41.010 last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

18.41.010 Minimum access requirements.

Access to lots shall be as provided herein:

(1) Lots whose access was created prior to April 15, 1957, shall abut upon a public road or be served by a private road or access easement of any width;

(2) Lots whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than 15 feet upon and have direct access to a public road or be served by a private road or access easement having a minimum right-of-way width of 15 feet;

(3) Lots whose access was created on or after August 9, 1969, shall abut by not less than 20 feet upon and have direct access to:

(a) An opened, constructed, and maintained public road, or

(b) A private road in a plat, ((~~or~~)) short plat, ((~~or~~)) large tract segregation, or binding site plan with record of survey approved by Snohomish county, or

(c) An exclusive, unshared, unobstructed, permanent access easement at least 20 feet wide where a plat or short plat ((~~or large tract segregation~~)) is not required;

PROVIDED, That where the lot is 1/128th of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land, it may abut by not less than 60 feet and have direct access to a private road having a right-of-way width of not less than 60 feet which is sufficiently improved for automotive travel from the nearest opened, constructed and maintained county road to the parcel and which is designed in a manner that would permit reasonable and safe construction of a county road meeting county standards. No parcel qualifying as a lot under the above proviso clause will continue to so qualify if the parcel is redivided creating any parcel less than 1/128th section in size, or five acres in size, if the land is not capable of description as a fraction of a section of land, unless the parcel qualifies as a lot under subsections a, b, or c above;

(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 planning division 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 planning division.
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.

(5) Lots which are created pursuant to chapter 19A SCC with no direct public road access provisions may establish access rights through the recording of a common access agreement in lieu of the requirements of SCC 18.41.010(3).

Section 6. A new section is added to Chapter 18.42 of the Snohomish County Code to read:

18.42.015 Binding site plan (BSP).

Land divided pursuant to a recorded binding site plan with record of survey shall be governed by bulk regulations of the underlying zone concerning maximum building height as noted under SCC 18.42.020(A) and (B)-Bulk Matrix. The entire land area subject to the BSP shall be treated as a single lot when applying minimum lot area, minimum lot width, setbacks, maximum lot coverage, off-street parking, sign, and landscaping requirements as noted under SCC 18.42.020(A) and (B)-Bulk Matrix.

Section 7. A new section is added to Chapter 18.42 of the Snohomish County Code to read:

18.42.090(4) Setbacks

(4) Structures within a binding site plan shall only be subject to the setbacks established in SCC 18.42.020(A) and (B) along the perimeter lot lines of the entire land area subject to the BSP.

Section 8. A new section is added to Chapter 18.43 of the Snohomish County Code to read:

18.43.025 General landscaping requirements for binding site plan (BSP) developments.

All required landscaping for individual lots within a BSP development shall be satisfied through consideration of the entire BSP site (each lot need not meet these standards independently), subject to recorded covenants, conditions, and restrictions (CCRs).

Section 9. A new section is added to Chapter 18.44 of the Snohomish County Code to read:

18.44.025 Binding site plan (BSP)

Signage for binding site plan sites shall be regulated by requirements of the underlying zone, and signage provisions shall be applied to the entire BSP site as a whole, subject to recorded covenants, conditions, and restrictions (CCRs).

Section 10. Snohomish County Code Section 18.45.030 last amended by Ordinance No. 86-037 on May 7, 1986, is amended to read:

18.45.030 Location of parking spaces.

Off-street parking spaces shall be located as specified herein. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.

(1) Parking for single and multiple family dwellings shall be on the same lot or building site with the building it serves;

(2) Parking for uses not specified above shall not be over 300 feet from the building it serves. Parking spaces for uses on land subject to a binding site plan with record of survey (BSP) shall be located on land within the BSP area per recorded covenants, conditions, and restrictions (CCRs) or declaration;

(3) All off-street parking spaces shall be located on land zoned in a manner which would allow the particular use the parking will serve; and

(4) Parking shall be located at least 25 feet from any body of water.

Section 11. Snohomish County Code Section 18.51.050, last amended by Ordinance No. 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:

(1) Number of Dwelling Units. For all PRDs except retirement apartment and retirement housing PRDs the maximum number of dwelling units permissible shall be 120 percent of the maximum computed density of the underlying zone. For retirement apartment PRDs the maximum density shall be calculated on the basis of 1,300 square feet of land per dwelling unit in the MR zone and in commercial zones in the Paine Field, Alderwood, Southwest County and Marysville comprehensive plan subareas. In the LDMR zone and in all commercial zones in the remaining comprehensive plan subareas, the maximum

density shall be calculated on the basis of 2,600 square feet of land per dwelling unit. For retirement housing PRDs the maximum density shall be calculated on the basis of 900 square feet of land per dwelling unit in the MR zone and in commercial zones in the Paine Field, Alderwood, Southwest County and Marysville comprehensive plan subareas. In the LDMR zone and in all commercial zones in the remaining comprehensive plan subareas, the maximum density shall be calculated on the basis of 1,800 square feet of land per dwelling unit. The density of the underlying zone for all PRDs shall be computed as follows:

(a) Determine Gross Development Land Area. Subtract from gross area (i) unbuildable land, (ii) publicly owned community facility land other than parks, and (iii) commercial or industrial land area,

(b) Determine Net Development Area. Subtract from gross development land area the actual percentage of gross development area devoted to circulation system; except that whenever the circulation system accounts for more than 20 percent of the gross development area, the net development area shall be 80 percent of the gross development area,

(c) Divide net development area by the minimum lot area per dwelling unit, or where MR and LDMR standards apply, by the square footage of land per dwelling unit permitted in the underlying zone, and

(d) Multiply the resulting number of units by 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs and 1.2 for all other PRDs;

(2) Open Space and Recreation. Twenty percent of the net development area shall be established as open space and community recreational facilities. Up to one half of the common open space land may consist of unbuildable land upon a showing that such land can and will be utilized in a specific recreational use;

(3) Underlying Zone Requirements. Unless specifically modified by this chapter, all requirements of the underlying residential zone shall apply within the planned residential development;

(4) Minimum Lot Width. Except for townhouse lots, the minimum lot width shall be 60 feet for interior lots and 65 feet for corner lots. There shall be no minimum lot width for townhouse lots;

(5) Minimum Lot Area and Bulk Requirements for Single Family Dwellings and Duplex Dwellings.

