

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2353**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO THE APPROVAL AUTHORITY OF FINAL SUBDIVISIONS; ALLOWING FOR ADMINISTRATIVE PROCESSING OF FINAL SUBDIVISIONS; AMENDING THE CITY'S LAND USE DEVELOPMENT CODE, AS SET FORTH IN TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE (SMC), BY AMENDING CHAPTER 14.215 SMC, ENTITLED "SUBDIVISIONS" AND SMC SECTION 14.20.020, ENTITLED "PERMIT CLASSIFICATIONS"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, The City has the authority under common law and Title 35A and Chapter 58.17 RCW to adopt regulations related to zoning and land uses and the processing of land use development permits; and

**WHEREAS**, Chapter 58.17 of the Revised Code of Washington and other applicable Washington State law governs the process of subdivision of land; and

**WHEREAS**, Chapter 58.17 RCW grants local jurisdictions authority through local regulations to process and permit applications for the division of land; and

**WHEREAS**, on March 3, 2017, Washington State Senate Bill 5674 was passed by the Senate and on April 12, 2017 passed by the Washington State House of Representatives and signed into law by the Governor on April 27, 2017 and became effective on July 23, 2017; and

**WHEREAS**, Senate Bill 5674 amends RCW 58.17.100 allowing the City's legislative body – (the City Council) to delegate final plat approval authority to administrative personnel; and

**WHEREAS**, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

**WHEREAS**, the Chapter 14.215 Snohomish Municipal Code (SMC) establishes the process whereby all subdivision applications in the City are processed and approved and SMC 14.20.020 provides for the decision-making authority of all land use applications, including subdivisions; and

**WHEREAS**, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by determining an ordinance changing the final plat decision-making authority is categorically exempt from SEPA review as a procedural action pursuant to WAC 197-11-800(19); and

**WHEREAS**, on April 18, 2018 the proposed amendments contained herein were transmitted to the State Department of Commerce as required by RCW 36.70A.106; and

**WHEREAS**, on June 6, 2018, following notice as required by law, the Planning Commission held a duly-noticed public hearing to receive staff and citizen input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

**WHEREAS**, the Planning Commission adopted Findings of Facts & Conclusions and a recommendation to City Council that it approve the proposed code amendments which are attached hereto as Exhibit A and incorporated by this reference; and

**WHEREAS**, at a public meeting July 17, 2018, the City Council received staff and citizen input and considered the recommendation of the Planning Commission and all persons who wished to be heard on the matter were heard; and

**WHEREAS**, the City Council has determined that it is in the public interest to streamline the permit process, adopting changes to the final plat approval authority regulations, as set forth below and in the attached Exhibit C.

**NOW THEREFORE**, the City Council of the City of Snohomish, Washington, do ordain as follows:

**Section 1.** **Adoption of Recitals as Findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

**Section 2.** **Adoption of Planning Commission Findings.** The Planning Commission findings, conclusions and recommendation as set forth in “Exhibit A” are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

**Section 3.** **Amended SMC 14.20.020 adopted.** SMC 14.20.020, entitled “Permit Classifications”, is hereby amended to read as set forth in “Exhibit B” which is incorporated herein by this reference as though fully contained herein.

**Section 4.** **Amended SMC 14.215 adopted.** Chapter 14.215 SMC, entitled “Subdivisions,” is hereby amended to read as set forth in “Exhibit C” which is incorporated herein by this reference as though fully contained herein.

**Section 5.** **Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or

unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 6. Effective Date.** This ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 17<sup>th</sup> day of July, 2018.

