

Title 16

SUBDIVISIONS

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Chapter 16.05

GENERAL PURPOSE

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16.05.010 Intent.

The purpose of these regulations is to protect the safety, convenience and welfare of the inhabitants of the city by regulating the layout and the construction of subdivisions, and ensuring that safe and sanitary conditions will be established. The powers, duties, and responsibilities of the planning director, planning commission, and city council under these regulations shall be exercised with due regard for the need to provide adequate access to all of the lots in a subdivision by roadways that will be safe and convenient for travel; for the need to minimize congestion in such roadways and on adjacent public roadways; for the need to reduce danger to life and property in the operation of motor vehicles; for the need to secure safety in cases of fire, flood, and other emergencies; for the need to ensure compliance with all other applicable requirements contained in this land development code; for the need to secure adequate provision for water, sewers, drainage, utility services, fire, police, and other city services; for coordinating the roadways in a subdivision with each other and with the roadways to which those in the proposed subdivision will interconnect; and for the need to provide adequate open space and recreation space. (Ord. 1110 § 2, 2002).

16.05.020 General scope.

Subdivisions, resubdivisions, and short subdivisions created for the purpose of partitioning land shall be reviewed in accordance with these standards. (Ord. 1110 § 2, 2002).

16.05.030 Specific exemptions.

The provisions of these standards shall not apply to the following:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions made by testamentary provisions or the laws of descent;
- (3) Assessor's plats made in compliance with RCW 58.17.240, 58.17.250 and 58.18.010;
- (4) A division for the purpose of lease when the land is to be developed as a manufactured home park or a planned residential development has been approved pursuant to these residential performance standards;
- (5) Condominiums: a division that is made by subjecting a portion of the land to Chapter 64.32 RCW (condominiums) and for which a planned residential development plan has been approved pursuant to these residential performance standards;
- (6) Boundary line adjustments: a division made for the purpose of adjusting boundary lines that does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. (Ord. 1110 § 2, 2002).

16.05.040 Mandatory regulations.

Any map, plat, replat, or plan hereafter made of a proposed division of land pursuant to these standards, or any part thereof, shall be presented for approval and be recorded as prescribed by these regulations. No such map, plat, replat, or plan shall be recorded or have any validity unless or until it is approved as may be required by these regulations. No person shall sell, lease, transfer, or offer to sell, lease, or transfer any lot, tract, or parcel subject to these standards without first receiving approval hereunder and filing a map of the approved division with the auditor. However, if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW

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58.17.200 or 58.17.300 and does not violate any provision of these regulations. All payments on account of an offer or agreement conditioned as provided in these standards shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded. (Ord. 1110 § 2, 2002).

16.05.050 Administration.

The city of Stanwood planning department is vested with the duty of administering subdivision and platting regulations within the recorded limits of the city, and may prepare and require the use of such forms as are essential to the administration of these regulations. (Ord. 1110 § 2, 2002).

Chapter 16.10

DESIGN STANDARDS

Sections:

- 16.10.010 General standards.
- 16.10.020 Streets.
- 16.10.030 Lots.
- 16.10.040 Blocks.
- 16.10.050 Easements.
- 16.10.060 Other standards.

16.10.010 General standards.

(1) These standards shall apply to all lots created through a subdivision or short subdivision.

(2) The design and development of subdivisions shall conform with the Stanwood Comprehensive Plan, this code, and other applicable city standards.

(3) The design and development of subdivisions shall, insofar as possible, preserve or enhance the natural terrain, natural drainage, trees, and other natural vegetation of the site. (Ord. 1110 § 2, 2002).

16.10.020 Streets.

Refer to city of Stanwood development guidelines and public works construction standards. (Ord. 1110 § 2, 2002).

16.10.030 Lots.

(1) Lot size, width, shape and orientation shall be appropriate for the location and contemplated use of the subdivision. Each lot shall contain a satisfactory building site and shall conform to the Comprehensive Plan and this code.

(2) Each lot shall be provided with satisfactory access by means of a public street connecting to an existing public right-of-way or by some other legally sufficient right-of-access that is permanent and conforms to the city of Stanwood public works standards.

(3) Lot widths, depths and areas shall conform with the zoning requirements applicable to the area within which the property is located. The square footage of land contained in access panhandles shall not be included in the lot size computation.

(4) Side lot lines shall be substantially at right angles or radial to street lines.

(5) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. For such lots, there shall be a reserve strip designated alongside the lot lines abutting such a traffic arterial to which there shall be no right-of-access.

(6) Rights-of-way for pedestrian walks, not less than 10 feet wide, shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(7) All setbacks shall be as required for the zone that the subdivision is located in as shown in the table of dimensional and density requirements in Chapters 17.30 through 17.50 SMC. Minimum side yard setbacks for corner lots shall be 15 feet.

(8) All lots in a subdivision or short subdivision must have a minimum street frontage of 35 feet in width and all lots together shall average at least 85 feet in width. (Ord. 1110 § 2, 2002).

16.10.040 Blocks.

Refer to city of Stanwood development guidelines and public works construction standards. (Ord. 1110 § 2, 2002).

16.10.050 Easements.

Refer to city of Stanwood development guidelines and public works construction standards. (Ord. 1110 § 2, 2002).

16.10.060 Other standards.

Street light, street sign, sidewalk, curb and gutter, water line, sewer line and storm drainage shall be developed as required in accordance with other provisions of this code and the city of Stanwood development guidelines and public works construction standards. (Ord. 1110 § 2, 2002).

Chapter 16.15

PRELIMINARY PLATS

Sections:

- 16.15.010 Presubmittal conference.
- 16.15.020 Pre-application meeting with the planning commission.
- 16.15.030 Preliminary plat application submittal.
- 16.15.040 Time limit for action.
- 16.15.050 Consent to access.
- 16.15.060 Environmental checklist and determination.
- 16.15.070 Specific requirements.
- 16.15.080 Distribution.
- 16.15.090 Review criteria.
- 16.15.100 Planning commission review.
- 16.15.110 Hearing – Notice procedure.
- 16.15.120 Hearing – Public record.
- 16.15.130 Notification of action.
- 16.15.140 Duration of approval.
- 16.15.150 Alterations.

16.15.010 Presubmittal conference.

Prior to the submittal of the preliminary plat, the subdivider and/or a representative of the subdivider shall meet with the public works and planning staffs to discuss preliminary studies or sketches. At this time, staff shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the Comprehensive Plan, street plan, Shoreline Master Program, this code, availability of sewer and water, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development shall be discussed. (Ord. 1110 § 2, 2002).

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16.15.020 Pre-application meeting with the planning commission.

Additionally, a meeting shall be scheduled between the applicant and the planning commission to review the preliminary plat. This meeting shall be held following the conference described in SMC 16.15.010 and shall include those city staff personnel who shall have substantial roles in the administering of the development of the subdivision. (Ord. 1110 § 2, 2002).

16.15.030 Preliminary plat application submittal.

(1) Subsequent to the presubmittal conference, the subdivider shall submit a preliminary plat application accompanied by an environmental checklist. Information required on preliminary plat applications is specified in SMC 16.15.070 and shall be submitted on forms provided by the planning director, accompanied by all items specified in the application checklist provided by the department.

(2) The planning director shall inform the applicant within 28 days of any deficiencies found in the application or whether the application is complete.

(3) The planning director shall assign the subdivision a permanent file number. (Ord. 1110 § 2, 2002).

