

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2184

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,
AMENDING THE CITY'S DEVELOPMENT CODE AS SET FORTH IN
TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE, BY AMENDING
TIME LIMITATIONS FOR FINAL SUBDIVISIONS AND SHORT
SUBDIVISIONS AND BY ESTABLISHING PROVISIONS FOR GRANTING
EXTENTIONS OF SUCH TIME LIMITATIONS**

WHEREAS, the City Council finds that current national and regional economic conditions do not currently support the housing industry's development of subdivisions and short subdivisions for the construction of housing; and

WHEREAS, within the City of Snohomish there are approved preliminary subdivisions (preliminary plats) and short subdivisions (short plats) which have not been constructed because of unfavorable economic conditions; and

WHEREAS, RCW 58.17.140 specifies that applications for final plat must be submitted within five years (60 months) of approval of a preliminary plat; and

WHEREAS, Chapter 14.215 SMC is more restrictive than state law, requiring that a final plat be recorded within five years (60 months) of approval of a preliminary plat; and

WHEREAS, RCW 58.17.140 authorizes local governments to adopt extensions of time for preliminary plats; and

WHEREAS, City of Snohomish subdivision regulations (Chapter 14.215 SMC) presently do not allow the City to consider or approve any extension of time between the time of preliminary plat approval and recording of final plat; and

WHEREAS, previous iterations of the Snohomish Land Use Development Code (Title 14 SMC) have made provisions for the City Council to consider requests for an extension of time; and

WHEREAS, the Master Builders Association for King and Snohomish County (MBA) and CamWest Development Inc., the owner of a preliminary plat in Snohomish, have requested that the City consider authorizing additional time for application for final plat approval; and

WHEREAS, limited-term extensions of preliminary plats is one of several recommendations put forth by the MBA as an economic stimulus for housing; and

WHEREAS, the City Manager directed the Planning and Development Services Department to prepare for Planning Commission and City Council consideration a draft code

amendment that would reinstitute provisions for allowing, on a case-by-case basis, additional time for application for final plat approval; and

WHEREAS, creating greater consistency between State and City regulations governing the lapse of a valid preliminary subdivision or short subdivision can facilitate increased awareness of, and compliance with, applicable statutes; and

WHEREAS, on December 2, 2009, the Snohomish Planning Commission, during a regular public meeting, reviewed the draft Ordinance and recommended the ordinance be approved as amended by the Commission; and

WHEREAS, on December 15, 2009, the City Council reviewed the draft Ordinance and the Planning Commission's recommendations and directed staff to revise the draft Ordinance and schedule a public hearing for further review and a subsequent decision; and

WHEREAS, on January 19, 2010, the Planning and Development Services Director, acting as the City's SEPA Responsible Official, reviewed the proposal and determined it to be procedural in nature and as allowed by WAC 197-11-800(19) is exempt from SEPA threshold determination and EIS requirements; and

WHEREAS, on February 2, 2010, following public notice as required by law, the City Council conducted a public hearing on this Ordinance and all persons wishing to be heard were heard; and

WHEREAS, the City Council finds that the provisions contained within this Ordinance support the public's health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 14.215 SMC is hereby amended to read as follows.

Chapter 14.215

SUBDIVISIONS

Sections:

- 14.215.010 Purpose and Scope
- 14.215.020 Preliminary Plat Approval Criteria
- 14.215.025 Preliminary Approval of Subdivision
- 14.215.030 Revisions of Preliminary Subdivisions
- 14.215.035 Construction Drawings
- 14.215.040 Preconstruction Meeting
- 14.215.050 Construction Compliance
- 14.215.060 Assurance that any Remaining Improvements will be Installed
- 14.215.070 As-Built Drawings

- 14.215.080 Maintenance Bond
- 14.215.090 Final Plats
- 14.215.100 Final Plat Criteria
- 14.215.105 Phased Development
- 14.215.110 Vacations and Alterations of Plats
- 14.215.120 Short Subdivision
- 14.215.130 Boundary Line Adjustments

14.215.010 Purpose and Scope. The purpose of this chapter is to specify requirements for the subdivision and short subdivision of land in accordance with applicable State of Washington and City of Snohomish laws, rules, and regulations.