CITY OF SNOHOMISH

By John T. Kartak  
John T. Kartak, Mayor

ATTEST:

By Pat Adams  
Pat Adams, City Clerk

Approved as to form:

By Grant K. Weed  
Grant K. Weed, City Attorney

Date of Publication: July 21, 2018

Effective Date: July 26, 2018

## EXHIBIT A

### **Snohomish Planning Commission Findings of Fact & Conclusions**

**Based on the review of the proposed amendments to the Subdivision regulations and other sections of Title 14 Snohomish Municipal Code related to approval of final plats, the Planning Commission of the City of Snohomish makes the following Findings of Fact:**

1. The City has the authority under RCW Title 35A to adopt regulations related to land use development.
2. RCW Chapter 58.17 governs the process of subdivision of land and grants local jurisdictions the authority to process and permit applications for such division of land.
3. Washington State Senate Bill 5674 was passed by the Senate on March 3, 2017, passed by the Washington State House of Representatives on April 12, 2017, and signed into law by the Governor on April 27, 2017. The law became effective on July 23, 2017.
4. Senate Bill 5674 amends RCW 58.17.100 to allow the City Council to delegate final plat approval authority to administrative personnel.
5. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (SMC) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the city.
6. Chapter 14.215 SMC establishes the process whereby all subdivision applications in the city are processed and approved, and SMC 14.20.020 provides for the decision-making authority of all land use applications, including subdivisions.
7. The proposed amendments to Title 14 SMC will amend:
  - a. Chapter 14.20 SMC (Permit Classifications and Development Review Process) to revise the review authority for final plats and final short plats.
  - b. Chapter 14.215 SMC (Subdivisions) to revise the review authority and process for final plats and final short plats, and correct language for internal consistency and clarity.
8. The proposed amendments implement GMA planning goal 7 related to permit processing, "(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability."
9. The proposed amendments implement the following policies contained in the Snohomish Comprehensive Plan:
  - b. Policy HO 6.1: Review time frames. Conduct development review according to predictable and efficient time frames.
  - c. Policy HO 6.3: Permit process. Achieve permitting processes, applicable regulations, and conditions of approval that are clear and understandable.
  - d. Policy HO 6.4: Periodic review. Periodically evaluate permit review processes to minimize costs to developers to the extent possible while preserving the public health, safety, and welfare.

10. Procedural requirements.

- a. The proposed amendments are consistent with state law.
- b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on April 18, 2018.
- c. Pursuant to WAC 197-11-800(19)(b), the proposal was determined to be exempt from State Environmental Policy Act (SEPA) review by the City of Snohomish SEPA Review Official as a procedural action text amendment that will result in no substantive changes respecting use or modification of the environment.
- d. The public process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SMC.

11. The Planning Commission held a public hearing on June 6, 2018, to receive public testimony concerning the proposed amendments.

12. At the conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the proposed amendments.

**Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions.**

1. The proposed amendments clarify regulation language associated with subdivisions and streamline the approval process for final plats as provided for by Senate House Bill 5674.
2. The proposed amendments are consistent with Washington State law and the SMC.
3. The proposed amendments implement and are consistent with the goals and policies of the Comprehensive Plan.
4. The proposed amendments protect the public health, safety, and general welfare.
5. The proposed amendments do not result in an unconstitutional taking of private property for public purpose and they do not violate substantive due process guarantees.

Date: June 6, 2018

By:   
Hank Eskridge, Planning Commission Chair

EXHIBIT B

**14.20.020 Permit Classifications.**

- A. The Director shall determine the proper classification for all project permit applications. Any reference in the Land Use Development Code or other City ordinance to a review process that no longer exists shall be construed to refer to the comparable process in this title. If the Director determines that the choice among appropriate classifications cannot be ascertained from the code and its intent, the Director shall resolve it in favor of the higher classification number.
- B. A project that involves two or more land use permits may be processed collectively under the highest numbered classification required for any part of the application or processed individually under each of the classifications identified by the specific City regulation. The applicant may determine whether the application is processed under the individual procedure option. If the application is processed under the individual procedure option, the highest numbered classification must be processed prior to the subsequent lower numbered procedure.
- C. The land use development permit application review shall follow the underlying permit review process as described in the Snohomish Municipal Code. Depending on the application, land use development permit application review may be administrative or require a public hearing by a City designated Hearing Examiner, commission, board or the City Council.
- D. Permits and approvals shall be classified according to the decision maker and applicable review procedures. In the following table, permit types are organized into five classifications based on the decision authority, the appeal authority, and the review process.