(a) The minimum lot area shall be 5,000 square feet,

(b) The minimum front building setback shall be one-half the width of planned rights-of-way or easements as measured from the centerline of the right-of-way plus 15 feet,

(c) The sum of side setbacks shall be not less than 10 feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal to the distance from the property line to the centerline of the open space. A modified setback shall be endorsed upon the approved official site plan. No portion of a building or appurtenance shall be

constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than six feet to any structure on an adjacent lot,

(d) Rear setbacks shall be a minimum of five feet. If the rear setback adjoins public open space, the minimum rear setback requirements may be reduced by an amount equal to the distance from the rear lot line to the centerline of the open space. Such modified setback shall be endorsed upon the approved official site plan. No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space, and

(e) The maximum lot coverage shall be 35 percent of the lot area or 2,520 square feet, whichever is greater;

(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 official 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 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 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;

(7) Minimum Lot Area and Bulk Requirements for Multiple Family Dwellings. Multiple family dwellings shall also be allowed in any PRD, PROVIDED the following requirements are met:

(a) The maximum lot coverage shall be 40 percent,

(b) There will be no minimum lot size,

(c) There will be no maximum height,

(d) Front setbacks and side setbacks facing streets shall be set back not less than one-half of the width of planned rights-of-way or easements as measured from the centerline of the right-of-way plus 25 feet,

(e) The sum of the side setbacks shall be not less than 10 feet with one side setback not less than five feet for single story structures,

(f) The rear setback shall be not less than 25 feet for single-story structures,

(g) The side and rear setbacks of subsections (5) and (6) herein may be modified as follows:

(i) If the setback adjoins a public open space, then each applicable minimum setback requirement may be reduced by an amount equal to the distance from the property line to the centerline of the open space,

(ii) The resultant requirement shall then be endorsed upon the approved official site plan as a base setback requirement,

(iii) In the case of multistory structures, the base setback requirement of subsections (d), (e), (f) and (g)(i) above for such structures shall be increased for each story or fraction thereof by an amount equal to four feet for the sum of the side setbacks and two feet each for the minimum width side setbacks, designated rear setback and designated front setback, and

(h) No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space;

(8) Mobile homes, single or multisectioned, shall be allowed on individual single-family platted lots in a PRD, subject to the same requirements for detached, single-family units. Mobile home parks are allowed only in accordance with chapters 18.32 and 18.55 SCC.

Section 12. A new section is added to Chapter 18.51 of the Snohomish County Code to read:

18.51.075 Binding site plan (BSP)

(1) If an applicant is subjecting a portion of a lot or tract to either chapter 64.32 or 64.34 RCW, and chooses to divide land pursuant to Title 19A SCC, then the applicant shall obtain approval of a PRD official site plan and approval of a binding site plan pursuant to Title 19A SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of survey to be recorded, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

Section 13. Snohomish County Code Section 18.51.080, last amended by Ordinance No. 95-004 on February 15, 1995, 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~~)) site plan may be permitted by administrative action of the director of the department of planning 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~~)) site plan 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 director of the department of planning and development services 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 development services.

Section 14. A new section is added to Chapter 18.53, of the Snohomish County Code to read:

SCC 18.53.035 Binding site plan (BSP).

(1) If an applicant is subjecting a portion of a lot or tract to either chapter 64.32 or 64.34 RCW, and chooses to divide land pursuant to Title 19A SCC, then the applicant shall obtain approval of a Townhouse official site plan and approval of a binding site plan pursuant to Title 19A SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of survey to be recorded, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

Section 15. Snohomish County Code section 18.53.040, last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

18.53.040 Revisions.

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

(1) Minor Revisions. Minor revisions or changes in the official site plan may be permitted by administrative action of the director and properly recorded as a part of the records for the approved original application;

(2) Major Revisions. Major revisions of ((a)) 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~~)) on an official 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)) an official 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 director of the department of planning and development services in accordance with the foregoing principles and may be appealed pursuant to chapter 18.72 SCC.

Section 16. Snohomish County Code Section 18.53.050, last amended by Ordinance No. 93-077 on September 8, 1993, is amended to read:

18.53.050 Approval period.

In the event construction has not commenced within four years after the date of approval of a rezone to the townhouse zone or issuance of a conditional use permit for townhouses, the hearing examiner shall hold a public hearing to determine whether the rezone or conditional use permit should be revoked or whether the official site plan should be revised or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site. Notice of said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050. The decision of the hearing examiner shall be final and conclusive with right of reconsideration and may then be appealed to the county council pursuant to chapter 2.02 SCC.

Section 17. Snohomish County Code Section 18.53.060, last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

18.53.060 Performance and design standards.

All townhouses shall meet the following standards and regulations:

(1) Slope Policy. Chapter 18.46 SCC Development on Steep Slopes shall be used in calculating the total number of permitted townhouses on a site; PROVIDED That the stipulated minimum lot size permitted in each slope range shall not apply and further where an adopted comprehensive plan permits five or more dwelling units per acre on a site the Residential Density Guide for Sloping Land table shall be modified to permit the maximum comprehensive plan density in the zero to 20 percent slope ranges. Placement of townhouses shall be sensitive to the natural topography and otherwise conform to the intent of chapter 18.46 SCC. Where appropriate to restrict development on slopes, building setback and limit of clearing lines shall be displayed on the official site plan;

(2) There shall be no more than six dwelling units in any townhouse structure, unless it can be demonstrated to the satisfaction of the hearing examiner that additional units can be compatible with the character of adjacent existing and planned uses;

(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 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 may be appealed to the hearing examiner;

(4) Setbacks.

(a) Every townhouse on a townhouse lot shall maintain a setback of at least 15 feet from the edge of any street right-of-way, or 20 feet in residential zones, and shall maintain a five foot setback from adjacent residential property lines (except where the townhouses are connected); PROVIDED That when two or more townhouse dwelling units are being developed on adjacent lots, street 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 such setbacks in a townhouse structure is not less than 15 feet, (20 feet when located in any residential zone) and each lot has a combined total of 30 feet of front and rear setbacks; and

(b) Every townhouse at each end of a group of attached units shall maintain a minimum building separation of not less than 10 feet;

(5) Lot Area. Minimum lot area for single family detached structures and mobile homes shall be 7,200 square feet. Minimum townhouse lot area per dwelling unit shall be an average of 2,000 square feet;

(6) Lot Width. Minimum lot width for single family detached structure and mobile homes shall be 60 feet; corner lots, 65 feet. Every townhouse lot shall be of sufficient width to meet off-street parking requirements, side yard and building code requirements;

(7) Lot Coverage. Lot coverage requirements shall be as follows:

(a) Single family detached structures and mobile homes shall cover no more than 35 percent of the lot,

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

(c) 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;

(8) Building Height. Maximum building height for single family detached structures and mobile homes shall be 25 feet, unless modified in chapter 18.52 SCC or SCC 18.42.020. Townhouse building height shall not exceed 30 feet;

(9) Parking. Two off-street parking spaces shall be provided per dwelling unit, either open or enclosed, with at least one space located behind the street setback line; in addition, all other applicable standards contained within chapter 18.45 SCC Off-Street Parking, shall be met;

(10) Sidewalks or Walkways. Sidewalks or walkways in accordance with the adopted Snohomish county road standards shall be provided along interior streets and private roads and along streets adjacent to the site;

(11) Utilities. All water, sewer, electrical and communication distribution and service lines shall be underground except electrical and communication distribution lines only may be above ground for those townhouse lots abutting streets with pre-existing above ground distribution lines. All lines shall be approved by the agency or jurisdiction providing the service;

(12) Sewers. All townhouse developments shall be served by a public sanitary sewer system or a larger on-site sewage disposal system pursuant to chapter 248-96 WAC; PROVIDED perpetual management of any larger on-site sewage system shall be provided by either an eligible public entity as defined by Washington State Department of Social and Health Services regulations, or by a suitable private entity guaranteed by an eligible public entity;

