

Additional Council exhibits
added after close of hearing

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, June 1, 2022, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link: to consider proposed Ordinance No. 22-020, titled: RELATING TO GROWTH MANAGEMENT; CONCERNING SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.23, 30.41A, 30.41B, AND 30.91M SCC.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance adopts amendments to Snohomish County Code relating to subdivisions and short subdivisions.

A summary of the proposed ordinance is as follows:

Sections 1, 2, and 3. Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.23.020(6)(b) to delete references to SCC 30.41A.250 which is being repealed by this ordinance.

Section 5. Repeals SCC 30.41A.250 because the section limiting density on sloping lands it is no longer necessary to protect geologically hazardous areas and people because of the more recent adoption of Chapter 30.62B SCC.

Section 6. Amends SCC 30.41A.550 to remove the requirement that two copies of plot plans be submitted for review of model home as-builts. This requirement is a hold over from when the County required hard copies of plans to be submitted for review.

Section 7. Amends SCC 30.41A.640 to remove the requirement to publicly notice submittal of final subdivisions that is a holdover from when final subdivisions had to be approved by the County Council after a public hearing. Public notice of a final subdivision submittal is not required under state law and sets a false expectation that public comments and questions can have the same impact at the final subdivision submittal as they can during Hearing Examiner's review and decision on the preliminary subdivision proposal.

Section 8. Amends SCC 30.41A.665 to delete the word “council” that was inadvertently left in the code after a prior change in 2017 removed council from the final plat approval process.

Section 9. Repeals SCC 30.41B.210 to be consistent with the repeal of SCC 30.41A.250.

Section 10. Amends SCC 30.41B.500 to clarify that model homes are allowed within approved preliminary short subdivisions using the same process as is used for model homes in preliminary subdivisions.

Section 11. Amends SCC 30.91M.180 to be consistent with changes to SCC 30.41B.500 clarifying that model homes can be proposed within short subdivisions.

Section 12. Provides a standard severability and savings clause.

The Council may also consider other amendments.

=====

State Environmental Policy Act: State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on February 3, 2022.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.


Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Debbie Eco at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Darren Robb in the Public Works Department at 425-388-6297.

DATED this 13th day of May 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Clerk of the Council

PUBLISH: May 18, 2022

Send Affidavit to: Council
Send Invoice to: 107010

No.	Name	Organization	Email Address	Street Address	City	State	Zip Code	Notes
1	Todd Gray	Tulalip Tribes	toddgray@tulaliptribes-nsn.gov					
2	Gary W Brandstetter	Marshland Flood Control	marshlandfloodcontrol@gmail.com					
3	Michael A Atwood		macatwood@aol.com					
4	Rebecca Samy	PDS, Permitting	Rebecca.Samy@snoco.org					
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7	Mailed public hearing notice 05/13/22 dle							
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SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.5.002

FILE ORD 22-020

Everett Daily Herald

Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH954861 ORDINANCE 22-020 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/18/2022 and ending on 05/18/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$155.94.

Subscribed and sworn before me on this

18th day of May, 2022.

Linda Phillips

Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010
DEBBIE ECO

SNOHOMISH COUNTY COUNCIL

RECEIVED _____ TIME _____

MAY 23 2022

CCD TO	CF	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
MCB	DIST 4	ELL
MFG	DIST 5	CMF



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Snohomish County, Washington
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Sections 1, 2, and 3: Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4: Amends SCC 30.23.020(6)(b) to delete references to SCC 30.41A.250 which is being repealed by this ordinance.

Section 5: Repeals SCC 30.41A.250 because the section limiting density on sloping lands it is no longer necessary to protect geologically hazardous areas and people because of the more recent adoption of Chapter 30.62B SCC.

Section 6: Amends SCC 30.41A.550 to remove the requirement that two copies of plot plans be submitted for review of model home as-builts. This requirement is a hold over from when the County required hard copies of plans to be submitted for review.

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Section 9: Repeals SCC 30.41B.210 to be consistent with the repeal of SCC 30.41A.250.

Section 10: Amends SCC 30.41B.500 to clarify that model homes are allowed within approved preliminary short subdivisions using the same process as is used for model homes in preliminary subdivisions.

Section 11: Amends SCC 30.91M.180 to be consistent with changes to SCC 30.41B.500 clarifying that model homes can be proposed within short subdivisions.

Section 12: Provides a standard severability and savings clause.

The Council may also consider other amendments.

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QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Darren Robb in the Public Works Department at 425-388-6297.

DATED this 13th day of May 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Megan Dunn
Council Chair

ATTEST:
/s/ Debbie Eco, CMC
Clerk of the Council
107010

Published: May 18, 2022.

EDH954861

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that June 1, 2022, the Snohomish County Council adopted Ordinance No. 22-020, which shall be effective June 12, 2022.

A summary of the proposed ordinance is as follows:

ORDINANCE NO. 22-020

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

Sections 1, 2, and 3. Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

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DATED this 3rd day of June 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: June 8, 2022

Send Affidavit to: Council
Send Invoice to: PDS #107010

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

EXHIBIT # 3.5.005

FILE ORD 22-020

NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on June 1, 2022.

1. Description of agency action: Approval of Ordinance No. 22-020.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT;
CONCERNING SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING
CHAPTERS 30.23, 30.41A, 30.41B, AND 30.91M SCC
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Debbie Eco
Clerk of the Council

Date: June 3, 2022

PUBLISH: June 8, 2022

Send Affidavit to: County Council
Send Invoice to: Planning #107010



Department of Commerce

Innovation is in our nature.

SNOHOMISH COUNTY COUNCIL

Notice of Adopted Amendment

EXHIBIT # 3.5.006

Indicate one (or both, if applicable):

FILE ORD 22-020

- ☐ Comprehensive Plan Amendment
☒ Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of an adopted comprehensive plan amendment and/or development regulation amendment.

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

Jurisdiction:	Snohomish County
Mailing Address:	3000 Rockefeller Avenue, MS 609, Everett, WA 98201
Date:	June 3, 2022
Contact Name:	Debbie Eco
Title/Position:	Clerk of the Council
Phone Number:	425-388-7038
E-mail Address:	debbie.eco@snoco.org
Brief Description of the Adopted Amendment: <i>(40 words or less)</i>	ORDINANCE 22-020 RELATING TO GROWTH MANAGEMENT; CONCERNING SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.23, 30.41A, 30.41B, AND 30.91M SCC
Was this action submitted to Commerce for 60-day notice of intent to adopt (or to request expedited review)?	Yes. Material ID# 2022-S-3649
Public Hearing Date:	Planning Commission: March 22, 2022 Council/County Commission: June 1, 2022
Date Adopted:	June 1, 2022

REQUIRED: Attach or include a copy the adopted ordinance (signed and dated) and the final amendment text.

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."

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

E. Procedural requirements.

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

F. This ordinance is consistent with the record.

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

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.

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

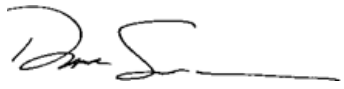
ATTEST:



Clerk of the Council

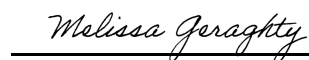
(X) APPROVED
() EMERGENCY
() VETOED

DATE: 6/2/2022



County Executive

ATTEST:



Melissa Geraghty

Approved as to form only:



Deputy Prosecuting Attorney



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

06/07/2022

Ms. Debbie Eco
Clerk of the Council
Snohomish County
3000 Rockefeller Ave.
Everett, WA 98201

Sent Via Electronic Mail

Re: Snohomish County--2022-S-4023--Notice of Final Adoption

Dear Ms. Eco:

Thank you for sending the Washington State Department of Commerce the Notice of Final Adoption as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Adopted Ordinance 22-020 concerning subdivisions and short subdivisions; amending Chapters 30.23, 30.41A, 30.41B, AND 30.91M SCC.