16.15.040 Time limit for action.

Preliminary plats of any proposed subdivision shall be approved, disapproved or returned to the applicant for modification or correction within 90 days from date of notification of a complete application, unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement (EIS) is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the EIS. (Ord. 1110 § 2, 2002).

16.15.050 Consent to access.

The subdivider shall permit free access to the land being divided to all agencies considering the subdivision for the period of time extending from the time of application to the time of final action. (Ord. 1110 § 2, 2002).

16.15.060 Environmental checklist and determination.

Each and every preliminary plat submitted to the planning director for filing shall be accompanied by an environmental checklist. If it is determined that an EIS is required to be completed, then the plat shall not be considered as filed until the final EIS has been completed. No public hearing on the preliminary plat shall be held until the final EIS (if required) has been completed and been made available for the general public. (Ord. 1110 § 2, 2002).

16.15.070 Specific requirements.

(1) The preliminary plat shall show specifically and clearly all of the following features and information on one or more maps, drawings or application forms. Specific items may be waived if it is the opinion of both the public works director and planning director that they are not necessary.

(2) Accuracy for all data and information submitted on or with a preliminary plat shall be the responsibility of the applicant. Any proposed plat found to be inaccurate or misleading so as to hamper the decision of the hearing examiner shall be returned to the applicant with a letter stating that the plat must be corrected and returned to the staff.

(3) Scale and Size. The preliminary plat shall be at a scale of not more than 50 feet to the inch, nor less than 200 feet to the inch.

(4) General Information Required.

(a) Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the city of Stanwood;

(b) The names and addresses of all landowners within the proposed subdivision, the developer (if other than the owners), the land surveyor and/or the professional registered engineer responsible for laying out the plat;

(c) The legal description of all lands included in the proposed subdivision;

(d) The plat scale, datum, north arrow and date;

(e) The boundary lines of the tract to be divided.

(5) Existing Conditions.

(a) A vicinity sketch shall be submitted indicating the boundary lines and names of adjacent subdivisions, streets and boundary lines of adjacent parcels, and the relationship of the proposed subdivision to major highways, schools, parks, shopping centers and similar facilities.

(b) Replats. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown with dotted lines in their proper positions in relation to the new arrangement of the plat. The new plat shall be so clearly shown in solid lines so as to avoid ambiguity, all as required by Chapter 58.12 RCW.

(c) The location and direction of all watercourses, lakes and streams and the location of all areas subject to flooding shall be shown in a map. Watercourses and drainage ways shall be located within an easement which reserves to the city the right to enter such properties for the purpose of flood control or maintenance.

(d) Natural features such as rock outcroppings, marshes, wooded areas shall be shown.

(e) Existing uses on the property, including location of all existing structures to remain on the property after platting shall be indicated.

(f) Existing zoning on the land to be platted and also on the surrounding land for a distance of 300 feet shall be shown.

(g) The location and size of all pertinent existing sewers, water mains, culverts, and other public or private underground installations within the subdivision and immediately adjacent thereto and elevations of sewers at points of probable connections shall be indicated.

(h) The locations, widths and names of both unopened and open streets, easements and other ways within or adjacent to the proposed development shall be shown on a map. The location of other important features such as the general outline of permanent buildings, water sources, power lines, telephone lines, railroads, city boundaries, section lines and section corners shall also be shown.

(i) Contours of sufficient intervals to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed subdivision shall be indicated as follows:

(i) Up to five percent slope: two-foot contours;

(ii) Five percent and over slopes: five-foot contours.

Datum shall be city of Stanwood datum.

(j) The existing monuments or other such identifying markers as required by the public works department shall be shown.

(6) Proposed Plan of Partitioning.

(a) The location, width, name and approximate grade and radii of curves of streets shall be indicated. The relationship of streets to any projected streets as shown on the city's Comprehensive Plan or street plan that has been adopted shall be shown.

(b) Sites, if any, allocated for purposes other than single-family dwellings shall be indicated.

(c) Approximate centerline profiles, with extensions, for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction shall be provided.

(d) A proposal for domestic water supply stating the source and a preliminary distribution system layout shall also be provided.

(e) Proposals for sewage disposal, stormwater drainage and flood control shall be submitted.

(f) If lot areas are to be substantially graded, a plan showing the nature of cuts and fills and information on the character of the soil shall be provided.

(g) Proposals for other improvements such as electric utilities, pathways, recreation facilities, etc., shall be submitted.

(h) The layout of proposed street rights-of-way, alleys, easements, lots and blocks, and the approximate dimensions of each shall be shown.

(i) All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the subdivision

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with the purpose, conditions, or limitations of such dedications or reservations clearly indicated shall be provided.

(j) Trees and natural features that are to be preserved in the subdivision shall be shown on a map.

(7) Partial Development. If the proposed plat pertains to only part of the tract owned or controlled by the subdivider, a sketch showing the tentative layout for streets and contemplated land use in the unsubdivided portion shall be submitted.

(8) Statement from the Stanwood-Camano School District assessing safe walking conditions to local schools.

(9) Additional Information. The subdivider shall supply any additional information as may be required by the public works director or planning director. (Ord. 1110 § 2, 2002).

16.15.080 Distribution.

The planning director shall distribute copies of the preliminary plat and pertinent information to the following:

- (1) Public works department: two copies;
- (2) City of Stanwood fire department: one copy;
- (3) Other public officials and agencies: as the planning director may deem appropriate. (Ord. 1110 § 2, 2002).

16.15.090 Review criteria.

Preliminary plats shall be reviewed:

(1) To assure conformance of the proposed subdivision to the general purposes of this code, the Comprehensive Plan and to development standards, specifications and policies adopted by the city council.

(2) To inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication. Appropriate provisions shall be made for, but not limited to, the following:

(a) Open spaces, drainage ways, streets, alleys, sidewalks, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds, safe walking conditions to schools, fire protection, landscaping, street trees, lighting, and appropriate transit stops, and shall consider all other

relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it is found that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the proposed plat may be disapproved. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

(b) Prevention of Overcrowding. Consideration shall be given to the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also to the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision.

(c) Traffic Circulation on the Streets and Highways. Proposed streets must be aligned or built in such a way as to best facilitate the movement of traffic and reduce the possibility of accidents. This shall include a consideration of the alignment of intersections, width and surfacing of streets, proper curbs, sidewalks or paths, radii of curves and sight vision at intersections, hills and private easements.

(d) Adequate Light and Air. There shall be assurance that the plat is arranged in such a way that all lots have adequate light and air.

(e) Proper Arrangement and Provision of Easements and Pathways and Other Bicycle-Pedestrian Paths, Etc. There shall be assurance of conformance with existing layout of pathways and streets and also to adopted plans for such. Adequate provisions for pathways connecting various parts of a subdivision shall be considered in such a way that most of the pedestrian and nonmotorized traffic is diverted away from vehicular lanes. There shall be consideration given to providing trail systems in areas conducive to such (along creeks, rivers, scenic areas, etc.).

(f) Protection of any on-site cultural or historic resources.

(3) To consider the physical characteristics of the proposed subdivision site, including flood, inundation or swamp conditions. The hearing examiner may recommend the construction of protective improvements be

required as a condition of approval, with such improvements to be noted on the final plat in order to assure that:

(a) All such proposals are consistent with the need to minimize flood damage.