(13) Landscaping. At the time of application for a building permit, the developer shall submit landscaping plans prepared by a professional landscaper or nurseryman for at a minimum all front and side setbacks and common open space areas associated with the building for which permit application is made. Landscaping shall consist of a mixture of trees, shrubs and ground cover as appropriate to the site and shall be installed in accordance with the plans prior to or within 90 days of issuance of an occupancy permit;

(14) Orientation. The ((~~overall development plan for the~~)) official site plan and orientation of individual units should reflect consideration of the microclimate of the site, by orientation relative to sun, shade and wind for increased energy efficiency of the development and for maximum comfort of the residents; PROVIDED That where physical or economic considerations make such orientation impractical, this provision shall not apply; and

(15) Open Space Areas. All common open space, community facility area and private landscaping areas shall be subject to maintenance and use provisions which shall be set forth and recorded in private covenants, deed restrictions, homeowners agreements or through other suitable means to insure continual maintenance, establish rights of access as appropriate and address other relevant matters.

Section 18. A new section is added to Chapter 18.55 of the Snohomish County Code to read:

18.55.015 Binding site plan (BSP).

(1) If an applicant chooses to divide land pursuant to Title 19A SCC, an applicant shall obtain approval of a Mobile Home Park (MHP) official site plan, and approval of a binding site plan pursuant to Title 19A SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of survey to be recorded, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

Section 19. Snohomish County Code Section 18.56.030, last amended by Ordinance No. 93-077 on September 8, 1993, is amended to read:

18.56.030 Issuing building permits.

Prior to the issuing of the building permit for any structure in an FS zone, ((a ~~binding~~)) an official site plan for the zone, indicating the provisions for acceleration and deceleration lanes, ingress and egress driveways; curbing, internal traffic circulation and parking; the location of structures, and the floor area devoted to accessory uses must be reviewed and approved by the hearing examiner. Where only partial development of the zone is involved, the hearing examiner will evaluate the partial development plans as they contribute to or limit the possible ultimate development of the zone. Prior to the approval of ((a ~~binding~~)) an official site plan the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements for other county initiated rezones in SCC 18.73.050. The decision of the hearing examiner shall be final and conclusive with right of reconsideration and may then be appealed to the county council pursuant to chapter 2.02 SCC.

Section 20. A new section is added to chapter 18.56 of the Snohomish County Code to read:

18.56.035 Binding site plan (BSP)

(1) If an applicant chooses to divide land pursuant to Title 19A SCC, the applicant shall obtain approval of a FS official site plan and approval of a binding site plan according to title 19A SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of survey to be recorded, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

Section 21. Snohomish County code Section 18.56.040, last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

18.56.040 Modifications.

Modifications of ((a ~~binding~~)) an official site plan shall be permitted as set forth below:

(1) Minor Modifications. Minor modifications or changes in the ((~~binding~~)) official site plan may be permitted by administrative action of the director of the department of planning 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~~)) an official site plan which does not involve a substantial alteration of the character of the ((~~binding~~)) official site plan;

(2) Major Modifications. Major modifications of ((a ~~binding~~)) an official 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~~)) an official 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 director of the department of planning and development services in accordance with the foregoing principles.

Section 22. Snohomish County Code Section 18.60.075, last amended by Ordinance No. 95-004 on February 15, 1995, 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 department. ((~~A filing fee of $100.00 shall be paid to the~~

~~department of planning and development services for administrative approval of a record of survey)).~~

Section 23. A new section is added to Chapter 18.60 of the Snohomish County Code to read:

18.60.085 Binding site plan (BSP)

(1) If an applicant chooses to divide land pursuant to Title 19A SCC, the applicant shall obtain approval of a final BP, PCB, or IP plan and approval of a binding site plan according to title 19A SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of survey to be recorded, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

Section 24. Snohomish County Code Section 18.60.100, last amended by Ordinance 95-004 on February 15, 1995, is amended to read:

18.60.100 General performance requirements.

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

(1) Processes and Equipment. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable beyond the boundaries of the lot upon which the use is located by reason of offensive odors, dust, smoke, gas or electronic interference;

(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 director of planning and development services;

(3) Building Design. Buildings shall be designed to be compatible with their surroundings, both within and adjacent to the zone;

(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 official or binding site ((~~development plans~~)) plan(s) and indicate their availability at the department of planning 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;

(5) Off-street Parking. Permanent off-street parking shall be in accordance with terms of chapter ((~~SCC~~))18.45 SCC;

(6) Signing. Signs for business identification or advertising of products shall conform to the approved sign design scheme submitted with the final plan, and must comply with SCC 18.44.050.

(7) Noise. Noise levels generated within the development shall not exceed those established in chapter 10.01 SCC noise control, or violate other law or
regulation relating to noise. Noise of machines and operations shall be muffled so as to not become objectionable due to intermittence or beat frequency, or shrillness.

Section 25. Snohomish County Code Section 18.60.110, last amended by Ordinance 95-004 on February 15, 1995, is amended to read:

18.60.110 General landscaping and open space requirements.
These requirements are in addition to those contained in SCC 18.43.050.
(1) Landscaping for parking areas shall conform to the requirements of SCC 18.43.060;
(2) Landscaping materials and the maintenance thereof shall conform to and be installed in accordance with the ((~~overall~~)) official site ((~~development~~)) plan. Landscaping shall be installed prior to building occupancy, PROVIDED That the department of planning and development services may authorize up to a 60-day delay where planting season conflicts would produce a high probability of plant loss;
(3) The hearing examiner may require landscaping in combination with berms for noise screening;
(4) Where a site has substantial numbers of evergreen trees, site development shall be sensitive to the preservation of such vegetation;
(5) Except where specifically prohibited by the hearing examiner, the department of planning 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 shall establish the minimum side and rear yard building setbacks from residentially designated property;
(6) Areas zoned PCB shall include a minimum of 15 percent of the site area for common open space. Open space shall not include areas devoted to buildings, parking or vehicular access;
(7) Areas zoned BP, in addition to required landscaping, a minimum of 10 percent of the balance of the site shall be landscaped. Landscaping required by SCC 18.43.060 may serve to fulfill a portion of this requirement.