We received your submittal on 06/03/2022 and processed it with the Submittal ID 2022-S-4023. Please keep this letter as documentation that you have met this procedural requirement.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Kirsten Larsen, (360) 280-0320.

Sincerely,

Review Team
Growth Management Services

Everett Daily Herald

Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH956267 ORDINANCE 22-020 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/08/2022 and ending on 06/08/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$92.46.

Subscribed and sworn before me on this

9th day of June,
2022.

Linda Phillips

Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010
DEBBIE ECO

SNOHOMISH COUNTY COUNCIL

RECEIVED TIME

JUN 13 2022

CC'D TO	CF	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	MR



SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that June 1, 2022, the Snohomish County Council adopted Ordinance No. 22-020, which shall be effective June 12, 2022.

A summary of the proposed ordinance is as follows:

ORDINANCE NO. 22-020

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

Sections 1, 2, and 3. Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.23.020(6)(b) to delete references to SCC 30.41A.250 which is being repealed by this ordinance.

Section 5. Repeals SCC 30.41A.250 because the section limiting density on sloping lands it is no longer necessary to protect geologically hazardous areas and people because of the more recent adoption of Chapter 30.62B SCC.

Section 6. Amends SCC 30.41A.550 to remove the requirement that two copies of plot plans be submitted for review of model home as-buils. This requirement is a hold over from when the County required hard copies of plans to be submitted for review.

Section 7. Amends SCC 30.41A.640 to remove the requirement to publicly notice submittal of final subdivisions that is a holdover from when final subdivisions had to be approved by the County Council after a public hearing. Public notice of a final subdivision submittal is not required under state law and sets a false expectation that public comments and questions can have the same impact at the final subdivision submittal as they can during Hearing Examiner's review and decision on the preliminary subdivision proposal.

Section 8. Amends SCC 30.41A.665 to delete the word "council" that was inadvertently left in the code after a prior change in 2017 removed council from the final plat approval process.

Section 9. Repeals SCC 30.41B.210 to be consistent with the repeal of SCC 30.41A.250.

Section 10. Amends SCC 30.41B.500 to clarify that model homes are allowed within approved preliminary short subdivisions using the same process as is used for model homes in preliminary subdivisions.

Section 11. Amends SCC 30.91M.180 to be consistent with changes to SCC 30.41B.500 clarifying that model homes can be proposed within short subdivisions.

Section 12. Provides a standard severability and savings clause. State Environmental Policy Act: State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on February 3, 2022.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at:

<https://snohomish.legistar.com/Calendar.aspx> or
<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 3rd day of June 2022.

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

/s/ Debbie Eco, CMC

Clerk of the Council

107010

Published: June 8, 2022.

EDH956267

Everett Daily Herald

Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH956270 ORDINANCE 22-020 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/08/2022 and ending on 06/08/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$30.36.

Subscribed and sworn before me on this 9th day of June, 2022.

Linda Phillips

Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010
DEBBIE ECO

SNOHOMISH COUNTY COUNCIL
RECEIVED _____ TIME _____

JUN 13 2022

CC'D TO	CF	GOT
JLM	DIST 1	DLE
JDG	DIST 2	ALC
YSW	DIST 3	ELL
HCB	DIST 4	CMF
NAG	DIST 5	



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on June 1, 2022.

1. Description of agency action: Approval of Ordinance No. 22-020.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT, CONCERNING SUBDIVISIONS AND SHORT SUBDIVISIONS, AMENDING CHAPTERS 30.23, 30.41A, 30.41B, AND 30.91M SCC.
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Debbie Eco
Clerk of the Council

Date: June 3, 2022
107010

Published: June 8, 2022.

EDH956270