(b) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

The hearing examiner shall give due consideration to all of the above items. Written findings of fact and conclusions shall address the above criteria and shall be included in the hearing examiner's decision. (Ord. 1164 § 4, 2004; Ord. 1110 § 2, 2002).

16.15.100 Planning commission review.

The planning commission shall hold a public meeting to hear a report from the planning director and take public comment on any preliminary plat application. The planning commission shall review the plat for conformance with the criteria listed in SMC 16.15.090. The planning commission shall make a recommendation to the hearing examiner to deny, approve, or condition the approval of any application. (Ord. 1110 § 2, 2002).

16.15.110 Hearing – Notice procedure.

(1) Upon receipt of a preliminary plat and all required data, the planning director shall set a date for public hearing before the hearing examiner. Notice of the date, time and place of the public hearing shall be given as required by SMC 17.85.010.

(2) Notice shall be given to Snohomish County when the county boundary is within one mile of the proposed subdivision.

(3) Notice to the State Department of Transportation shall be given on every proposed subdivision located within 300 feet of the right-of-way of a state highway.

(4) Notice shall be given to the State Department of Ecology, Division of Water Resources, if the land is situated in a floodplain or flood-control zone, as provided in Chapter 86.16 RCW.

(5) Notice to other federal, state or local agencies shall be given as may be relevant to determine if the public use and interest may be served by the proposed subdivision. (Ord. 1110 § 2, 2002).

16.15.120 Hearing – Public record.

All hearings shall be public. Records of the hearing examiner's hearings on preliminary plats shall be kept by the planning director and shall be made available to the public upon request. (Ord. 1110 § 2, 2002).

16.15.130 Notification of action.

Upon approval, disapproval or modification of the preliminary plat, the planning director shall so notify the applicant within 10 days of said action. The decision shall be noted on two copies of the preliminary plat, including reference to any attached documents describing conditions imposed by the hearing examiner. The planning director shall return one copy to the subdivider and retain one copy for the permanent file. (Ord. 1110 § 2, 2002).

16.15.140 Duration of approval.

(1) Approval of the preliminary plat shall be effective for five years from the date of approval during which time a final plat or plats may be submitted. During this time, the terms and conditions upon which the preliminary approval was given shall not be changed.

(2) An applicant who files a written request with the planning director at least 30 days before the expiration of this two-year period shall be granted one one-year time extension by the planning commission upon showing that the applicant has attempted in good faith to submit the final plat within the two-year period; provided further, an applicant who files a written request with the planning department prior to the expiration of the one one-year time extension may be granted additional extension(s) for not more than one year at a time by the city council. If this additional extension of time is approved, the preliminary plat shall be subject to all new and amended regulations, requirements, policies or standards that are adopted or in effect at the time the additional extension is granted.

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(3) Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification, although it may notify an applicant of date of expiration. All requests for an extension of time must be submitted prior to expiration of the preliminary plat or any prior extensions, whichever is applicable. (Ord. 1110 § 2, 2002).

16.15.150 Alterations.

Once the preliminary plat has been submitted it shall not be altered unless approved by the public works director and/or the planning director. If the alteration is found to be of a substantial nature, then it shall be required that the plat be resubmitted in compliance with this code. (Ord. 1110 § 2, 2002).

Chapter 16.20

FINAL PLATS

Sections:

- 16.20.010 Final plat submittal.
- 16.20.020 Specific requirements.
- 16.20.030 Permanent control monuments.
- 16.20.040 Survey of subdivision and preparation of plat.
- 16.20.050 Drafting standards.
- 16.20.060 Approval.
- 16.20.070 Plats within flood zone.
- 16.20.080 Plats containing private streets.
- 16.20.090 Filing for record.
- 16.20.100 Filing by subdivider.
- 16.20.110 Dedication, acknowledgments, and certifications.

16.20.010 Final plat submittal.

Within two years after approval or extension of the preliminary plat, the subdivider shall prepare a final plat in conformance with the preliminary plat (or portion thereof), as approved, and submit it to the planning director, which shall consist of the application form and other materials as required by the associated application checklist provided by the community development department. (Ord. 1110 § 2, 2002).

16.20.020 Specific requirements.

The following shall be shown on or accompany the final plat at the time it is submitted to the planning director:

(1) A certificate of title by a recognized title insurance company, dated not to exceed 30 days prior to submitting a plat for final approval, showing the names of all persons whose consent is necessary to dedicate roads, streets and other easements shown upon the map;

(2) Names, addresses and phone numbers of the owner, subdivider, engineer and/or surveyor;

(3) A copy of any deed restrictions applicable to the subdivision;

(4) A copy of any dedication requiring separate documents;

(5) A certificate by the public works director that the subdivider has complied with one of the following:

(a) All improvements have been installed in accordance with the requirements of these subdivision regulations and with the conditions of approval of the preliminary plat;

(b) An agreement has been executed as provided for in SMC 16.30.010 and 16.30.020 to assure completion of required improvements;

(6) The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;

(7) Legal description of the tract boundaries;

(8) Reference points and lines of existing surveys identified, related to the plat as follows:

(a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision;

(b) Adjoining corners of adjoining subdivisions;

(c) City or county boundary lines when crossing or adjacent to the subdivision;

(d) Section and donation land claim lines within and adjacent to the plat;

(e) Whenever the county or the city of Stanwood has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset;

(f) All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of these regulations;

(9) Mathematical boundary closures of the subdivision showing the error of closure, if any;

(10) The mathematical lot closures and street centerline closures and square footage of each parcel;

(11) The exact location and width of streets and easements intersecting the boundary of the tract;

(12) Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent

bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth of a foot;

(13) The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimension, the radius and central angle shall be indicated;

(14) Easements denoted by fine dotted lines, clearly identified, and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by map reference, it shall be properly referenced in the owner's certificate of dedication;

(15) Addresses assigned to lots and lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

(16) Land parcels to be dedicated for any purpose, public or private, shall be distinguished from lots intended for sale;

(17) The following certificates may be combined where appropriate:

(a) A certificate signed and acknowledged by all parties with any recorded title interest in the land subdivided, consenting to the preparation and recording of the plat;

(b) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use, except those parcels that are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

(c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map;

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(d) Other certifications now or hereafter required by law;

(18) Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;

(19) Each and every plat or replat of any property filed for record shall:

(a) Contain a statement of approval from the public works director or by a licensed engineer acting on behalf of the city as to the survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures. No engineer who is connected in any way with the subdividing and platting of the land for which subdivision approval is sought shall examine and approve such plats on behalf of the city.

(b) Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 5,000 feet.

(c) Be acknowledged by the person filing the plat before the auditor or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

(d) Contain a certification from the Snohomish County treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged. (Ord. 1110 § 2, 2002).

16.20.030 Permanent control monuments.

Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The city shall determine the

number and location of permanent control monuments within the plat, if any. (Ord. 1110 § 2, 2002).

16.20.040 Survey of subdivision and preparation of plat.

The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. (Ord. 1110 § 2, 2002).

16.20.050 Drafting standards.

All final plats shall be drawn in accordance with the following:

(1) The final plat shall be clearly and legibly drawn in permanent black ink upon mylar.

(2) The scale of the plat shall be not less than one inch equals 200 feet. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.

(3) The size of each sheet shall be 18 by 24 inches.

(4) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left side and one-half inch on each of the other three sides.

(5) If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

(6) The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.

(7) All signatures placed on the final plat shall be original signatures written in permanent black ink. (Ord. 1110 § 2, 2002).

