

1 Adopted: 06/01/22
2 Effective: 06/12/22

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 22-020
7

8 RELATING TO GROWTH MANAGEMENT; CONCERNING SUBDIVISIONS AND SHORT
9 SUBDIVISIONS; AMENDING CHAPTERS 30.23, 30.41A, 30.41B, AND 30.91M SCC
10

11 WHEREAS, counties and cities that are required to plan under the Growth Management
12 Act (GMA), chapter 36.70A RCW, must ensure their comprehensive plans and development
13 regulations encourage development in urban areas where adequate public facilities and
14 services exist or can be provided in an efficient manner, as well as ensure that the environment
15 is protected and that permit applications are processed in a timely and fair manner to ensure
16 predictability; and
17

18 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy
19 Plan (GPP) directs the majority of new population into urban growth areas to reduce sprawl and
20 use land more efficiently, and has an objective to balance the protection of the natural
21 environment with economic growth, housing needs, and the protection of property rights; and
22

23 WHEREAS, the Economic Development element of the GMACP – GPP includes a policy
24 requiring the county to periodically review the permitting process to eliminate unnecessary
25 administrative procedures that do not respond to legal requirements for public review and
26 citizen input; and
27

28 WHEREAS, chapter 30.41A of the Snohomish County Code (the “County Code” or SCC)
29 provides for subdivision of land within urban and rural areas of unincorporated Snohomish
30 County, and chapter 30.41B SCC provides for short subdivisions of land; and
31

32 WHEREAS, subdivisions and short subdivisions have been forms of development in
33 unincorporated Snohomish County since the creation of the County Code; and
34

35 WHEREAS, while there have been amendments made to chapters 30.41A and 30.41B
36 SCC over time, those chapters have not kept pace with other changes in title 30 SCC and
37 administrative rules; and
38

1 WHEREAS, chapters 30.41A and 30.41B SCC would benefit from amendments to
2 improve consistency with the GMACP and other provisions found in title 30 SCC such as chapter
3 30.62B SCC which protects geologically hazardous areas; and
4

5 WHEREAS, while SCC 30.41A.250 and SCC 30.41B.210 were originally enacted in 1986
6 and regulated development on sloping land, chapter 30.62B SCC was adopted in 2007 through
7 Amended Ordinance No. 06-061 and contains more specificity for applicants and staff regarding
8 development near and within geologically hazardous areas; and
9

10 WHEREAS, administrative rule 20-01 was implemented in 2021 to “fill gaps in code”
11 regarding model homes and to specifically allow an applicant to propose model homes in a
12 short subdivision; and
13

14 WHEREAS, the proposed code amendments contained in this ordinance will amend
15 chapters 30.41A and 30.41B SCC to increase consistency, streamline reviews, and make other
16 housekeeping corrections; and
17

18 WHEREAS, on February 22, 2022, the Snohomish County Planning Commission (the
19 “Planning Commission”) was briefed by Snohomish County Planning and Development Services
20 (PDS) staff about the proposed code amendments contained in this ordinance; and
21

22 WHEREAS, the Planning Commission held a public hearing on March 22, 2022, to receive
23 public testimony concerning the proposed code amendments contained in this ordinance; and
24

25 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
26 Commission deliberated on the proposed ordinance and voted to recommend approval of code
27 amendments relating to subdivisions and short subdivisions as shown in its approval letter
28 dated March 28, 2022; and
29

30 WHEREAS, on June 1, 2022, the Snohomish County Council (“County Council”) held a
31 public hearing after proper notice, and considered public comment and the entire record
32 related to the code amendments contained in this ordinance; and
33

34 WHEREAS, following the public hearing, the County Council deliberated on the code
35 amendments contained in this ordinance;
36