Section 26. Snohomish County Code Section 18.72.140, last amended by Ordinance No. 94-029 on April 6, 1994, is amended to read:

18.72.140 Filing fees.

The filing fees for requests/actions covered by this chapter shall be as follows:

(1) Variance: $1,000

(a) Except that a request for a single revision to a dimensional requirement related to a single family residence shall be: $500.00

(b) Request for time extension: $100.00

(c) Request for minor revision under SCC 18.72.192: $200.00

(d) Request for major revision under SCC 18.72.192: $800.00

(2) Special use permit: $1,000, plus a per-acre fee of $50.00, limited to a maximum fee of $3,000

(a) Request for time extension: $100.00

(b) Request for minor revision under SCC 18.72.192: $200.00

(c) Request for major revision under SCC 18.72.192: $800.00

(3) Conditional use permit: $2,100

(a) Landfill: $1,800, plus a per-acre fee of $50.00, limited to a maximum fee of $4,000

(b) Mineral extraction/processing: $1,800, plus a per-acre fee of $100.00, limited to a maximum fee of $6,000

(c) Sanitary landfill: $1,800, plus a per-acre fee of $100.00, limited a maximum fee of $6,000

(d) Modification to an official site plan:
Minor revision under SCC 18.72.192: $200.00
Major revision under SCC 18.72.192: $800.00

(4) Temporary use permit: $150.00

(a) Temporary woodwaste recycling and temporary woodwaste storage: $500.00

(b) Annual renewal: $60.00

(5) Administrative appeal: $100.00

(6) Accessory apartment (attached or detached) permit: $150.00

(a) Annual renewal: $60.00.

Section 27. Snohomish County Code Section 18.72.192, last amended by Ordinance No. 95-004 on February 15, 1995, 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 and development services 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 ((i))on an official site ((~~development~~)) plan and any requested change in permit conditions shall be processed in the same manner as a new application.

(2) Determining Minor/Major Revisions. A "minor" revision means any proposed change in the official site ((~~development~~)) plan which does not involve substantial alteration of the character of the plan. A "major" revision means any expansion of the area covered by the permit or approval, or any proposed change in the official site ((~~development~~)) plan whereby the character of the approved development will be substantially altered. A major revision of the official site ((~~development~~)) plan exists whenever intensity of use is increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights-of-way are created or increased, or the official site ((~~development~~)) plan design is substantially altered.

Section 28. Snohomish County Code Section 18.90.105, last amended by Ordinance No. 86-037 on May 7, 1986, is amended to read:

18.90.105 Binding Site Plan.

"Binding site plan" means an accurate drawing to ((a)) scale ((~~specified by Snohomish County Code~~)) which meets the requirements of Title 19A SCC, and which:

(1) Identifies and shows the ((~~areas~~)) proposed and existing location((s)) of all ((~~streets,~~)) roads, improvements, ((~~utilities,~~)) open spaces, and any other ((~~such matters~~)) elements specified ((~~by local regulations~~)) by Title 19A SCC;

(2) Contains inscriptions or attachments setting forth ((~~such appropriate~~)) limitations and conditions for the use of the land as ((~~are established by the council or hearing examiner~~)) specified in the approval; and

(3) Contains provisions requiring site development to be in conformity with the approved binding site plan ((~~by any development~~)).

Section 29. A new section is added to Chapter 18.90 of the Snohomish County Code to read:

SCC 18.90.632 Official Site plan.

"Official Site plan" means a site plan approved by the hearing examiner or Snohomish county council. A binding site plan approved pursuant to Title 19A SCC is not an official site plan.

Section 30. Snohomish County Code Section 19.08.020, last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

19.08.020 Exceptions. The provisions of this title shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions made by testamentary provisions or the laws of descent;

(3) Mobile home parks when established pursuant to the provisions of chapter 18.55 SCC, mobile home park standards of the Snohomish county zoning code; and/or when such land is divided by a recorded binding site plan with record of survey pursuant to Title 19A SCC.

(4) Boundary line adjustments;

(5) Condominiums ((~~plats~~)) when prepared and filed in accordance with the Horizontal Property Regimes Act, chapter 64.32 RCW or the Condominium Act, chapter 64.34 RCW;

(6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010; PROVIDED That the provisions of SCC 19.16.010(1) and 19.28.060 shall be complied with;

(7) Division of land into lots, tracts or parcels, each of which is one-eighth of a section of land or larger, if not definable as a fraction of a section of land;

(8) Divisions of land into lots or tracts classified for industrial or commercial use when ((~~the council or hearing examiner has approved~~)) a binding site plan has been approved for the use of the land in accordance with ((~~Snohomish County Code~~)) Title 19A SCC; PROVIDED, That when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the county auditor's office with a record of survey on each lot, parcel, or tract created pursuant to the binding site plan; PROVIDED FURTHER, That the binding site plan with record of survey and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract; and PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract, in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

(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, 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 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:

(a) There was filed with the Snohomish county department of planning and 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 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 31. Snohomish County Code Section 19.12.055, last amended by Ordinance No. 81-101 on October 19, 1981, is amended to read:

19.12.055 Binding site plan.

"Binding site plan" means an accurate drawing to ((a)) scale ((~~specified by local ordinances~~)) which meets the requirements of Title 19A SCC, and which:

(1) Identifies and shows the ((~~areas~~)) proposed and existing location((~~s~~)) of all ((~~streets,~~)) roads, improvements, ((~~utilities,~~)) open spaces, and any other ((~~matters~~)) elements specified by ((~~Snohomish County Code~~)) Title 19A SCC;

(2) Contains inscriptions or attachments setting forth ((~~such appropriate~~)) limitations and conditions for the use of the land as ((~~are established by the council or hearing examiner~~)) specified in the approval; and

(3) Contains provisions ((~~making any~~)) requiring site development to be in conformity with the approved binding site plan.

Section 32. Snohomish County Code Section 21.16.110, last amended by Ordinance No. 80-117 on December 30, 1980, is amended to read:

21.16.110 Limitations of permit.

Development undertaken pursuant to the issuance of a permit shall be limited to that specifically delineated on the official site plan ((~~map~~)) submitted pursuant to SCC 21.16.020, and shall be in compliance with any and all conditions imposed upon such permit at its issuance, and/or impact mitigating measures identified in documents submitted in support of the application.

Section 33. Snohomish County Code Section 21.16.130, last amended by Ordinance No. 95-004 on February 15, 1995, 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 and development services. If the department determines that the proposed changes are within the scope and intent of the original permit, the department is authorized to approve a revision..

(2) "Within the scope and intent of the original permit" means all of the following:

(a) no additional over water construction will be involved except that pier, dock or float construction may be increased by 500 square feet or 10 percent from the provisions of the original permit, whichever is less;

(b) ground area coverage and height and height of each structure may be increased a maximum of 10 percent from the provisions of the original permit;

(c) The use authorized pursuant to the original permit is not changed;

(d) No substantial adverse environmental impact will be caused by the project revision;

(e) Additional separate structures may not exceed a total of 250 square feet;

(f) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the master program except as authorized under the original permit; and

(g) Additional landscaping is consistent with conditions if any attached to the original permit and the master program.

(3) If the revision to the original permit involves a conditional use or variance which was conditioned by the department of ecology, the county shall submit the revision to the department of ecology for that agency's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of WAC 173-14-064(5). The department of ecology shall transmit to the county and the applicant its final decision within 15 days of its receipt of the submittal from the county.

(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 official 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 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.

(5) If the revision, or the sum of the revision and any previously approved revisions, is not determined to be within the "scope and intent of the original permit," the applicant must apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

(6) Appeals concerning decisions on revisions shall be accordance with RCW 90.58.180, and shall be filed within 30 days from the date of receipt of the county's action by the department of ecology regional office or when appropriate under circumstances described in SCC 21.16.130(3), above, the date the department of ecology's final decision is transmitted to the county and the applicant. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of SCC 21.16.130(2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicant's own risk until the expiration of the appeal deadline. If an appeal is successful in proving that a revision was not "within the scope and intent of the original permit," the decision shall have no bearing on the original permit.

Section 34. Snohomish County Code Section 24.16.120, adopted on January 12, 1979 is amended to read:

24.16.120 Detailed drainage plans - When required.

(1) Unless waived pursuant to SCC 24.12.200, a detailed drainage plan shall be submitted and approved:

(a) Prior to issuance of any building permit, except a permit for single family or duplex residential structures and their accessory structures (including fences and storage sheds), or for agricultural structures less than 5,000 square feet in area, or for those agricultural structures complying with a farm waste management plan (best management practices) approved by the Snohomish conservation district, and except for a permit involving no increase in development coverage; PROVIDED Such exempt permits shall be subject to the provisions of any applicable detailed drainage plan;

(b) Prior to issuance of any permit by the director for road construction pursuant to chapter 13.32 SCC (unopened right-of-way access permits);

(c) As a preliminary plat approval condition to be fulfilled prior to initiation of site work and prior to recording; PROVIDED, That this subsection shall not apply to any large lot subdivision;

(d) As a requirement of any conditional use or special use permit involving site alteration, affecting drainage, which condition shall be met before any site work begins;

(e) Prior to issuance of a grading permit pursuant to chapter 70 of the uniform building code.

(2) The director may require submittal and approval of a detailed drainage plan:

(a) As a condition of short plat approval for short subdivision applications which as a result of inspection appear to present extraordinary risks of adverse drainage impacts; PROVIDED, That this subsection shall not apply to any large lot subdivision;

(b) Before issuance of the first building or grading permit for any project being developed as an integrated development under the county's planned residential development, planned neighborhood ((~~business~~)) shopping center, planned community business, business park or industrial park zones, or pursuant to a concomitant rezone contract, which detailed drainage plan shall cover the entirety of the project or such lesser portion as will adequately allow the director to evaluate the adequacy of the drainage control measures being proposed;

(c) As a part of the preparation of a draft EIS for any project to determine mitigative measures when storm drainage has been identified as a significant environmental issue;

(d) Prior to issuance of any other permit or approval involving site alteration affecting drainage in a critical area as identified in chapter 24.24 SCC, including building permits otherwise exempted by subsection (1) (a) above.

(e) Prior to approval of a binding site plan for new development on vacant land, pursuant to Title 19A SCC, which detailed drainage plan shall cover the entirety of the project or such lesser portion as will adequately allow the director to evaluate the adequacy of the drainage control measures being proposed;

Section 35. Snohomish County Code Section 26B.51.040, last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.51.040 Development.

"Development" means all subdivisions, short subdivisions, industrial or commercial building permits, conditional or special use permits, binding site ((~~plans (including those associated with rezone applications)~~)) plan approvals, rezones accompanied by an official site plan, or building permits (including building permits for multi-family and duplex residential structures, and all similar uses) and other applications pertaining to land uses: (1) requiring land use permits or approval by Snohomish county; or (2) which are located in areas of other counties or incorporated areas and which will impact Snohomish county's public road system: PROVIDED, that "development" does not include building permits for single-family dwellings, attached or detached accessory apartments, or duplex conversions, on existing tax lots.

Section 36. Snohomish County Code Section 26B.55.010, last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.55.010 Determination of developer obligations.

(1) The time of determination of developer obligations by the county shall be before approval of all preliminary plats, short subdivisions, conditional and special use permits, and) binding site ((~~plans (including those associated with rezone applications~~)) plan approvals, rezones accompanied by an official site plan, or before the issuance of a commercial, or duplex residential building permit, whichever occurs first.

(2) Mitigation measures imposed as conditions of approval of conditional or special use permits ((~~or~~)), binding site ((~~plans~~)) plan approvals or rezones accompanied by an official site plan shall remain until the expiration date of the certificate of concurrency for a development.. Any building permit application submitted after the expiration date shall be subject to full reinvestigation of traffic impacts under this title before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with approval of the conditional or special use permit, the binding site plan approval, the rezone accompanied by an official site plan, or prior building permits pursuant to a binding site plan approval or rezone accompanied by an official site plan only where those mitigation measures addressed impacts of the current building permit application.

(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 traffic impact, except when such mitigation is by payment of any impact fee under the authority provided to the county under RCW 82.02.050(2). When the developer's written proposal has been reviewed for accuracy and completeness by the director, the director shall make recommendation to the department of planning and development services, as to the concurrency determination and 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, for mitigation of the development's traffic impact, except where such mitigation is by payment of any impact fee under the authority provided to the county under RCW 82.02.050(2). The written proposal must be submitted after any required traffic study has been reviewed and the director has stated the 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 a proposal is not received by the time the department makes its written recommendation on

the case to the department of planning and development services, the director will recommend denial of the development for lack of compliance with this title.

(5) A duplex residential building 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 planning and development services director only after the appropriate mitigation measures are provided in conformance with this title. 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.

(6) Developer mitigation measures shall be set out in a written document which is binding on the real property which is legally described in the development application or necessary to comply with development requirements or conditions, recorded with the county auditor, and administered in accordance with the provisions of SCC 26B.55.125.

(7) Any request to amend a proposed development, following the determination of developer obligations and approval of the development, which causes an increase in the traffic generated by the development, or a change in points of access, shall be processed in the same manner as an original application and determined to be a major revision under SCC 18.51.080, SCC 18.53.040 or SCC 18.72.192, a major modification under SCC 18.56.040 and determined to not meet the criteria for administrative approval under SCC 18.60.095 or SCC 19.20.020, except where written concurrence is provided by the director that such request may be administratively approved.

Section 37. Snohomish County Code Section 26B.55.030, last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.55.030 Level-of-service requirements, concurrency determinations.

(1) The department shall make a concurrency determination for each development application to ensure that the development will not impact an arterial unit where the level-of-service is below the adopted level-of-service standard, or cause the level-of-service on an arterial unit to fall below the adopted level-of-service standard, unless improvements are programmed and funding identified which would remedy the deficiency within 6 years. The approving authority shall not approve any development that is not deemed concurrent under this section [SCC 26B.55.030]. Building permit applications for development within an approved binding site plan, rezone ((~~with binding~~))

accompanied by an official site plan, non-residential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section shall be deemed concurrent; PROVIDED, That: the certificate of concurrency for the binding site plan approval, rezone ((~~with binding~~)) accompanied by an official site plan, non-residential subdivision or short subdivision has not expired, the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the binding site plan approval, rezone ((~~with binding~~)) accompanied by an official site plan, subdivision or short subdivision approval is performed as a condition of building permit issuance.

(a) A concurrency determination which verifies that a development has been deemed concurrent shall be documented by a "certificate of concurrency" which shall be included as part of the director's recommendation under SCC 26B.55.010. Such certificate shall state when the concurrency determination was made and whether the concurrency certificate is conditioned upon satisfaction of conditions to enable the development to be deemed concurrent and shall indicate the expiration date of the certificate of concurrency.