16.20.060 Approval.

(1) Upon receipt of the final plat and accompanying data, the public works director and planning director shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this code. The staff may make checks in the field to verify that the map is suf-

ficiently correct on the ground, and may enter the property for this purpose.

(2) If the public works director and planning director determine that the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures thereto. See also SMC 17.102.080(3).

(3) After being approved as required above, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this code, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the auditor.

(4) Final plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing with the planning director, unless the applicant consents to an extension of such time period. (Ord. 1032 § 7, 2002; Ord. 1110 § 2, 2002).

16.20.070 Plats within flood zone.

No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the proper written approval of the Department of Ecology, State of Washington. (Ord. 1110 § 2, 2002).

16.20.080 Plats containing private streets.

If the plat contains a private road, there shall be inscribed on the face of the plat the following language:

Notice: The city of Stanwood has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to property described in this plat.

(Ord. 1110 § 2, 2002).

16.20.090 Filing for record.

The original of the final plat shall be filed for record with the auditor. One reproducible copy on mylar, one paper copy, and one digital copy on diskette shall be furnished to the planning director. One paper copy shall be filed with the assessor, planning director, building department, and the fire chief. All required paper copies shall bear the auditor’s recording data.

The auditor shall refuse to accept any plat for filing and recording until approval of the plat has been given by the council. Should a plat or dedication be filed or recorded without such approval, the city attorney shall apply for writ of mandate in the name of and on behalf of the city council directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record. (Ord. 1110 § 2, 2002).

16.20.100 Filing by subdivider.

Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained. (Ord. 1110 § 2, 2002).

16.20.110 Dedication, acknowledgments, and certifications.

(1) Dedication. The completed plat must contain a dedication which shall read as follows or as approved by the planning director:

All streets and parcels of land shown on this plat included for public use have been dedicated to the city of Stanwood to improve, maintain, or otherwise service the streets and/or land within or providing access to property described in this plat.

(2) Acknowledgment. The completed plat must show an acknowledgment as approved by the planning director.

(3) Certificate – Land Surveyor. The completed plat must show a certificate from the engineer or land surveyor who platted the property approved by the planning director.

(4) The completed plat shall also show certificates signed by the public works director

and planning director that they have examined and approved the final plat.

(5) The plat shall also contain the signatures of the mayor and the assessor, certifying that they have examined and approved the final plat.

(6) The plat shall also show a certificate signed by the treasurer that all taxes have been fully paid on the land included in the final plat.

(7) The plat shall show a certificate signed by the auditor showing the date, time, and place the final plat was filed for record.

(8) If necessary, the applicant shall also meet the requirements of SMC 17.102.080(3). (Ord. 1032 § 8, 2002; Ord. 1110 § 2, 2002).

Chapter 16.25

**DEDICATION OF PLATS
AND SHORT PLATS**

Sections:

- 16.25.010 Requirements.
- 16.25.020 Shown on plat.
- 16.25.030 Access to lots.
- 16.25.040 Exemption – Conveyance to corporation.
- 16.25.050 Exemption – Corporate membership and responsibilities – Condition of exemption.

16.25.010 Requirements.

(1) All streets, highways and parcels of land shown on the final map and intended for any public use shall be offered for dedication for public use, except where the provisions provide for private streets.

(2) Streets intended for future use as access to adjoining properties must be dedicated and constructed even though their immediate use is not required.

(3) Easements being dedicated shall be so indicated in the certificate of dedication and on the face of the plat.

(4) Every final plat or short plat of a subdivision or short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the plat or short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat or short plat. A waiver of all claims for damages against any governmental authority that may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road shall be stated. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

(5) Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate.

(6) An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedications, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid. (Ord. 1110 § 2, 2002).

16.25.020 Shown on plat.

All dedications of land shall be clearly and precisely indicated on the face of the plat. (Ord. 1110 § 2, 2002).

16.25.030 Access to lots.

Convenient access to every lot shall be provided by a dedicated road unless served by a private road approved in accordance with these regulations. (Ord. 1110 § 2, 2002).

16.25.040 Exemption – Conveyance to corporation.

(1) If the council concludes that the public interest will be served thereby, the council may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the said land to be conveyed to a homeowner’s association or similar nonprofit corporation.

(2) When park, playground, recreational, community or other general purpose areas are conveyed to a homeowner’s association or similar nonprofit corporation, the following shall be placed on the face of the final plat:

(a) Community area(s) (as identified on the map) shall be designated as community

open space to be owned and maintained in common for the benefit of all lot owners.

(b) The ownership interest in the community area(s) (as identified on the map) shall be stated in the deed to each lot.

(3) A statement similar to the following shall be placed on the face of the final plat when park, playground, recreational, community or other general purpose areas have specific restrictive uses attached by the city council:

Community area(s) (as identified on the map) shall be left in a substantially natural state. No clearing, grading, filling or construction shall occur within the tract(s) other than that specifically authorized by the city of Stanwood and the (name of plat) homeowner’s association.

(Ord. 1110 § 2, 2002).

16.25.050 Exemption – Corporate membership and responsibilities – Condition of exemption.

A subdivider who wishes to make a conveyance as permitted by SMC 16.25.040 shall, at or prior to the time of filing a final plat for approval, supply the city with copies of the grantee organization’s articles of incorporation and bylaws, and with evidence of the conveyance of a binding commitment to convey. The articles of incorporation shall be appurtenant to ownership land in the subdivision; that the corporation is empowered to assess said land for costs of construction and maintenance of the improvements and property owned by the corporation; and that such assessments shall be a lien upon the land. The city may impose such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained. (Ord. 1110 § 2, 2002).

Chapter 16.30

IMPROVEMENTS

Sections:

16.30.010 Agreement.

16.30.020 Bond.

16.30.010 Agreement.

Before city council approval is certified on the final plat, the subdivider shall either install required improvements and repair any existing streets and other public facilities damaged in the development of the subdivision or execute and file with the city an agreement between the subdivider and the city specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified (including any extensions of time authorized by the council), the city may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. In addition, the agreement must contain a provision whereby the subdivider will be responsible for the successful operation of all repairs to the improvements for a one-year period following their installation. (Ord. 1110 § 2, 2002).

16.30.020 Bond.

(1) The subdivider shall file, with the agreement to assure full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the state of Washington in a form approved by the city attorney;

(b) A personal bond approved by the city attorney cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;

(c) Cash;

(d) Letter of credit (or set-aside) approved by the city attorney from a financial institution stating that the money is held for the purpose of development of the stated project.

(2) Such assurance of full and faithful performance shall be for a sum determined by the public works director as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

(3) If the subdivider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the city, the city shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference. (Ord. 1110 § 2, 2002).

Chapter 16.35

SHORT PLATS

Sections:

- 16.35.010 Applicability.
- 16.35.020 Exemptions.
- 16.35.030 Pre-application meeting.
- 16.35.040 Consent to access.
- 16.35.050 Environmental impact.
- 16.35.060 Minimum standards.
- 16.35.070 Application.
- 16.35.080 Supporting documents.
- 16.35.090 Contents of short plat maps.
- 16.35.100 Review.
- 16.35.110 Public notice of application.
- 16.35.120 Identification marker posting.
- 16.35.130 Posting of other data and markers.
- 16.35.140 Time limit for preliminary action.
- 16.35.150 Defining of land included in short subdivisions.
- 16.35.160 Departmental review and approval.
- 16.35.170 Conditional approvals.
- 16.35.180 Final approval and recording.
- 16.35.190 Declarations and certifications.
- 16.35.200 Treasurer’s certification.
- 16.35.210 Redivisions.
- 16.35.220 Zoning effect of final approval.
- 16.35.230 Appeal.
- 16.35.240 Revocation procedure.

16.35.010 Applicability.

Every division of contiguous land for the purpose of lease, sale or development into two or more but less than five lots within the incorporated area of the city shall proceed in compliance with this chapter and Chapter 16.40 SMC. (Ord. 1110 § 2, 2002).

16.35.020 Exemptions.

The provisions of this chapter and Chapter 16.40 SMC shall not apply to:

- (1) Divisions of land due to condemnation or sale under threat thereof by any agency or division of government vested with the power of condemnation;
- (2) Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility

facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with the other requirements of this code. (Ord. 1110 § 2, 2002).

16.35.030 Pre-application meeting.

Before making an application for short subdivision approval, the applicant shall submit a pre-application form provided by the planning department and three copies of the proposal for a pre-application meeting with the public works director and the planning director. (Ord. 1110 § 2, 2002).

16.35.040 Consent to access.

The subdivider shall permit free access to the land being subdivided to all agencies considering the short subdivision for the period of time extending from the time of application to the time of final action. (Ord. 1110 § 2, 2002).

16.35.050 Environmental impact.

If any additional environmental information is required on a short plat, then that plat shall not be considered as filed with the planning director until information has been supplied. (Ord. 1110 § 2, 2002).

16.35.060 Minimum standards.

The public use and interest shall be deemed to require as a minimum the standards set out below:

- (1) Each lot shall contain sufficient square footage to meet the minimum dimensional requirements as set forth in this code.
- (2) Bridges and storm drainage facilities shall be subject to the approval of the public works director.
- (3) Where any abutting city or county street has insufficient width to conform to minimum road width standards for the city, sufficient additional right-of-way shall be deeded to the city.
- (4) Lots within a short subdivision shall be designed so that lots adjacent to major collector streets, as defined in the city’s Comprehensive Plan, are not allowed direct access. The public works director may approve access as an exception to the above requirement; provided, that:

16.35.070

(a) Sight distance is proven adequate utilizing the posted speed plus 10 miles per hour to calculate the safe stopping distance.

(b) The safety of the traveling public is not likely to be jeopardized.

(c) The applicant is able to show to the satisfaction of the director that a hardship would exist if access is not approved.

(5) Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city street or county road.

(6) The maximum number of lots that may be served by a private road shall be four.

(7) If the subdivider provides a private road, each lot having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a drainage and utilities easement.

(8) Lots shall be subject to the design standards as contained in Chapter 16.10 SMC. (Ord. 1110 § 2, 2002).

16.35.070 Application.

(1) Seven copies of the proposed short plat shall be submitted to the planning director upon forms furnished by said official who shall affix thereto a file number and the date of receipt.

(2) The application shall contain the following information:

(a) The name, address and telephone number of the subdivider;

(b) A certification showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money or agreement, or option by any person, firm or corporation in any manner connected with the development, and the names, addresses and telephone numbers of all such persons, firms or corporations;

(c) The existing zoning classifications;

(d) The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum dimensional requirements of this code;

(e) The names and addresses of all adjacent property owners as shown on the records of the assessor;

(f) Any other information as contained on the application form and checklist provided by the planning department. (Ord. 1110 § 2, 2002).

16.35.080 Supporting documents.

The following documentation shall accompany each application for approval of a short plat:

(1) A vicinity sketch clearly identifying the location of the property being short subdivided, the sketch having a scale of not less than three inches to the mile;

(2) Copies of restrictions, if any, presently encumbering the land;

(3) Copies of restrictions, if required by the city, must be recorded either prior to or simultaneously with the short plat;

(4) In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish copies of such further covenants or documents that will result in:

(a) Each lot owner having access thereto and being responsible for maintenance of any private road contained within the short subdivision; and

(b) Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance for the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the short subdivision;

(5) A plat certificate from a title company showing interest of the persons signing the declaration of short subdivision and showing restrictions encumbering the land;

(6) Statement from the Stanwood-Camano School District assessing safe walking conditions to local schools. (Ord. 1110 § 2, 2002).

16.35.090 Contents of short plat maps.

A short plat map shall be prepared in accordance with the standards contained herein by or under the supervision of a registered land surveyor. The maps shall contain the following information:

(1) A description of the boundaries of the tract, including the objects that fix the corners,

the length and direction of the lines, and the area of the tract. Also included shall be a description of the lots, tracts or parcels together with the legal description of the private roads and easements therein, all prepared or approved and sealed by a registered land surveyor. In addition, where it differs from the description of the short subdivision, a legal description of the contiguous land owned by the subdivider;

- (2) The date, scale and north arrow;
- (3) The boundary lines to scale of the tract to be subdivided and each lot contained therein;
- (4) The number and address assigned to each lot;
- (5) The location and widths of any easements and rights-of-way for public services or utilities within the area contained within the short subdivision;
- (6) The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;
- (7) The location of permanent features outside the land to be subdivided which will have an impact upon the short subdivision, such as all existing or platted streets and roads adjacent to the short subdivision, watercourse, railroad rights-of-way, all utility rights-of-way, township lines and section lines;
- (8) The location of existing houses and outbuildings, with notation as to type of structures, sufficiently accurate to ensure compliance with setback requirements;
- (9) Any other items as requested on the application form or application checklist provided by the community development department. (Ord. 1110 § 2, 2002).

16.35.100 Review.

- (1) The planning director shall distribute one copy of the short plat to each of the following:
 - (a) Public works department;
 - (b) Any other federal, state or local agencies as may be relevant;
 - (c) Stanwood fire department.
- (2) The planning director shall set a date for return of findings and recommendations from each relevant agency, the date to be 10 work-

ing days from the date of the application. (Ord. 1110 § 2, 2002).

16.35.110 Public notice of application.

The planning director shall cause at least one public notice sign per adjoining right-of-way to be posted on the site to be subdivided. The notice shall provide a description or map of the property and description of the subdivision and shall set a date for public comment to be submitted to the planning department. The comment period shall be no less than 15 days. No decision shall be rendered within the comment period. In cases where SEPA is required, the notice and comment periods may be combined. (Ord. 1110 § 2, 2002).

16.35.120 Identification marker posting.

The subdivider shall, for identification purposes only, cause markers of a type approved by the public works director to be placed upon each of the approximate road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision. (Ord. 1110 § 2, 2002).

16.35.130 Posting of other data and markers.

Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending to the time of final action for the purpose of permitting field checks by the applicable agencies. (Ord. 1110 § 2, 2002).

16.35.140 Time limit for preliminary action.

When the planning director has received a complete application, said director shall approve, disapprove or return the application to the applicant for modification or correction within 30 days. (Ord. 1110 § 2, 2002).

16.35.150

16.35.150 Defining of land included in short subdivisions.

Where a subdivider owns not less than one-eighth of a section (or 80 acres), the boundaries may be defined to include not less than one-sixteenth of a section (or 40 acres); provided, that no increment of land containing less than one-sixteenth of a section (or 40 acres) remains; and provided further, the definition provides proper access to the remaining parcel. (Ord. 1110 § 2, 2002).

16.35.160 Departmental review and approval.

(1) The public works director and the planning director shall consider and review the proposed short subdivision with regard to:

(a) Its conformance to the general purposes of the Comprehensive Plan and planning standards and specifications as adopted by the laws of the state of Washington and the city of Stanwood;

(b) Whether appropriate provisions are made for drainage ways, streets, alleys, sidewalks, other public ways, water supplies and sanitary waste;

(c) Whether sidewalks or other features are provided that assure safe walking conditions for students who walk to and from school;

(d) The physical characteristics of the short subdivision site may result in disapproval because of flood, inundation or swamp conditions. Construction of protective improvements as a condition of approval may be required;

(e) All other relevant facts to determine whether the public use and interest will be served by the short subdivision.

(2) The public works director and the planning director may:

(a) Approve the preliminary short plat with or without conditions; or

(b) Return the short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the city's findings; or

(c) Disapprove the short subdivision and the short plat thereof; or

(d) Submit the proposed short plat to the planning commission and/or city council for consideration.

(3) A short plat may be approved only if written findings are made that the short plat meets all the requirements of this chapter. (Ord. 1164 § 4, 2004; Ord. 1110 § 2, 2002).

16.35.170 Conditional approvals.

When the approval requires the meeting of conditions, construction of improvements or corrections, or time is necessary for improvements or corrections, or time is necessary for the obtaining of required certifications, then the approval action shall be conditional approval which shall, at the option of the approving body, be conditioned upon fulfillment prior to the final approval of a site development permit or building permit or upon fulfillment within six months. Upon application within the six-month time period and upon good cause shown, the approving body may grant one six-month extension. (Ord. 1110 § 2, 2002).

16.35.180 Final approval and recording.

When the short plat meets all the requirements contained herein and will serve the public use and interest, and the subdivider has provided all of the required documentation and certification, then written approval shall be inscribed upon the face of the short plat. The action approving a short plat shall become effective if, within five working days, the applicant shall have filed for record with the auditor a declaration of short subdivision. The original declaration of short plat upon recording shall be processed in accordance with procedures established regarding plats. (Ord. 1110 § 2, 2002).

16.35.190 Declarations and certifications.

The following declarations and certificates must be obtained prior to final approval of the short subdivision:

(1) A declaration of short subdivision;

(2) The written approval of the public works director and the planning director shall be inscribed on the face of the final short plat;

(3) The inscription of the surveyor, certifying that the map correctly represents a survey made by or under his or her supervision;

(4) If the short plat contains a private road, there shall also be inscribed on the face of the short plat the following language:

Notice: The city of Stanwood has no responsibility to build, improve, main-

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tain or otherwise service the private roads within or providing access to the property described in this short plat.

(Ord. 1110 § 2, 2002).

16.35.200 Treasurer's certification.

No final short plat shall be filed with the auditor until the treasurer has certified that all delinquent taxes and assessments on the property as of the date of filing have been paid. (Ord. 1110 § 2, 2002).

16.35.210 Redivisions.

Land within a short subdivision approved within the last five years may not be further divided in any manner until a final plat thereof has been approved and filed for record pursuant to the regulations contained herein concerning the subdivision of property into five or more lots, tracts or parcels. Where there have been no sales of any lots in a short subdivision, nothing contained in this chapter and Chapter 16.40 SMC shall prohibit a subdivider from completely withdrawing the entire short plat and thereafter presenting a new application. (Ord. 1110 § 2, 2002).

16.35.220 Zoning effect of final approval.

Any lots in a short subdivision shall be legally conforming, notwithstanding any change in zoning laws, for a period of five years from the effective date of final approval. (Ord. 1110 § 2, 2002).

16.35.230 Appeal.

Any person aggrieved by the final decision of the planning director may appeal the decision pursuant to SMC 17.80.140 and 17.80.160. (Ord. 1110 § 2, 2002).

16.35.240 Revocation procedure.

Prior to the revocation of any approved short plat, notice will be mailed to the subdivider at the address listed on the application form setting a date and time, not less than 15 days nor more than 30 days after date of mailing, where the matter will be considered by the city council. Issuance of or final approvals of any building permits may be withheld until

action on the proposed revocation is completed. Appropriate administrative or legal action may be taken after the meeting date provided for herein. If it is determined that such is necessary to prevent imminent sales, legal action may be instituted without notice by the city. (Ord. 1110 § 2, 2002).

Chapter 16.40

BINDING SITE PLANS

Sections:

- 16.40.010 Administration.
- 16.40.020 Application and review.
- 16.40.030 Final binding site plan.
- 16.40.040 Standards.
- 16.40.050 Bonds.
- 16.40.060 Variances from code requirements.
- 16.40.070 Alterations, vacations, and appeals.

16.40.010 Administration.

(1) Title. The ordinance codified in this chapter shall be known as “The Binding Site Plan Ordinance of the City.”

(2) Authority. These regulations are authorized by Chapter 58.17 RCW and all other applicable state laws and city ordinances.

(3) Purpose. It is the intent and purpose of this chapter to establish an alternative process to subdividing and short subdividing of land as required in other sections of this title. The binding site plan review process is approval of division of land with an overall site plan. The binding site plan will promote the harmonious development of such properties in a manner that will have the most beneficial relationship between the development of the land and such things as the circulation of traffic, the effective use of utilities, adequate landscaping, parking, loading, refuse disposal, outdoor storage, and pedestrian flow.

(4) Applicability. Any person, firm, corporation or other entity which does not divide their property in compliance with other sections of this title and seeks to divide business, commercial, or industrial zoned land for the purpose of sale, lease, or transfer of ownership may apply for and complete a binding site plan under the provisions of this chapter.

(5) Administration. The planning director or his designee shall have the duty and responsibility of administering the provisions of this chapter. (Ord. 1110 § 2, 2002).

16.40.020 Application and review.

(1) Pre-Application Meeting. Prior to submittal of a binding site plan application for consideration by the city, the applicant may request a pre-application meeting with the city staff on the express conditions that the city, its officers and employees shall be held harmless and released from any claims for damages arising from discussions at said pre-application meeting. The city and the applicant may discuss the general goals and objectives of the proposal, the overall design possibilities, the general character of the site, environmental constraints and standards of development. The focus of the meeting shall be general in nature and none of the discussions shall be interpreted as a commitment by the city or applicant.

(2) Preliminary Drawings.

(a) Preliminary Binding Site Plan. The applicant shall provide a preliminary drawing to scale showing lot layout, dimensions, circulation, building location, parking, landscaping and utilities.

(b) Legal Description. The applicant shall provide a legal description of the property.

(c) Vicinity Map. The applicant shall provide a vicinity sketch of the subject area.

(3) Scheduling of Meeting. All information set forth in subsection (2) of this section must be provided to the city before a pre-application meeting may be scheduled.

(4) Application Submittal.

(a) Fees. The applicant shall pay the required fees set by Chapter 3.30 SMC when submitting the binding site plan application to the planning department.

(b) Application Documents. An applicant for a binding site plan shall submit an application form as prescribed by the city, legal description of the property, a vicinity map, declaration of ownership, two sets of mailing labels with the names and addresses of the adjacent property owners, a SEPA checklist and fee, and five sets of the proposed binding site plan.

(c) The preliminary binding site plan shall show the elements listed in subsection (2)(a) of this section.

(5) Review Process. The planning department shall transmit copies of the binding site plan application to the city engineer, other city departments, and any outstanding agencies with jurisdiction for their review and recommendations.

(6) Factors Considered by City Departments. The city shall review the proposed binding site plan to determine whether it meets the following criteria:

(a) Comprehensive Plan – whether the proposed binding site plan and development of the parcel conforms to all elements of the Comprehensive Plan.

(b) Zoning – whether the proposed binding site plan meets the zoning regulations.

(c) Physical setting – whether the binding site plan properly takes into account the topography, drainage, vegetation, soils and any other relevant physical elements of the site.

(d) Public services – whether adequate services are available, including:

(i) Adequate water supply.

(ii) Adequate sewage disposal.

(iii) Appropriate storm drainage improvements.

(iv) Adequate fire hydrants.

(v) Appropriate access to all anticipated uses within the plan.

(vi) Provisions for all appropriate deeds, dedications, and/or easements.

(vii) Examination of the existing streets and utilities and how the proposed binding site plan relates to them.

(e) Environmental issues – examination of the project through the SEPA process and a determination of whether the proposed binding site plan complies with the SEPA requirements.

(7) Written Comments.

(a) Written comments shall be submitted to the planning department within the requested time period.

(b) Upon receipt of the comments, the planning staff shall compile a written staff report for approval by the planning director.

(c) Binding site plans shall be approved by the planning director and improvements

consistent with the binding site plan shall be approved administratively.

(8) Public Notice.

(a) Notice to Contiguous Property Owners. The city shall send contiguous property owners notice that the binding site plan application has been filed with the city. The city shall only be required to send notice to those individuals who are listed on the property owner's form which are real property owners as shown by the records of the county assessor. Notice is deemed sent once placed in the mail. Contiguous property owners shall have 10 working days from the date of mailing in which to submit written comments to the planning agency concerning the proposed binding site plan.

(b) The city shall also post one notice on the site for each adjoining right-of-way. The notice shall be visible from the right-of-way.

(c) Optional Notice. When a SEPA review is required, notice shall be the same as described in Chapter 17.149 SMC pertaining to SEPA. This will be used instead of subsections (8)(a) and (b) of this section.

(9) Time Limitation. The applicant must complete the development and all conditions of the binding site plan approval within three years following the date of preliminary approval, after which time the approval is void. An extension may be granted by the planning director for one year if the applicant has attempted in good faith to complete the requirements of preliminary approval within the original time period; provided, however, the applicant must file a written request with the planning director requesting the extension at least 30 days prior to the expiration of the original time period. (Ord. 1110 § 2, 2002).

16.40.030 Final binding site plan.

(1) The final binding site plan shall be drawn on mylar drafting film having dimensions of 18 inches by 24 inches and must include the following:

(a) The name of the binding site plan;

(b) Legal description of the entire parcel;

(c) The date, scale, and north arrow;

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(d) Boundary lines, right-of-way for streets, easements, and property lines of lots and other sites with accurate bearings, dimensions or angles and arcs, and of all curve data;

(e) Names and right-of-way widths of all streets within the parcel and immediately adjacent to the parcel. Street names shall be consistent with the names of existing adjacent streets;

(f) Number of each lot and each block;

(g) Reference to covenants and special restrictions either to be filed separately or on the face of the binding site plan;

(h) Zoning setback lines, building sites when required by city;

(i) Location, dimensions and purpose of any easements, notifying if the easements are private or public;

(j) Location and description of monuments and all lot corners set and found;

(k) Datum elevations and primary control points approved by the public works department;

(l) Descriptions and ties to all control points will be shown with dimensions, angles, and bearings;

(m) A dedicatory statement acknowledging public and private dedications and grants;

(n) Parking areas, general circulation, landscaping areas when required;

(o) Proposed use and location of buildings when required;

(p) Loading areas when required;

(q) Other restrictions and requirements as deemed necessary by the city.

(2) Accompanying the binding site plan shall be the following:

(a) A certificate giving a full and correct legal description of the lands divided as they appear on the binding site plan, including a statement that the division has been made with the free consent and in accordance with the desires of the owners. If the binding site plan is subject to a dedication, the certificate or a separate written instrument shall also contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the binding site plan

and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land divided and recorded as part of the final binding site plan.

(b) A survey must be performed for every binding site plan and certified by a licensed surveyor, licensed in the state of Washington, that the binding site plan survey is accurate and conforms to the provisions of these regulations and state law.

(c) Binding Site Plan Title Report. All binding site plans shall be accompanied by a title company certification (current within 30 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan are in the name of the owner(s) signing the binding site plan.

(3) Record with Auditor. When the city approves the proposed binding site plan, the applicant shall record the original of said binding site plan with the Snohomish County auditor. The applicant will also furnish the city with one reproducible mylar copy and one paper copy.

(4) Development. All development must be in conformance with the recorded binding site plan. Development is subject to the time constraints of SMC 16.40.020(9). (Ord. 1110 § 2, 2002).

16.40.040 Standards.

(1) Standards for Binding Site Plans. No binding site plans shall be approved unless appropriate provisions are made for, but not limited to:

(a) The public health, safety and general welfare.

(b) Public use reservations.

(c) Street right-of-way, realignment, dedication or widening. If the city concludes that the street right-of-way adjacent to a proposed binding site plan is inadequate for widening, and realignment of the existing street is necessary as a direct result of the proposed

development, then the city may require a dedication of necessary right-of-way and improvement of that right-of-way. Nothing herein shall prohibit voluntary agreements with the city that allow a payment in lieu of dedication of land or to mitigate a direct impact that has been identified as a consequence of a binding plan as authorized by Chapter 82.02 RCW.

(d) All applicable provisions of the zoning code.

(2) Survey Required for Binding Site Plans.

(a) A survey must be conducted by or under the supervision of a Washington State registered land surveyor. The surveyor shall certify on the binding site plan that it is a true and correct representation of the lands actually surveyed and the survey was done in accordance with city and state law.

(b) In all binding site plans, lot corner must be set before final approval can be granted.

(c) In all binding site plans, perimeter monuments must be set before final approval can be granted.

(d) In all binding site plans, control monuments must be set before final acceptance of public improvements. Performance guarantees must include the installation of all control monuments. Control monuments must be installed per city design and construction standards.

(e) In all binding site plans, where final approval is to be granted by the acceptance of a performance guarantee, lot corner and perimeter monuments must be set. The performance guarantee must include the resetting of any monument that has been lost during construction of public improvements.

(f) Dedication. Any dedication, donation or grant as shown on a binding site plan shall be considered a statutory warranty deed to the said grantee for the use intended.

(3) Design and Improvement Standards.

(a) Design with Environment. The design and development of binding site plans shall preserve the natural drainage, existing top soil, trees, natural vegetation, and wetlands to the maximum extent possible. Information generated through the environmental review

process will be used in designing the development in such a way as to mitigate potential adverse environmental impacts.

(b) Development with Existing Structures. In reviewing any project, all existing structures shall comply with the standard of this title and zoning code requirements. However, if the structures are nonconforming, the applicant shall bring the project into compliance to the maximum extent possible. This title does not allow the applicant to make a structure more nonconforming.

(c) Site-Specific Energy. The use of the site-specific energy schemes shall be encouraged that best offer opportunities for maximum use of southern exposures and the use of natural climate conditions.

(d) Floodplain Regulations. Land located in the floodplain shall be developed in accordance with floodplain regulations.

(e) Landscaping. Landscaping shall be required on all projects per zoning code requirements and city standards.