Classification	Permit Type	Decision Authority	Appeal Authority*
Type 1	Building Permit Code Interpretation Design Review Determination Fence Permit Retaining Wall Permit Right-of-Way Permit Sidewalk Use Permit Sign Permit, Temporary Sign Permit Utility Connection Permit (Water, Sewer) Wireless Communications Facilities, Cat. 1	Planning Director	Hearing Examiner
Type 2	Accessory Dwelling Unit	Planning	Hearing

Classification	Permit Type	Decision Authority	Appeal Authority*
	Binding Site Plan Boundary Line Adjustment <u>Final Plat</u> <u>Final Short Plat</u> Flood Hazard Area Permit Home Occupation Permit Minor Variance Site Civil Permit	Director	Examiner
Type 3	Site Development Plan Preliminary Short Plat Unit Lot Subdivision <u>(4 or fewer lots)</u> Wireless Communications Facilities, Cat. 2, 3 Shoreline Substantial Development Permit*	Planning Director	Hearing Examiner*
Type 4	Conditional Use Permit Planned Residential Development Preliminary Plat Shoreline Conditional Use Permit* Shoreline Variance* <u>Unit Lot Subdivision (5 or more lots)</u> Variance Wireless Communications Facilities, Tier 4	Hearing Examiner	Superior Court*
Type 5	Code Amendment Comprehensive Plan Amendment Development Agreement Rezone	City Council	Growth Management Hearings Board

\* The appeal authority for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances shall be the Washington State Shoreline Hearings Board.

1. *Type 1 Decisions.* The Type 1 process includes permits and approvals that are based on compliance with specific criteria that is nondiscretionary and clearly defined in the code. These permits have no notice requirements and are reviewed administratively.
2. *Type 2 Decisions.* The Type 2 process includes permits and approvals that are based on standards and clearly defined criteria. These permits require written documentation and may include conditions for the proposal to reach consistency with applicable requirements. These permits have no notice requirements and are reviewed administratively.
3. *Type 3 Decisions.* The Type 3 process includes permits and approvals that are based on standards and clearly defined criteria. These permits require written documentation and

may include conditions for the proposal to reach consistency with applicable requirements. Public notice is required for these permit types. Approvals are subject to appeal to the Hearing Examiner.

4. *Type 4 Decisions.* The Type 4 process includes permits and approvals that require an open record public hearing and involve discretionary judgment based on criteria. Public notice is required for these permit types. The Department forwards a staff report with a recommendation regarding the proposal’s consistency with criteria to the Hearing Examiner. Following the open record public hearing, the Hearing Examiner issues a written decision with findings, conclusions, and conditions, if any. These permits are subject to appeal to the Superior Court.
5. *Type 5 Decisions.* The Type 5 process includes permits and approvals that require a public hearing before the City Council. A public hearing before the Planning Commission is typically held prior to City Council, with the recommendation of the Planning Commission being forwarded to the City Council as well as public testimony and other information provided at the public hearing. Public notice is required for these permit types. The decision is subject to appeal to the Growth Management Hearings Board.
6. *Nonpermit Actions.* The following actions are not permits for the purpose of this Development Code and do not appear in the Permit Classification table. These actions shall not be processed as Type 1 through 5 decisions:
  - a. Minor approvals for use of public properties.
  - b. Administrative adjustments of impact fee amounts (in-kind mitigation).
  - c. Minor amendments to permits.
  - d. Historic District designations.
  - e. Landscape approvals.
  - f. Petitions for annexation.
  - g. Street vacations.
  - h. Hydrant use permit.
  - i. Mobile food vendor approvals.
7. *Procedures.* The following review procedures apply to the permit classifications described above.

Procedure	Type 1	Type 2	Type 3	Type 4	Type 5
Pre-Application	Not required	Not required	Recommended	Required	Required
Determination of Completeness	No	Yes	Yes	Yes	Yes
Notice of Application	No	No	Yes	Yes	Yes
SEPA Review	No	Potential	Potential	Potential	Yes



<b>Procedure</b>	<b>Type 1</b>	<b>Type 2</b>	<b>Type 3</b>	<b>Type 4</b>	<b>Type 5</b>
Design Review	Potential	Potential	Potential	Potential	Potential
Open Record Public Hearing	No	No	No	Yes	Yes
Notice of Decision	No	No	Yes	Yes	Yes

## EXHIBIT C

### Chapter 14.215 SUBDIVISIONS

Sections:

<b>14.215.010</b>	<b>Purpose and Scope</b>
<b>14.215.020</b>	<b>Preliminary Plat Approval Criteria</b>
<b>14.215.025</b>	<b>Preliminary Plat Approval</b>
<b>14.215.030</b>	<b>Revisions of Preliminary Plats</b>
<b>14.215.035</b>	<b>Construction Drawings</b>
<b>14.215.040</b>	<b>Preconstruction Meeting</b>
<b>14.215.050</b>	<b>Construction Compliance</b>
<b>14.215.060</b>	<b>Assurance that any Remaining Improvements will be Installed</b>
<b>14.215.070</b>	<b>As-Built Drawings</b>
<b>14.215.080</b>	<b>Maintenance Bond</b>
<b>14.215.085</b>	<b>Extension of Time for Preliminary Plats</b>
<b>14.215.090</b>	<b>Final Plats</b>
<b>14.215.100</b>	<b>Final Plat Criteria</b>
<b>14.215.105</b>	<b>Phased Development</b>
<b>14.215.110</b>	<b>Vacations and Alterations of Plats</b>
<b>14.215.120</b>	<b>Short Subdivision Plats</b>
<b>14.215.125</b>	<b>Fee Simple Unit Lot Subdivisions</b>
<b>14.215.130</b>	<b>Boundary Line Adjustments</b>

#### **14.215.010 Purpose and Scope.**

The purpose of this chapter is to regulate the subdivision of land and adjustment of property lines to promote the public health, safety, and general welfare in accordance with the standards established by the state. The subdivision of land is processed as a plat or short plat, depending on the number of developable lots proposed. Revisions, vacations, alterations, and extensions to previously approved subdivisions or plats, if requested, are processed separately.

#### **14.215.020 Preliminary Plat Approval Criteria.**

A. Preliminary plats are Type 4 permits under Chapter 14.20 SMC. The preliminary plat application information shall include, at a minimum, the following:

- a. A title certificate;
- b. The required fees related to the review of the preliminary plat;
- c. If the property is within the NE Sewer Area, an affirmation of the obligation of the property owners binding the properties to the payment of all present or future charges for the Cemetery Creek Special Project, and a preliminary description of developer proposed sewer extensions and capacity improvements; and
- d. Submittal materials listed in SMC 14.20.060(C).

B. The approval criteria for approval of preliminary plats shall be as follows:

1. The criteria stated in RCW 58.17.110;

2. If the property is in the NE Sewer Area, a showing that the criteria in SMC 15.04.047 will be satisfied.
3. Consistency with the Comprehensive Plan.
4. Consistency with this Development Code and the adopted City of Snohomish Engineering Standards Manual.
5. Consistency with the concurrency requirement of SMC 14.20.090.
6. Provision of off-site improvements or dedications of land to the public which are needed to mitigate the development's impacts and which are proportional to those impacts.
7. Compliance with the requirements of Chapter 15.16 SMC, entitled "Sewer, Water, and Stormwater", including but not limited to the provisions stated in:
  - a. SMC 15.04.047, NE Sewer Area, if relevant; and
  - b. SMC 15.04.140, Connection to Sewer System Required; and
  - c. Chapter 15.16, Stormwater Management.

**14.215.025 Preliminary Plat Approval.**

- A. Preliminary plat approval shall be effective for a period of sixty (60) months. Additional time for application for final plat approval may be granted as provided by SMC 14.215.085.
- B. Preliminary approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary approval.
- C. When a plat is developed in divisions or phases and complete applications for final plats for all divisions or phases are not submitted within the time limits provided in this section, preliminary subdivision approval for all incomplete divisions or phases shall become void.
- D. When a preliminary plat, or division or phase thereof, becomes void due to expiration of approval, a new, complete application for preliminary plat approval shall be required. Such application shall conform to regulations applicable at the time of submittal.

**14.215.030 Revisions of Preliminary Plats.**

Applications to revise plats that have received preliminary approval shall comply with the following:

- A. Revisions that result in any substantial changes as determined by the City Planner shall be treated as a new application for purposes of vesting and shall be reviewed in the same manner as the original submittal. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary plat.
- B. Approval of the following modifications by the Planning Director shall not be considered substantial changes:
  1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary plat approval;
  2. Changes in lot dimensions that are consistent with Chapter 14.210 SMC;
  3. A decrease in the number of lots to be created.

**14.215.035 Construction Drawings.**

The applicant shall submit construction drawings for all required site improvements together with fees sufficient to cover all City costs in reviewing and processing the drawings. Such applications for site construction shall be processed as Type 2 permits under Chapter 14.20 SMC. The City Engineer shall determine whether the drawings conform to the design and development standards of the City. If they do not comply, the City Engineer shall return the drawings to the applicant with a letter of correction. If the drawings meet City standards, the City Engineer shall approve the drawings, issue construction approval, and collect the required fee deposit to cover construction inspection.

**14.215.040 Preconstruction Meeting.**

City staff and other appropriate parties shall meet with the contractor responsible for the plat construction to review the approved preliminary plat requirements, construction drawings, construction methods, and any other relevant issues deemed necessary by City staff prior to the beginning of construction.

**14.215.050 Construction Compliance.**

The City Engineer or designee shall inspect the required improvements. Except as provided in SMC 14.215.060, the City Planner shall not accept final plat application until said improvements are completed in accordance with the approved preliminary plat, the approved construction drawings, and the standards and requirements of this development code.

**14.215.060 Assurance that any Remaining Improvements will be Installed.**

Construction of improvements shall normally be complete prior to approving the final plat. However, the City may approve the final plat with certain incomplete improvements if:

- A. Said improvements are more practically done later, such as the final lift of asphalt surfaces which might otherwise be marred by heavy equipment, or recreational equipment which might be vandalized if installed before the subdivision is populated, or street trees and other landscape and mitigation plantings which are better installed in a different season;
- B. The applicant deposits a performance bond or cash surety, with the City as beneficiary, in an amount not less than 150 percent of the City Engineer's cost estimate for the remaining improvements; and
- C. Said bond or surety specifies a period within which to complete the improvements, which period shall not exceed two years from the date of final plat approval.

**14.215.070 As-Built Drawings.**

The applicant shall submit as-built drawings to the City Engineer. An application for final plat shall not be accepted until the City Engineer reviews and approves said as-built drawings by means of signature on a reproducible copy furnished by the applicant. The applicant shall also provide the as-built drawings in a digital format approved by the City Engineer.

**14.215.080 Maintenance Bond.**

- A. The applicant shall deposit with the City a maintenance bond or similar surety that warrants the successful operation of all required plat improvements, and that warrants against defects in labor and material and any damage caused by construction activity.

- B. The maintenance bond shall be valid for two years from City acceptance of all required improvements, which may or may not coincide with final plat approval as provided in SMC 14.215.060.
- C. The bond or other surety shall be submitted with the final plat application and shall be 10 percent of the City Engineer estimated value of all required plat improvements.
- D. The maintenance bond or other approved surety shall be in addition to any performance bond as provided in SMC 14.215.060.
- E. The City Attorney shall approve the form, sufficiency, and manner of execution of the maintenance bond.
- F. Upon the termination of the warranty period, and after any necessary restoration or repair of improvements, the City shall authorize the release of the maintenance bond, provided that the City may withhold release of the bond up to one year from the date of any restoration or repairs to ensure adequacy.

**14.215.085 Extension of Time for Preliminary Plats.**

As provided by this section, the City may authorize additional time for the submittal of a final plat for approval. Extensions may be granted in periods not to exceed one year.