14.215.020 Preliminary Plat Approval Criteria.

- A. Preliminary subdivisions are Type 6 permits under Chapter 14.50 SMC. The preliminary subdivision application information shall include the following requirements: a title certificate, SEPA checklist, and the required fees related to the review of the preliminary plat.
- B. The approval criteria for approval of preliminary plats shall be as follows:
 - 1. The criteria stated in RCW 58.17.110.
 - 2. Consistency with the Comprehensive Plan.
 - 3. Consistency with this Development Code and the adopted City of Snohomish Engineering Standards Manual.
 - 4. Consistency with the concurrency requirement of SMC 14.55.030.
 - 5. 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.
 - 6. Compliance with the Stormwater Management requirements of Ch. 15.16 SMC.

14.215.025 Preliminary Approval of Subdivision.

- A. Preliminary subdivision 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 subdivision 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 subdivision 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 subdivision 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 Subdivisions. Applications to revise subdivisions 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 subdivision.

B. Approval of the following modifications by the City Planner shall not be considered substantial changes:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision 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. 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 an explanation of their shortcomings. 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. The City Engineer, City Planner, and other appropriate parties shall meet with the contractor responsible for the plat construction to review the approved preliminary plat, construction drawings, construction methods, and any other particulars 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 process the 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. The final plat shall not be approved until the City Engineer reviews and approves said as-built drawings by means of signature on a reproducible copy furnished by the applicant.

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 one year 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 for 15 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 Subdivisions. As provided by this section, the City may authorize additional time for the submittal of a final plat for approval.

- A. A request for an extension of time shall be submitted in writing to the City Planner and shall:
 - 1. Be submitted not less than 60 days, nor more than 150 days, prior to the expiration of the preliminary subdivision.

2. Identify the preliminary subdivision 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.
 4. Specify the length of additional time requested.
- B. Upon review and consideration of the request, the City Planner 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 City Planner 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).
 - D. Upon review and consideration of the request, the City Council may at its discretion authorize a third, one-year extension for submittal of a final plat (84 months + 12 months for total of 96 months).
 - E. The provisions of this section shall expire on January 1, 2013.

14.215.090 Final Plats. Final plats are Type 2 permits. See SMC 14.30. The application form sets the submittal requirements, which shall include:

- 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. A statement that a subdivision has been made with the free consent of the owners;
- E. A dedication to the public of all streets and other public areas;
- F. A performance bond, if appropriate per SMC 14.215.060 and a maintenance bond per SMC 14.215.080; and
- G. A fee deposit to cover costs of processing the final plat.

14.215.100 Final Plat Criteria. The criteria of approval of a final plat shall be accuracy, conformance with the approved preliminary plat, conformance with City ordinances and public works standards, and conformance with state law.

14.215.105 Phased Development. Portions of an approved preliminary subdivision 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 subdivision, 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 Subdivision. Preliminary short subdivisions are Type 3 or Type 4 permits under Chapter 14.20 SMC. The application shall include the following submittal requirements: a title certificate, SEPA checklist, and the required fees related to the review of the preliminary short subdivision.

A. The criteria for approval of short subdivisions shall be:

1. No more than four lots may be created by the short subdivision process.
2. Consistency with the Comprehensive Plan, the Development Code, and the City's Public Works standards.
3. Consistency with the concurrency requirement of SMC 14.55.030.
4. Any required off-site improvements or dedications of land to the public that are needed to mitigate the development's impacts, and are proportional to those impacts.
5. Consistency with the criteria stated in RCW 58.17.110.

B. Land within a short plat cannot be again short platted within five years.

C. 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. City Council approval is not required for approval of a final short plat unless the short plat includes dedication of additional street length.

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 City Planner upon a showing by the applicant of reasonable cause.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect five days after its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 2nd day of February, 2010.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
TORCHIE COREY, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY