Draft Code Language: Streamlining the Final Plat Process
6/6/2017

Section 1. Snohomish County Code Section 30.41A.300, last amended by Amended Ordinance No. 16-004 on March 16, 2016, is amended to read:

30.41A.300 Preliminary subdivision approval – term.
(1) The standard term of approval for a preliminary subdivision is pursuant to SCC 30.70.140, except that preliminary subdivision approval may be extended for a period not to exceed four months by the department ((county council)) if the applicant demonstrates that a continued good faith effort has been exerted to complete the final subdivision and provides justification of the extenuating circumstances as to why the additional four months is required. A request for consideration of the four-month extension shall be filed with the department ((clerk of the council)) at least 30 days prior to the date the approval is set to expire.

(2) The applicant may request final subdivision approval in phases, subject to the time restrictions in SCC 30.70.140 and the terms of the preliminary subdivision approval. Open space, amenities, and other requirements of the preliminary approval shall be completed coincident with each phase of the final subdivision on a pro rata basis unless otherwise required in the preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request to complete the final subdivision improvements in phases.

Section 2. Snohomish County Code Section 30.41A.620, added by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 3. Snohomish County Code Section 30.41A.640, last amended by Ordinance No. 06-093 on November 8, 2006, is amended to read:

30.41A.640 Public notice of final subdivision submittal and ((departmental review)) approval procedure for final subdivision.
(1) The department shall examine the final subdivision application ((to ensure compliance with applicable law)) for adequacy of any required road improvements and right-of-way dedications, the mathematical closure of all lots and boundaries, and any other conditions required for compliance with the provisions of county code and conditions of preliminary approval. The applicant shall provide computation records for the lots and boundaries. The department may require additional information from an applicant where necessary to review the final subdivision application. ((Computation records for the lots and boundaries shall be furnished.))

(2) When the final plat is found to be in correct form, and the matters shown thereon are sufficient, the department shall obtain the necessary signatures on the final plat. Each final plat shall be accompanied by an updated certificate of title showing the names of all persons, firms, or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. For the purposes of this section, an updated title report is a title report or supplemental title report which has been prepared no more than 30 days prior to submittal of the final subdivision.)

(((4))) (2) Public notice of final subdivision submittal shall be provided by the department within 21 days of determination that the application is complete by:
(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion of the boundary of the final subdivision, and to those official parties of record listed in the hearing examiner decision on the preliminary subdivision application;
(b) Posting in accordance with SCC 30.70.050 and 30.70.045;
(c) Mailing to all parties that have provided written comment on the preliminary subdivision in accordance with SCC 30.70.045; and
(d) Notices required pursuant to SCC ((30.41A.640(3)(a)) 30.41A.640(2)(a), 30.41A.640(2)(b), and ((through)) 30.41A.640(2)(c) shall solicit comments on the final subdivision recommendation. All comments shall be submitted to the department within 15 days of the mailing of the public notice.

((4))) (3) The department shall coordinate the final subdivision review process among the appropriate county departments and other agencies ((and,)) after compliance with the public notice provisions of SCC 30.41A.640(2). ((30.41A.640(3), and upon confirmation of compliance with the conditions of preliminary approval shall transmit a recommendation for final subdivision approval to the council. The final subdivision application shall be scheduled for consideration at a regular or special meeting of the council.))

(4) The final subdivision shall be approved or disapproved by the department. The department shall base its decision on the following:
(a) The recommendations of the Snohomish Health District and any purveyors with jurisdiction as to the adequacy of the sewage disposal and potable water supply;
(b) The recommendation of the provider with jurisdiction as to the adequacy of electrical availability;
(c) The recommendation of the department of public works;
(d) The recommendation of the fire marshal;
(e) The recommendations of other relevant federal, state, and local agencies;
(f) The requirements of state law, the county code, and all other applicable codes;
(g) The submittal of a certificate of title prepared by a title insurance company no more than 30 days prior to submittal of the final subdivision which must show the names of all persons, firms, or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision;
(h) Any evidence of ownership interests not shown on title; and
(i) Compliance with all conditions imposed in the granting of the preliminary subdivision.

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

Section 4. Snohomish County Code Section 30.41A.645, last amended by Amended Ordinance No. 03.047 on June 4, 2003, is repealed.

Section 5. Snohomish County Code Section 30.41A.650, last amended by Amended Ordinance No. 03.047 on June 4, 2003, is repealed.

Section 6. Applicability. The code amendments contained in Sections W, X, Y, and Z of this ordinance shall apply prospectively to final plat applications submitted on or after the
effective date of this ordinance. Final plats submitted prior to the effective date of this ordinance shall be processed according to the procedures in effect at the time of submittal.

Section 7. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or 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 ___ day of __________, 2017.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

____________________________
Council Chair

ATTEST:

____________________________
Asst. Clerk of the Council

( ) APPROVED
( ) EMERGENCY
( ) VETOED

DATE:_______________________

____________________________
County Executive

ATTEST:

____________________________

Approved as to form only:
The following is for reference only:

30.41A.620 Miscellaneous approvals.
The following approvals must be submitted in writing to the department prior to certification of the final subdivision:
(1) Health approval. The Snohomish Health District shall indicate compliance with the health requirements of the preliminary subdivision and shall indicate the adequacy of the method of sewage disposal. The health district may require that those lots which do not meet health district standards be so noted on the face of the final subdivision. Approval by the health district of the final subdivision shall not vary or negate any requirements for obtaining septic tank and drainfield permits for any lots therein;
(2) Fire marshal’s approval;
(3) Water purveyor’s approval;
(4) Sewer purveyor’s approval (when applicable);
(5) Proof of electrical availability; and
(6) Other approvals as may be required in the conditions of preliminary subdivision approval.

30.41A.645 Council procedure and public notice.
(1) Each application for final subdivision approval scheduled for council consideration shall be accompanied by the following agencies’ recommendations for approval or disapproval:
(a) Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;
(b) The department, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;
(c) The department of public works; and
(d) Other relevant federal, state, or local agencies. None of the agencies listed in SCC 30.41A.645(1)(a) and (c) shall modify the terms of its recommendation without the consent of the applicant.
(2) Public notice of the time, date, and location of the council meeting on the final subdivision application shall be given at least five days prior to the meeting by:
(a) Mailing to the applicant;
(b) Mailing to all parties who provided comment on the notice of recommendation for final subdivision action; and
(c) Posting notice of time, date, and location of the public meeting on the signs required pursuant to SCC 30.70.060.
(d) Public notices provided under this section shall state that public testimony may be presented but will be limited to the issue of whether the final subdivision conforms to all conditions of preliminary subdivision approval and otherwise meets the requirements of state law and county code.
(3) The county council shall act on a final subdivision application by motion at a regular or special meeting as provided in SCC 30.41A.650. Any person may present relevant testimony or other evidence as described in SCC 30.41A.645(2)(d).
(4) The notices provided for in this section shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address.
(5) Notices mailed to taxpayers of record and known site addresses shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

30.41A.650 Council action.

(1) Upon a finding that the final subdivision has been completed in accordance with the provisions of this code, that the plat is in proper form for recording as established by the submittal requirements, that all required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed, that all conditions of the preliminary subdivision approval and requirements of state law and county code have been met, and that the interests of the county are fully protected, the council, upon consideration of the final subdivision at a regular or special council meeting, shall approve the final subdivision and the chairperson shall sign the final plat accepting such dedications and easements as may be included thereon. Written notice of the council decision to approve shall be given by:

(a) Mailing to the applicant;
(b) Mailing to all parties of record listed in the hearing examiner and county council decisions;
(c) Mailing to all parties who individually wrote and submitted letters concerning the subject subdivision application;
(d) Mailing to all parties who testified at the public meeting on final action;
(e) Mailing to all parties that were mailed public notice pursuant to SCC 30.41A.645(2), and to the department of ecology; and
(f) Publication in the county official newspaper.

(2) The final subdivision may be denied upon findings and conclusions that the requirements for final subdivision approval have not been met. If the council does not approve the final subdivision, it may grant the project proponent a period of time, not to exceed four months, to bring the final subdivision into compliance with the conditions of preliminary subdivision approval and set a specific time and date for the council to reconsider the final subdivision. Notice of a council decision extending the time period for compliance with the conditions of preliminary subdivision approval shall be given as prescribed in SCC 30.41A.650(1) and to all parties who have requested notification of the council's decision.