- A. A request for an extension of time shall be submitted in writing to the Planning Director and shall:
  - 1. Be submitted not less than 60 days, nor more than 150 days, prior to the expiration of the preliminary plat approval.
  - 2. Identify the preliminary plat by name, City permit number and date of decision.
  - 3. Specify the cause of, and need for, an extension of time beyond that provided by SMC 14.215.025.
- B. Upon review and consideration of the request, the Planning Director may at his/her discretion authorize an initial, one-year extension for submittal of a final plat (60 months plus 12 months for a total of 72 months).
- C. Upon review and consideration of the request, the Planning Director may at his/her discretion authorize a second, one-year extension for submittal of a final plat (72 months plus 12 months for a total of 84 months).

**14.215.090 Final Plats.**

Final plats are Type 2 permits under Chapter 14.20 SMC. The application shall include, at a minimum, the following submissions:

- A. Plat map certified by a registered land surveyor, including everything required by RCW 58.17.160 and including signage blocks as required by the City;
- B. Title certificate confirming that title vests in the stated owners and that any dedications, easements, or deeds being granted to the City are free of encumbrances;
- C. Legal descriptions of the lands divided as they appear on the plat;
- D. Closure calculation records for all lots, tracts, and boundaries within the plat;
- E. A statement that a subdivision has been made with the free consent of the owners;

- F. A dedication to the public of all streets and other public areas;
- G. A performance bond, if appropriate, per SMC 14.215.060 and a maintenance bond per SMC 14.215.080; and
- H. A fee deposit to cover costs of processing the final plat.

**14.215.100 Final Plat Criteria.**

The criteria for approval of a final plat shall be:

- A. Accuracy and mathematical closure of all lots and boundaries,
- B. Conformance with the preliminary plat conditions of approval,
- C. Conformance with City ordinances and public works standards, and
- D. Conformance with state law.

The signature on the face of the final plat and final short plat by the City Engineer and the Planning Director shall indicate city approval of the plat.

**14.215.105 Phased Development.**

Portions of an approved preliminary plat may be processed separately by the department for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary plat, and all conditions of approval for each particular division must be met.

**14.215.110 Vacations and Alterations of Plats.**

Vacating a plat shall be accomplished in accordance with RCW 58.17.212. Alteration of a plat shall be accomplished in accordance with RCW 58.17.215.

**14.215.120 Short Plat.**

- A. Preliminary short plats are Type 3 permits under Chapter 14.20 SMC. Applications for preliminary short plats shall include, at a minimum, the following submittal requirements:
  - 1. Title certificate,
  - 2. The required fees related to the review of the preliminary short plat,
  - 3. If the property is within the NE Sewer Area, an affirmation of the obligation of the property owners binding the properties to the payment of all present or future charges for the Cemetery Creek Special Project, and a preliminary description of developer proposed sewer extensions and capacity improvements,
  - 4. Submittal materials listed in SMC 14.20.060C.
- B. The criteria for approval of preliminary short plats shall be:
  - 1. Consistency with the criteria stated in RCW 58.17.110
  - 2. If the property is in the NE Sewer Area, a showing that the criteria in SMC 15.04.047 will be satisfied.
  - 3. Consistency with the Comprehensive Plan.
  - 4. Consistency with this Development Code and the adopted City of Snohomish Engineering Standards Manual.
  - 5. Consistency with the concurrency requirement of SMC 14.20.090.

6. Provisions of off-site improvements or dedications of land to the public which are needed to mitigate the development's impacts and are proportional to those impacts.
  7. Compliance with the requirements of Title 15.16 SMC, entitled "Sewer, Water, and Stormwater", including but not limited to the provisions stated in:
    - a. SMC 15.04.047, NE Sewer Area, if relevant; and
    - b. SMC 15.04.140, Connection to Sewer System Required
  8. Short plats shall not result in more than four developable lots within the subdivision.
- C. Land within a short plat shall not be subdivided within five years of Final Short Plat approval.
- D. Final Short Plat Criteria. The criteria for approval of a final plat shall be:
1. Accuracy and mathematical closure of all lots and boundaries,
  2. Conformance with the preliminary plat conditions of approval,
  3. Conformance with City ordinances and public works standards, and
  4. Conformance with state law.

The signature on the face of the final short plat by the City Engineer and the City Planner shall serve as approval of the short plat.

**14.215.125 Fee Simple Unit Lot Subdivisions.**

- A. *Purpose.* The purpose of this section is to allow subdivision of certain housing types listed as allowed uses in Chapter 14.207 SMC where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards in Chapter 14.210 SMC. In such cases, the unit lot subdivision process provides opportunities for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards in Chapter 14.210 SMC to the overall site, the "parent lot", while allowing flexibility in the dimensional standards for the subordinate "unit lots". This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.
- B. *Applicability.* Except for any site containing a detached accessory dwelling unit pursuant to SMC 14.207.075(2), lots developed or proposed to be developed with attached single-family buildings, detached single-family buildings permitted according to SMC 14.210.215, and manufactured home parks permitted according to SMC 14.210.220 may be subdivided into individual unit lots pursuant to this section. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter 14.70 SMC.
- C. *Deviation from dimensional standards.* The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the land use designation and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Deviation from setback, lot width, and lot area standards in Chapter 14.210 SMC may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures on unit

lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Chapter 14.80 SMC.

- D. *Subdivision of cottage housing and detached condominium development.* Development proposed pursuant to SMC 14.210.215 shall be eligible for unit lot subdivision. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the Single Family land use designation. Unit lots shall comply with all other provisions of SMC 14.210.215, except that lot lines shall be used in place of internal boundaries of exclusive use.
- E. *Mobile home parks.* Mobile home parks shall be eligible for unit lot subdivision where consistent with the criteria and standards in SMC 14.210.220, except that the unit lot subdivision and administrative development plan shall serve in lieu of the recorded development plan.
- F. *Approval process.* Unit lot subdivisions of four or fewer lots shall be processed in the same manner as short plats pursuant to the associated permit type in Chapter 14.20 SMC. Unit lot subdivisions of five or more lots shall be processed as plats pursuant to the associated permit types in Chapter 14.20 SMC.
- G. *Approval Criteria.* In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapter 14.65 SMC, Chapter 14.210 SMC, and Chapter 14.215 SMC, proposals shall be subject to the following:
  - 1. Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.
  - 2. Private usable open space of at least 400 square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as the dwelling unit it serves. Such areas shall have a minimum dimension of 15 feet and shall be usable.
  - 3. Parking shall be calculated and designed for each lot in compliance with Chapter 14.235 SMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an easement declared on the plat. Where parking for detached single-family buildings is provided on a different lot or tract, parking allowances for detached single-family residences in Chapter 14.235 SMC, including tandem parking and backing into a street, shall not apply.
  - 4. Access and utility easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; drainage facilities, underground utilities; common open space (such as common courtyard open space); exterior building facades and roofs; and other similar features, and shall be recorded with the Snohomish County Auditor.
  - 5. Subdivision of common wall or zero-lot line development such as townhouses shall provide a five-foot wide building maintenance easement for external walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be shown on the face of the plat.
  - 6. The final plat shall note all conditions of approval, that unit lots are not buildable lots independent of the overall development, and that additional development of the



individual unit lots, including but not limited to reconstruction, remodel, maintenance, and addition, shall comply with conditions of approval and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.

7. The application for unit lot subdivisions shall include a detailed, scaled site plan with building footprints. Adequate information shall be provided to determine compliance with all applicable criteria.

**14.215.130 Boundary Line Adjustments.**

- A. This section sets forth procedures and criteria for the review and approval of minor adjustments to boundary lines of existing legal lots in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.
- B. Applications for boundary line adjustments shall be reviewed for consistency with the City of Snohomish land use development code, including shoreline management regulations, and critical area regulations, applicable Snohomish Health District regulations and the City's fire and building code regulations.
- C. The City shall not approve any proposed boundary line adjustment that would:
  1. Result in the creation of an additional lot;
  2. Cause any lot to contain insufficient area, dimensions, or building setbacks per this Development Code or increase an existing non-conformity;
  3. Result in a lot that does not qualify as a building site pursuant to this title;
  4. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat, including requirements for open space; or
  5. Involve lots which do not have a common boundary.
- D. An application for a boundary line adjustment shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the Planning Director upon a showing by the applicant of reasonable cause.