(b) The department shall make a concurrency determination upon receipt of a development's initial application. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the director, and the development will be reevaluated for concurrency purposes. Concurrency determinations made subsequent to the initial concurrency determination for a development due to change in the development or at the request of the developer will be subject to an additional review fee at the rate identified as the base review fee under SCC 13.110.030.

(c) The director shall determine the expiration date of the certificate of concurrency for a development based upon such factors as the size of the development and the level-of-service of impacted arterial units. The expiration date of the certificate of concurrency for a development shall be six (6) years after the date of the concurrency determination, except where it is determined by the director that a earlier expiration date should be established due to the impact of the development on level-of-service conditions. A later date of expiration may be established in accordance with SCC 26B.57.005. Factors to consider in determining whether a different expiration date should be established shall be consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan. The expiration date of the certificate of concurrency for a binding site plan that generates more than 50 P.M. peak hour trips shall be the expiration date of the binding site plan for the purposes of concurrency as determined by the date of the latest certificate of occupancy for the development as proposed by the applicant and the date used in the traffic

study for determining impacts on level-of-service in accordance with SCC 26B.55.030(5).

(d) Building permits for a development must be issued prior to expiration of the certificate of concurrency for the development, except when the development is a residential subdivision or short-subdivision in which case the subdivision or short-subdivision must be recorded prior to expiration of the certificate of concurrency for the development, and, except where no building permit will be associated with a conditional or special use permit, in which case the conditional or special use permit must be issued prior to expiration of the certificate of concurrency for the development. No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.

(e) If a certificate of concurrency expires prior to building permit issuance, except when the development is a residential subdivision or short-subdivision then prior to the recording of the subdivision or short-subdivision, and, except where no building permit will be associated with a conditional or special use permit, then prior to issuance of the conditional or special use permit, the director shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination and may establish a new expiration date in accordance with SCC 26B.55.030(1)(c).

(2) In determining whether or not to deem a proposed development as concurrent, the department shall analyze likely road system impacts on arterial units based on the size and location of the development. A development will be deemed concurrent for the period prior to the expiration date of the certificate of concurrency for the development.

(a) Concurrency determinations under this section [SCC 26B.55.030] will evaluate the road system impacts for any proposed development within the boundaries of the development's transportation service area. The transportation service area in which a development is located will be determined at the pre-submittal conference. The director will determine the transportation service area of developments which straddle a boundary, are physically adjacent to another transportation service area, or from which the traffic impacts are greatest in an adjacent TSA, and may change such determination upon review of the initial application.

(b) A development's forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road system. The county will accept valid data from a traffic study under SCC 26B.53 or will use the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers. Adjustments will be made for trip reduction credits approved under SCC 26B.55.130.

(3) A concurrency determination made for a proposed development under this section [SCC 26B.55.030] will evaluate the development's impacts on any arterial units in arrears, and/or designated ultimate capacity arterial units.

(a) If a development is proposed within a transportation service area which contains no arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent, except that if the development generates more than fifty (50) P.M. peak-hour trips, the requirements of SCC 26B.55.030(5) shall also apply.

(b) If a residential development which generates seven (7) or more P.M. peak hour trips, or a non-residential development which generates five (5) or more P.M. peak hour trips is proposed within a transportation service area which contains one or more arterial units in arrears and/or designated ultimate capacity arterial units, then the development may only be deemed concurrent, based on a trip distribution to determine the impacts of the development. If the development generates more than fifty (50) P.M. peak-hour trips the requirements of SCC 26B.55.030(5) shall also apply. Impacts shall be determined based on each of the following:

(i) If the trip distribution indicates that the development will not place three (3) or more P.M. peak hour trips on any arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent.

(ii) If the trip distribution indicates that the development will place three (3) or more P.M. peak hour trips on any arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under SCC 26B.55.030(6).

(iii) If the trip distribution indicates that the development will place three (3) or more P.M. peak hour trips on any designated ultimate capacity arterial unit, then the development shall be deemed concurrent only if the development proposes to mitigate its road system impact by providing sufficient transportation demand management (TDM) measures under SCC 26B.55.140 to indicate the potential for removing a minimum of ten (10) percent of the development's P.M. peak hour trips from the road system. If the impacted ultimate capacity arterial unit meets the criteria for transit supportive design and if the development meets the department's criteria for transit compatibility in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, then the existence of, or provision of, an offsite walkway connecting the development with a bus stop will count for one-half of the required ten (10) percent provision of TDM measures.

(iv) If the trip distribution indicates that the development will place three (3) or more P.M. peak hour trips on any designated ultimate capacity arterial unit that directly connects a state highway with a city, and there is an interlocal agreement as specified in SCC 23.36.030(4) between the county and the city addressing the designated ultimate capacity arterial unit, then the development shall be deemed concurrent only if the impacted ultimate capacity arterial unit and the development are in accordance with the terms of the interlocal agreement. If there is no

interlocal agreement between the county and the city addressing the designated ultimate capacity arterial unit, then this provision [26B.55.030(3)(b)(iv)] shall not apply.

(4) Any residential development that generates less than seven (7) P.M. peak-hour trips, or any non-residential development that generates less than five (5) P.M. peak hour trips shall be considered to have only minor impact on county arterials for purposes of a concurrency determination on impacts to level-of-service on arterial units and shall be deemed concurrent.

(5) Any development that generates more than fifty (50) P.M. peak-hour trips must provide a traffic study so that the department can determine if the development will cause any county arterial units to fall into arrears, except when the director determines at the presubmittal conference that a traffic study is not required. In addition to the concurrency determination under SCC 26B.55.030(3), the director shall not deem as concurrent any development generating more than fifty (50) P.M. peak-hour trips which would cause any arterial unit to fall into arrears, except where the development proposes to remedy any arterial unit in arrears in accordance with SCC 26B.55.030(6)(c)(ii).

(6) Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:.

(a) A development which meets the department's criteria for transit compatibility, in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, shall be deemed concurrent if the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director's policy and procedure for transit compatibility under SCC 26B.52.130, and if the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan, and provided that the development can be deemed concurrent in accordance with all other provisions of SCC 26B.55.030(3).

(b) A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the county to deem the development concurrent under this section.

(c) The county may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the director's recommendation under SCC 26B.52.020, and referenced in the concurrency determination, as a condition of approval.

(i) Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the county has made or programmed capacity improvements which would remedy any arterial unit in arrears.

(ii) Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial unit in arrears.

(A) If a developer chooses to mitigate the development's impact by constructing offsite road improvements, the developer must

investigate the impact, identify improvements, and offer a construction plan to the director for construction of the offsite improvements. Construction of improvements shall be in accordance with the Engineering Design and Development Standards, as adopted under section 13.05 SCC and the procedures of Title 13 SCC.

(B) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(C) Any developer who volunteers to construct offsite improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, based on the cost basis contained within the transportation needs report, may apply for a reimbursement contract under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(D) Any developer who chooses to mitigate a development's impact by constructing offsite improvements may propose to the director that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director will determine whether or not such a partnership is to be established.

(E) Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection: PROVIDED, That where no building permit will be associated with a conditional or special use permit, then construction of improvements is required as a precondition to approval.

(d) If such development is consistent with the county's comprehensive plan adopted pursuant to the state's growth management act, then the developer may request, and based on such request the county may consider, amendment to the comprehensive plan to provide for lower density development to allow such development to be deemed concurrent. In such cases the development may be required to develop and/or pay for the amendment proposal.

(7) All new developments in the urban area shall provide transportation demand management measures. Sufficient transportation demand management measures shall be provided to indicate the potential for removing a minimum of five (5) percent of a development's P.M. peak hour trips from the road system. This requirement shall be met by the provision of site design requirements under SCC 26B.55.130(6) or SCC 26B.55.130(8), as applicable, except where the developer proposes construction or purchase of specific offsite TDM measures or voluntary payment in lieu of site design, in accordance with SCC 26B.55.140(1).

Section 38. Snohomish County Code Section 26B.55.060, last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.55.060 Right-of-way requirements.

(1) Dedication or deed required. Developers shall be required to dedicate or deed right-of-way to the county for road purposes as a condition of approval of a development, when to do so is found by the director or a county hearing body to be reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

(2) Reservations of right-of-way. In cases where the dedication or deeding of additional right-of-way can not be reasonably required as a direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, the developer shall reserve the area needed for right-of-way for future deeding to the county. Building setback and all other zoning code requirements will be established with respect to the reservation line rather than the deeded or dedicated right-of-way line. The area reserved for right-of-way may be donated to the county or will be purchased by the county through a county road project.

(3) Standard right-of-way widths. Right-of-way dedications shall be made to provide sufficient right-of-way widths to accommodate road improvement needs. The standard right-of-way widths based on road classification as defined in the Engineering Design and Development Standards adopted under chapter 13.05 SCC are:

Non-arterials	
Access Streets-Urban Area	50 feet
Access Roads-Rural Area	60 feet
Subcollector Streets-Urban Area	50 feet
Subcollector Roads-Rural Area	60 feet
Collector Streets-Urban Area	60 feet
Collector Roads-Rural Area	60 feet
Arterials	
Collector Arterials-Urban Area	70 feet
Minor Collector-Rural Area	70 feet
Minor Arterials-Urban Area	80 feet
Major Collector-Rural Area	80 feet
Principal Arterials-Urban Area	100 feet
Principal or minor arterial Rural Area	100 feet

(4) Modifications to standard right-of-way width - criteria. Wider or narrower right-of-way widths than the standard may be required as determined by the county road engineer. The determination shall be based on meeting one or more of the following criteria:

(a) Contents of the transportation element of the currently adopted comprehensive plan including but not limited to the provision of safe and efficient movement of pedestrians, equestrians and bicyclists with emphasis on transit facilities, schools, parks and scenic areas;

(b) Whether sidewalks, walkways, trails, bikeways or planters will be adequately maintained outside of public right-of-way;

(c) An adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation;

(d) Nature of the roadway and road involved, and its impact on neighboring properties including width, slopes, cuts, fills, vertical and horizontal curvature, sight distance at intersections, the development and the land upon which it is situated; access existing or to be provided thereto;

(e) Engineering design and development standards requirements including but not limited to land alteration, site access, road types and geometrics, road elements and roadside features, drainage and utilities;

(f) Any other factors affecting the health, safety, property and general welfare of the public, including users of the roads, sidewalks, walkways, trails or bikeways and the development.

(g) The provision of adequate public transit facilities.

Provided, in no instance shall right-of-way widths be reduced for arterials below the following minimums without express approval from the council:

Collector Arterials-Urban Area	60 feet
Minor Collector-Rural Area	60 feet
Minor Arterials-Urban Area	70 feet
Major Collector-Rural Area	70 feet
Principal Arterials-Urban Area	80 feet
Principal or Minor Arterial-Rural Area	80 feet

(5) The county road engineer is authorized to include in the engineering design and development standards, standard drawings depicting the standard right-of-way widths and modification criteria as contained within this title.

(6) Developers shall be compensated for right-of-way dedicated or deeded only when the right-of-way is required for the present or future construction of improvements that are not necessary for the use and convenience of the occupants or users of the development, or when the right-of-way is necessary for the construction of improvements that are identified in the transportation needs report and included as part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads.

Compensation shall not include the value of the portion of any right-of-way dedicated or deeded that is required for improvements on any existing road necessary for the use and convenience of the occupants or users of the development, including but not limited to a two lane road for access to the development and/or frontage improvements, in accordance with the Engineering Design and Development Standards. Compensation shall also not include the value of any right-of-way dedicated or deeded along a development's frontage on any road that is less than thirty (30) feet from the centerline of right-of-way. Centerline location shall be determined by the director. PROVIDED, That where such right-of-way is identified in the transportation needs report and included as part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, compensation shall be provided.

(7) Compensation for right-of-way dedicated or deeded shall be provided as a credit against any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, except where the value of the dedicated right-of-way, based on the cost basis contained within the transportation needs report, is greater than any proportionate share payment imposed under this title to mitigate the development's impact on the future capacity of county roads, in which case compensation for the balance between the value of the dedicated right-of-way and the proportionate share mitigating payment shall be by payment. Nonmonetary compensation such as development alternatives may be provided in lieu of credit and/or payment where agreed to by the director and the developer.

(8) Right-of-way shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications ((~~associated with binding site plans~~)) accompanied by an official site plan; prior to issuance of a commercial, or duplex residential building permit; or, if the development is a binding site plan approval, subdivision or short subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the binding site plan, subdivision or short subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development, the right-of-way shall be dedicated or deeded at the earliest stage of development.

Section 39. Snohomish County Code Section 26B.55.070, last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.55.070 State highways. When a development's road system includes a state highway:

(1) Mitigation requirements for impacts on state highways and at intersections of county roads with state highways will be established consistent

with the terms of a letter of understanding or an interlocal agreement as specified in SCC 23.36.030(4), between the county and the WSDOT, rather than by the provisions of SCC 26B.52.050 through SCC 26B.52.090 and SCC 26B.55.010 through 26B.55.060.

(2) The director will submit to the WSDOT the traffic study and/or any other information relating to the traffic impact of the development, and request a review under the WSDOT's mitigation policy.

(3) The director will review the WSDOT determined mitigation requirements and, to the extent that such requirements are reasonably related to the impact of the proposed development, the director shall, as part of the director's recommendation under SCC 26B.55.010, recommend that the requirements be imposed. The approving authority will impose such mitigation measures as a condition of approval of the development in conformance with the terms of the letter of understanding or interlocal agreement as specified in SCC 23.36.030(4), between the county and the other agency.

(4) A development which takes access from or has frontage on a state highway will be required to meet the WSDOT requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the state highway as deemed necessary by the WSDOT. Such development must also comply with this title with respect to county roads in its road system.

(5) Any payment to mitigate impacts on state highways is required prior to building permit issuance unless the development is a subdivision or short-subdivision, in which case the payment is required prior to the recording of the subdivision or short-subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then payment is required as a precondition to approval.