(f) Parking. The number of parking stalls shall be provided per zoning code requirements. All parking lots shall be paved and designed per city standards.

(g) Loading Areas. Loading areas shall be provided per zoning code requirements.

(h) Outdoor Storage. Outdoor storage areas shall be fully screened from view from all streets and residential-zoned property.

(i) Signs. All signs shall be per zoning code requirements and city sign ordinance. All signage shall be approved by the city and integrated into the building design and the overall site plan.

(j) Lots.

(i) Lot arrangement shall be related to the natural features of the site and provide a suitable building site.

(ii) Lots in general in a binding site plan do not have to meet lot requirements of the zoning code, as long as the city has approved the overall binding site plan.

(k) Building Setbacks. All setbacks for structures shall be the same as the zoning code; provided, however, when the city has approved a binding site plan, interior lots need not meet zoning code requirements.

(l) Fire Hydrants.

(i) Fire hydrants shall be installed per city hydrant requirements.

(ii) Fire hydrants must be approved and operating prior to wood framing of buildings.

(iii) Each building or building site shall meet the city hydrant code requirements for distance. All distance shall be measured along rights-of-way accessible to fire department vehicles.

(m) Access and Circulation.

(i) Ingress, egress, and general circulation shall be approved by the city engineer.

(ii) All binding site plans shall provide for integrated pedestrian access between lots, as approved by the planning director.

(n) Streets. Whenever a project is proposed on an existing public street, frontage shall be improved to current city public works and subdivision standards.

(o) Clearing and Grading.

(i) Before any site modification where existing natural features would be disturbed or removed, a grading plan must be submitted to the city and approved by the city showing the extent of the proposed modification.

(ii) Debris and waste such as trees, timber, rocks, stones, junk, rubbish, or other waste materials of any kind shall not be buried in any land or deposited in any surface water.

(iii) All erosion control plans must be in compliance with the City Comprehensive Drainage Plan and Ordinance.

(iv) In critical drainage areas, no clearing of lots shall be allowed until building permits have been issued.

(p) Utilities Improvements.

(i) All utility facilities including but not limited to sewer, water, and drainage shall be installed as required by city ordinance or by the city engineer.

(ii) Utility Improvement Plans. All street and utility improvement plans shall be prepared by a state of Washington licensed civil engineer. All plans shall be prepared on reproducible mylar material and presented to the city for approval.

(q) Easements. Permanent easements shall be provided for utilities and other public services whenever requested by the city.

(r) Underground Wiring.

(i) It is the intent of this provision to eliminate insofar as possible the installation of overhead wires and of wire carrying poles being henceforth developed under this title.

(ii) All projects shall have all power lines, telephone wires, television cables, fire alarm systems and other communication wires, cables or lines placed in an underground location either by direct burial or by means of conduit or ducts with the exception of the fire alarm system, providing service to each lot or potential building site in the plat.

(iii) All such underground installations or systems shall be approved by the appropriate utility company and shall adhere to all governing applicable regulations including but not limited to the city and state applicable regulations and specific requirements of the appropriate utility.

(iv) If the appropriate utility company determines that an underground system as proposed above cannot reasonably be installed according to accepted engineering practices, this requirement may be waived upon receipt of a written notice from said utility to the city engineer.

(v) All utility easements within a proposed binding site plan shall be approved by the appropriate utility company before final acceptance of the binding site plan and shall be shown in their exact location on the final drawing of said plan.

(vi) Nothing in this section or any other section of this title in relation to underground wiring shall apply to power lines carrying a voltage of 15 KV or more, nor shall it be construed to prohibit the placement of pad-mounted transformers, terminal pedestals or other electrical and communications devices above ground, as determined by the appropriate utility involved.

(4) Acceptance of Improvements. The city engineer is hereby authorized to accept all improvements and/or right-of-way dedication required in this title on behalf of the city. (Ord. 1110 § 2, 2002).

16.40.050 Bonds.

(1) Performance Bond.

(a) In lieu of completing the required improvements, the applicant may request final approval, subject to the approval of a suitable guarantee. The guarantee must be in a form acceptable to the city and in an amount commensurate with improvements to be completed. The amount of the guarantee is established at 150 percent of the cost of the city having to construct the improvements.

(b) Guarantee funds will not be released by the city unless approval has been received from all applicable departments that are reasonable for acceptance and/or maintenance of such improvements.

(2) Maintenance Bonds for Acceptance of Final Improvements. At the time of final acceptance of the improvements, the applicant shall provide to the city a two-year maintenance bond at 20 percent of the established final cost of the improvements. (Ord. 1110 § 2, 2002).

16.40.060 Variances from code requirements.

The planning director or public works director may accept some variations in code requirements when the binding site plan allows for viable sharing of facilities, including parking, landscaping, pedestrian access, and utilities. (Ord. 1110 § 2, 2002).

16.40.070 Alterations, vacations, and appeals.

(1) Alterations. Once a binding site plan is recorded, any deviations from the site plan shall require the filing of an amended binding site plan. The application materials, procedures, review criteria, standards, etc., shall be the same as for the initial binding site plan.

(2) Vacation of a recorded binding site plan shall be approved by the planning director prior to recording.

(3) Appeals of binding site plans shall be allowed as provided in SMC 17.80.140 and 17.80.160. (Ord. 1110 § 2, 2002).

Chapter 16.45

BOUNDARY LINE ADJUSTMENTS

Sections:

- 16.45.010 Definition.
- 16.45.020 Application.
- 16.45.030 Criteria for approval.
- 16.45.040 Approval and appeal.

16.45.010 Definition.

A “boundary line adjustment” is a division made for the purpose of adjusting boundary lines, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. (Ord. 1110 § 2, 2002).

16.45.020 Application.

An applicant for a boundary line adjustment shall file an application provided by the planning department that includes:

- (1) An application form;
- (2) Fee;
- (3) Vicinity map;
- (4) Title report;
- (5) Narrative explaining the reason for the boundary line adjustment;
- (6) Copy of existing and proposed covenants;
- (7) Scale drawing of the proposed adjustment on a mylar;
- (8) Any other materials required by the planning department or the application forms;
- (9) Adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or title company; and
- (10) A scale drawing of the lots affected by the adjustment. (Ord. 1110 § 2, 2002).

16.45.030 Criteria for approval.

Boundary line adjustments shall only be approved if they meet the following criteria:

- (1) All new lots shall meet the dimensional standards required for lots in the applicable zone;

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(2) All new and existing lots shall provide access that meets the standards of this code and the public works standards;

(3) No adjustments shall be approved that create new nonconforming situations or worsen existing nonconforming situations. (Ord. 1110 § 2, 2002).

16.45.040 Approval and appeal.

(1) Boundary line adjustments are approved by the planning director.

(2) Appeals of decisions on boundary line adjustments are subject to the appeal process provided in SMC 17.80.140 and 17.80.160. (Ord. 1110 § 2, 2002).

Chapter 16.50

VIOLATIONS

Sections:

16.50.010 Violations and penalties.

16.50.010 Violations and penalties.

(1) Recording Unapproved Subdivision or Binding Site Plan. The auditor shall refuse to accept for recording any binding site plan which does not bear verification of approval as defined by this title.

(2) Violations of this title shall be considered a Class B infraction per SMC Title 13. All code enforcement shall be pursued as provided in SMC Title 13. (Ord. 1110 § 2, 2002).