37 NOW, THEREFORE, BE IT ORDAINED:
38

39 Section 1. The County Council adopts the following findings in support of this ordinance:

- 1 A. The foregoing recitals are adopted as findings as if set forth in full herein.
2
- 3 B. This ordinance will amend title 30 SCC to revise subdivision and short subdivision
4 development regulations in chapters 30.41A and 30.41B SCC. The code amendments are
5 intended to address outdated code sections, increase consistency within and between
6 chapters 30.41A and 30.41B SCC, and increase consistency between these chapters and the
7 rest of title 30 SCC, by: 1) aligning the chapters with current critical area regulations; 2)
8 codifying PDS administrative rule 20-01 allowing the construction of model homes in short
9 subdivisions; 3) making housekeeping amendments to improve implementation and
10 readability; and 4) removing unnecessary final plat noticing provisions given that final plat
11 approval in Snohomish County is now an administrative and ministerial process which does
12 not require a public hearing before the County Council.
13
- 14 C. In developing the code amendments, the County considered the goals of the GMA
15 identified in RCW 36.70A.020, specifically those goals related to reducing sprawl, housing,
16 permitting, and the environment. The proposed regulations are reasonably related to, and
17 necessary for, the advancement of the GMA planning goals.
18
- 19 D. The code amendments will allow chapters 30.41A and 30.41B SCC to achieve, comply with,
20 and implement the below listed goals, objectives, and policies contained in the GPP by using
21 land more efficiently, fostering compact development to minimize impacts to the natural
22 environment, and providing regulations that are predictable.
23
- 24 1. Goal LU 2: "Establish development patterns that use urban land more efficiently."
25
 - 26 2. Objective LU 6.A: "Reduce the rate of growth that results in sprawl in rural and resource
27 areas."
28
 - 29 3. Goal HO 1: "Ensure that all county residents have the opportunity to obtain safe,
30 healthy, and affordable housing."
31
 - 32 4. Objective HO 1.B: "Ensure that a broad range of housing types and affordability levels is
33 available in urban and rural areas."
34
 - 35 5. Objective HO 3.A: "Encourage land use practices, development standards, and building
36 permit requirements that reduce housing production costs."
37
 - 38 6. Objective NE 1.A: "Balance the protection of the natural environment with economic
39 growth, housing needs and the protection of property rights."

- 1
2 7. Goal NE 3: "Comply with the requirements of state, federal and local laws for protecting
3 and managing critical areas, shorelines, and water."
4
5 8. Objective NE 3.E: "Designate and protect geologic hazard areas pursuant to the Growth
6 Management Act."
7
8 9. ED Policy 2.A.3: "To ensure timeliness, responsiveness, and increased efficiency, the
9 county shall develop and maintain a program of periodic review of the permitting
10 process to eliminate unnecessary administrative procedures that do not respond to
11 legal requirements for public review and citizen input."
12

13 E. Procedural requirements.

- 14
15 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action under SCC
16 30.73.010 and 30.73.020.
17
18 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code
19 amendments was transmitted to the Washington State Department of Commerce for
20 distribution to state agencies on February 3, 2022.
21
22 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect
23 to this non-project action have been satisfied through the completion of an
24 environmental checklist and the issuance of a determination of non-significance on
25 February 3, 2022.
26
27 4. The public participation process used in the adoption of this ordinance complies with all
28 applicable requirements of the GMA and the SCC.
29
30 5. The Washington State Attorney General last issued an advisory memorandum, as
31 required by RCW 36.70A.370, in September of 2018 entitled *Advisory Memorandum and*
32 *Recommended Process for Evaluating Proposed Regulatory and Administrative Actions*
33 *to Avoid the Unconstitutional Takings of Private Property* to help local governments
34 avoid the unconstitutional taking of private property. The process outlined in the State
35 Attorney General's 2018 advisory memorandum was used by the County in objectively
36 evaluating the regulatory changes proposed by this ordinance.
37