(6) Construction of improvements to mitigate impacts on state highways is required prior to approval for occupancy or final inspection: PROVIDED, That where no building permit will be associated with a conditional or special use permit then construction of improvements is required as a precondition to approval unless some later time of construction is recommended by WSDOT and imposed by the approving authority as a condition of approval, in which case that time of construction shall apply.

(7) Right-of-way required for state highways shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications ((~~associated with binding site plans~~)) accompanied by an official site plan; prior to issuance of a commercial, or duplex residential building permit; or, if the development is a binding site plan approval, subdivision or short subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the binding site plan subdivision, or short subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development,

the right-of-way shall be dedicated or deeded at the earliest stage of development.

Section 40. Snohomish County Code Section 26B.55.080, last amended by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.55.080 Other streets and roads.

When a development's road system includes city streets or other counties' roads:

(1) The director shall forward to the appropriate representative of any city, town or other county, for review under its mitigation policy, the traffic study and/or any other information on traffic impact for any developments whose road system includes such city's, town's or other county's roads. Such city, town or other county may determine the threshold at which a developer must mitigate traffic impacts and what mitigation measures reasonably related to the impacts of the development are needed on such streets or roads and may assign all or part of such mitigation to the developer.

(2) The director will review the city's, town's or other county's recommended mitigating measures and to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of the interlocal agreement specified in SCC 23.36.030(4) between the county and the other agency, the director shall as part of the director's recommendation under SCC 26B.55.010, recommend that those requirements be imposed. The approving authority will impose such measures as a condition of approval of the development in conformance with the terms of the interlocal agreement specified in SCC 23.36.030(4) between the county and the other agency.

(3) A development which takes access from or has frontage on a city street or other county's road will be required to meet the city's or county's requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the city's street or county's road as deemed necessary by the city or county. Such development must also comply with this title with respect to county roads in its road system

(4) Any payment to mitigate impacts on cities streets or other counties roads is required prior to building permit issuance unless the development is a subdivision or short-subdivision, in which case the payment is required prior to the recording of the subdivision or short-subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then payment is required as a precondition to approval.

(5) Construction of improvements to mitigate impacts on cities streets or other counties roads is required prior to approval for occupancy or final inspection: PROVIDED, That where no building permit will be associated with a conditional or special use permit then construction of improvements is required as a precondition to approval unless some later time of construction is recommended by the city or other county and imposed by the approving

authority as a condition of approval, in which case that time of construction shall apply.

(6) Right-of-way required for cities streets or other counties roads shall be dedicated or deeded prior to building permit issuance when required as part of conditional and special use permits; as a precondition to approval of rezone applications ((~~associated with binding site plans~~)) accompanied by an official site plan; prior to issuance of a commercial, or duplex residential building permit; or, if the development is a binding site plan approval, subdivision or short subdivision, then the right-of-way shall be dedicated or deeded prior to, or at the time of recording of the a binding site plan, subdivision or short subdivision: PROVIDED, That where no building permit will be associated with a conditional or special use permit then right-of-way shall be dedicated or deeded as a precondition to approval. In cases where more than one of the above apply to a development, the right-of-way shall be dedicated or deeded at the earliest stage of development

Section 41. Section 26B.55.125, adopted by Ordinance No. 95-039, on June 28, 1995, is amended to read:

26B.55.125 - Written Notification of and Release of Developer Obligations.

(1) For all developments as defined in SCC 26B.51.040 requiring subsequent land development approvals, other than commercial building permits, duplex residential building permits, or residential subdivisions and short subdivisions, a document stating the mitigation requirements imposed and a certificate of concurrency shall be recorded against the real property on which the development is proposed: PROVIDED, That where no building permit will be associated with a conditional or special use permit, and all mitigation obligations are met as a precondition to approval, then recording of voluntary agreements, a certificate of concurrency, and records of development obligations will not be required.

(a) For all developer's choosing to make a voluntary payment to mitigate the development's impacts on road system capacity, as may be required as a condition of approval under this title, or to meet TDM requirements, or to mitigate impacts on roads under the jurisdiction of another agency, the document stating the mitigation requirements imposed shall be a voluntary agreement between the county and/or other jurisdiction and the developer.

(b) For developer's choosing to construct offsite improvements to satisfy a transportation impact mitigation obligation of a development, as may be required as a condition of approval under this title, the document stating the mitigation requirements imposed shall be a voluntary agreement between the county and/or other jurisdiction and the developer.

(c) For all developments required as a condition of approval to pay a road system impact fee under the authority provided to the county under

RCW 82.02.050(2), the document stating the mitigation requirements imposed shall be a record of development obligations.

(2) Where the developer is not the legal owner of the property on which the development is proposed, the legal owner shall sign a statement agreeing that the mitigation measures imposed will be binding on the real property and will run with the land until the development approval has expired or the obligations contained within the document or agreement have been fulfilled. The statement shall be attached to the voluntary agreement or record of development obligations.

(3) The document stating the mitigation requirements shall contain, as appropriate, a complete legal description of the real property which is the subject of the development, an adequate description of the mitigation measures, the development and/or road system events triggering subsequent phases or parts of the mitigation measures, performance security, and notice to subsequent purchasers of the mitigation obligations related to development of the property. Construction of improvements within county road rights-of-way shall be in accordance with the Engineering Design and Development Standards, as adopted under chapter 13.05 SCC and undertaken in accordance with all permit and approval requirements of Title 13 SCC and any other agency with permit or approval jurisdiction. The continued validity of the development permit approval shall be conditioned upon adequate compliance with terms and conditions of the mitigation measures and the written agreement.

(4) Voluntary agreements, records of development obligations, and/or certificates of concurrency shall recorded as a precondition to approval of conditional and special use permits, and rezone applications ((~~associated with binding site plans~~)) accompanied by an official site plan or, if the development is a binding site plan approval, subdivision or short subdivision for non-residential use, then they shall be recorded prior to or at the time of recording of the binding site plan approval, subdivision or short subdivision.

(5) Voluntary agreements, records of development obligations, and/or certificates of concurrency will be released from the title of the property on which the development is proposed upon request to the director, once the development approval has expired or the obligations contained within the document or agreement have been fulfilled.

Section 42. Snohomish County Code Section 18.55.010(2) last amended by Ordinance No. 95-004 on February 15, 1995, is amended to read:

18.55.010 Mobile home parks - Establishment.

(2) Compliance with the standards established herein and issuance of a conditional use permit precludes the necessity to plat within any mobile home park; PROVIDED that said park remains completely under single ownership; except when the owner(s) choose to divide the mobile home park land pursuant to Title 19A SCC.

Section 43. EFFECTIVE DATE. This ordinance shall take effect on September 29, 1995.

PASSED this 9th day of August, 1995

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Miller
Chairperson

ATTEST:

Kathryn J. Boratcher
Clerk of the Council

(✓) APPROVED
( ) VETOED
( ) EMERGENCY

DATE 8/10/95

County Executive

ATTEST:

Marilyn B. Abel