38 F. This ordinance is consistent with the record.
39

- 1 1. SCC 30.23.020(6)(b) is amended to remove a reference to SCC 30.41A.250 which is being
2 repealed by this ordinance.
3
- 4 2. SCC 30.41A.250 is repealed because since its adoption in 1986 there have been
5 advances in science and several iterations of critical area code updates intended to
6 protect geological hazard areas and limit nearby growth. The GMA requires the
7 protection of critical areas such as geologically hazardous areas and this is implemented
8 by chapter 30.62B SCC that was adopted in 2007 (Amended Ordinance No. 06-061).
9 Repealing SCC 30.41A.250 promotes internal consistency within title 30 SCC and does
10 not place an undue burden on development that could limit the variety and affordability
11 of housing in urban and rural areas.
12
- 13 3. SCC 30.41A.550 is amended to delete the requirement that two copies of a plot plan be
14 submitted for review by PDS. This is a housekeeping amendment to align the provision
15 with current PDS practice of accepting only electronic submittals where duplicate digital
16 copies are not necessary.
17
- 18 4. SCC 30.41A.640 is amended to remove the requirement to publicly notice a final plat
19 submittal. As allowed by RCW 58.17.100, Amended Ordinance No. 17-045 made final
20 plat approval an administrative process that does not require a public hearing before
21 County Council. Despite the removal of the County Council from the final subdivision
22 decision process, the public noticing requirements were inadvertently left unchanged.
23 This amendment would correct this and remove expectations that public comments
24 during the final subdivision review could have the same impact as public comments
25 made during preliminary subdivision review before the Snohomish County Hearing
26 Examiner.
27
- 28 5. SCC 30.41A.665(1) is amended by deleting the word “council” again recognizing that
29 final plats are now administratively approved. Amended Ordinance No. 17-045 made
30 final plat approval an administrative process under SCC 30.41A.640. SCC 30.41A.665 was
31 inadvertently not updated at that time to reflect that change.
32
- 33 6. SCC 30.41B.210 is repealed to be consistent with the repeal of SCC 30.41A.250.
34
- 35 7. SCC 30.41B.500 is amended to allow short subdivisions to propose model homes prior
36 to the recordation of a final short plat. The amendment will treat subdivisions and short
37 subdivisions similarly and will require short subdivision applicants proposing model
38 homes to satisfy SCC 30.41A.510 through .550. PDS administrative rule 20-01 was

1 adopted in 2021 allowing model homes in short subdivisions and this amendment
2 codifies that administrative rule.

3
4 8. The definition of model homes within SCC 30.91M.180 is amended to be consistent with
5 amendments made within SCC 30.41B.500 that allow model homes within approved
6 preliminary short subdivisions prior to final short subdivision recordation.

7
8 G. The proposed code amendments are consistent with the record as set forth in the PDS Staff
9 Report dated February 22, 2022.

10
11 Section 2. The County Council makes the following conclusions:

12
13 A. The amendments proposed by this ordinance comply with the GMA.

14
15 B. The amendments proposed by this ordinance comply with the GMACP.

16
17 C. The County has complied with all SEPA requirements with respect to this non-project
18 action.

19
20 D. The public participation process used in the adoption of this ordinance complies with all
21 applicable requirements of the GMA and title 30 SCC.

22
23 E. The amendments proposed by this ordinance do not result in an unconstitutional taking of
24 private property for a public purpose.

25
26 Section 3. The County Council bases its findings and conclusions on the entire record of
27 the County Council, including all testimony and exhibits. Any finding, which should be deemed
28 a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

29
30 Section 4. Snohomish County Code Section 30.23.020, last amended by Amended
31 Ordinance No. 18-026 on May 23, 2018, is amended to read:

32
33 **30.23.020 Minimum net density for residential development in UGAs.**

34 (1) Except as provided in subsection (2) of this section, a minimum net density of four dwelling
35 units per acre shall be required in all UGAs for:

36
37 (a) New subdivisions, short subdivisions, PRDs, townhouse and mixed townhouse
38 developments, and mobile home parks; and

- 1 (b) New residential development in the LDMR, MR, and Townhouse zones.
2
3 (2) A minimum net density of 15 dwelling units per acre shall be required for new residential
4 development in the MR, NB, PCB, CB and GC zones in the Southwest UGA where any portion of
5 the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within
6 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State
7 Route 525. For sites that are one acre or less in size, the director may administratively approve
8 a reduction in the minimum net density, provided that the applicant demonstrates one or more
9 of the following:
10
11 (a) The site is constrained due to its unusual shape, topography, easements, or critical areas
12 and the minimum net density cannot be achieved;
13
14 (b) The required setbacks do not allow the minimum net density to be achieved; or
15
16 (c) The project contains both residential and non-residential uses.
17
18 (3) Minimum net density is the density of development excluding roads, drainage
19 detention/retention areas, biofiltration swales, areas required for public use, and critical areas
20 and their required buffers pursuant to chapters 30.62A and 30.62B SCC.
21
22 (4) Minimum net density is determined by rounding up to the next whole unit or lot when a
23 fraction of a unit or lot is 0.5 or greater.
24
25 (5) For new subdivisions and short subdivisions, the minimum lot size of the underlying zone
26 may be reduced as necessary to allow a lot yield that meets the minimum density requirement.
27 Each lot shall be at least 6,000 square feet, except as otherwise allowed by this title.
28
29 (6) The minimum net density requirement of this section shall not apply:
30
31 (a) In the Darrington, Index, and Gold Bar UGAs; and
32
33 (b) Where (~~regulations on development of steep slopes, SCC 30.41A.250, or~~) sewerage
34 regulations, SCC 30.29.100, require a lesser density.
35

36 Section 5. Snohomish County Code Section 30.41A.250, last amended by Amended
37 Ordinance No. 14-053 on August 27, 2014, is repealed.
38

1 Section 6. Snohomish County Code Section 30.41A.550, last amended by Amended
2 Ordinance No. 04-017 on March 31, 2004, is amended to read:

3
4 **30.41A.550 Model homes - as-built submittal.**

5 Prior to final subdivision approval, the applicant shall submit (~~two copies of~~) a plot plan
6 delineating the as-built location of the model home on the lot. The corners of the lot shall be
7 set by a registered professional land surveyor prior to commencement of construction. The plot
8 plan shall be included in both the building permit record and the subdivision file record.

9
10 Section 7. Snohomish County Code Section 30.41A.640, last amended by Amended
11 Ordinance No. 17-045 on July 26, 2017, is amended to read:

12
13 **30.41A.640 (~~Public notice of final~~) Final subdivision submittal and approval procedure (~~for~~
14 ~~final subdivision~~)).**

15 (1) The department shall examine the final subdivision application for adequacy of any
16 required road improvements and right-of-way dedications, the mathematical closure of all lots
17 and boundaries, and any other conditions required for compliance with the provisions of
18 county code and conditions of preliminary approval. The applicant shall provide computation
19 records for the lots and boundaries. The department may require additional information from
20 an applicant where necessary to review the final subdivision application.

21
22 (2) (~~Public notice of final subdivision submittal shall be provided by the department within 21~~
23 ~~days of determination that the application is complete by:~~

24
25 ~~(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion~~
26 ~~of the boundary of the final subdivision, and to those official parties of record listed in the~~
27 ~~hearing examiner decision on the preliminary subdivision application;~~

28
29 ~~(b) Posting in accordance with SCC 30.70.050 and 30.70.045;~~

30
31 ~~(c) Mailing to all parties that have provided written comment on the preliminary subdivision in~~
32 ~~accordance with SCC 30.70.045; and~~

33
34 ~~(d) Notices required pursuant to subsections (2)(a), (b) and (c) of this section shall solicit~~
35 ~~comments on the final subdivision recommendation. All comments shall be submitted to the~~
36 ~~department within 15 days of the mailing of the public notice.))~~

1 ~~((3))~~ The department shall coordinate the final subdivision review process among the
2 appropriate county departments and other agencies ~~((after compliance with the public notice~~
3 ~~provisions of subsection (2) of this section))~~.

4
5 ~~((4))~~ (3) The final subdivision shall be approved or disapproved by the department. The
6 department shall base its decision on the following:

7
8 (a) The recommendations of the Snohomish Health District and any purveyors with jurisdiction
9 as to the adequacy of the sewage disposal and potable water supply;

10
11 (b) The recommendation of the provider with jurisdiction as to the adequacy of electrical
12 availability;

13
14 (c) The recommendation of the department of public works;

15
16 (d) The recommendation of the fire marshal;

17
18 (e) The recommendations of other relevant federal, state, and local agencies;

19
20 (f) The requirements of state law, the county code, and all other applicable codes;

21
22 (g) The submittal of a certificate of title prepared by a title insurance company no more than
23 30 days prior to submittal of the final subdivision which must show the names of all persons,
24 firms, or corporations whose consent is necessary to dedicate land for public usage, as well as
25 any easements or other encumbrances to the land proposed for subdivision;

26
27 (h) Any evidence of ownership interests not shown on title; and

28
29 (i) Compliance with all conditions imposed in the granting of the preliminary subdivision.

30
31 ~~((5))~~ (4) Upon finding that the final subdivision has been completed in accordance with the
32 county code, that the plat is in proper form for recording as established by the submittal
33 requirements, that all required improvements have been completed or the arrangements or
34 contracts have been entered into to guarantee that such required improvements will be
35 completed, that all conditions of the preliminary subdivision approval and requirements of
36 state law and county code have been met, and that the interests of the county are fully
37 protected, the department shall obtain the necessary signatures on the final plat and the
38 director shall sign the final plat, accepting such dedications and easements as may be included
39 thereon, for final approval.

1 Section 8. Snohomish County Code Section 30.41A.665, added by Amended Ordinance
2 No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.41A.665 File with auditor.**

5 (1) The original of the final subdivision shall be filed and recorded with the county auditor
6 within 30 days from the date of (~~council~~) approval or the final approval shall lapse. In the case
7 of a lapsed final approval, SCC 30.41A.300 shall govern the expiration of the preliminary
8 approval.

9
10 (2) The auditor shall prepare and distribute copies bearing the auditor's recording data to the
11 department, the department of public works, county or district fire officials, and the county
12 assessor.

13
14 (3) The auditor shall refuse to accept any final subdivision for filing and recording until final
15 subdivision approval has been given. Should a final subdivision or dedication be filed or
16 recorded without such approval, the prosecuting attorney shall apply for a writ of mandate in
17 the name of and on behalf of the council, directing the auditor and assessor to remove from
18 their files or records the unapproved subdivision or dedication of record.

19
20 Section 9. Snohomish County Code Section 30.41B.210, last amended by Amended
21 Ordinance No. 08-101 on January 21, 2009, is repealed.

22
23 Section 10. Snohomish County Code Section 30.41B.500, added by Amended Ordinance
24 No. 02-064 on December 9, 2002, is amended to read:

25
26 **30.41B.500 (~~Reserved~~) Model Homes.**

27 A limited number of model homes are allowed to be constructed in an approved preliminary
28 short subdivision prior to final short subdivision approval and recording using the process
29 outlined for preliminary subdivisions within SCC 30.41A.510 through 30.41A.550. Those
30 sections shall not be construed to supersede or amend the purpose and intent of the county
31 code regarding the requirements for short subdivision approval.

32
33 Section 11. Snohomish County Code Section 30.91M.180, last amended by Amended
34 Ordinance No. 02-064 on February 1, 2003, is amended to read:

35
36 **30.91M.180 Model home.**


37 "Model home" means a dwelling permitted in an approved preliminary (~~plat~~) subdivision or
38 short subdivision prior to final plat or final short plat recording in accordance with (~~chapter~~)
39 chapters 30.41A and 30.41B SCC.

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Section 12. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 1st day of June, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



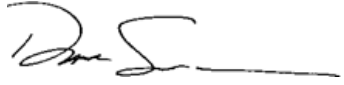
Council Chair

ATTEST:




Clerk of the Council

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


DATE: 6/2/2022


County Executive

ATTEST:



Approved as to form only:

 4/5/22

Deputy Prosecuting Attorney