

**CITY OF WHITE SALMON
ORDINANCE NO. 2012-11-904**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA,
AMENDING CHAPTER 16 REGARDING LAND DIVISIONS,
INCLUDING SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, the City of White Salmon (“City”) acknowledges the need to provide for uniform and efficient land division regulations; and

WHEREAS, the City wishes to adopt the following ordinance to adopt land division regulations within the City for the orderly division of land consistent with the requirements of RCW Ch. 58 and for the protection of the health and safety of the residents and the environment.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS: that the following amendments be made to the White Salmon Municipal Code, amending Title 16:

SECTION 1 - Ordinance 1985-15-468 (Title 16) is hereby repealed in its entirety. The following new Title 16 is hereby adopted:

TITLE 16: LAND DIVISIONS

CHAPTERS: □

- 16.05 GENERAL PROVISIONS
- 16.10 DEFINITIONS
- 16.15 PRELIMINARY PROCEDURES
- 16.20 PLANNING COMMISSION HEARING AND REPORT TO COUNCIL
- 16.25 COUNCIL HEARING, CONSIDERATIONS AND DECISION
- 16.30 PRELIMINARY PLAT APPROVAL
- 16.35 FINAL PLAT APPROVAL
- 16.40 DEDICATIONS
- 16.45 DESIGN STANDARDS
- 16.50 TESTS
- 16.55 SURVEY REQUIREMENTS AND STANDARDS
- 16.60 PLAT STANDARDS AND SPECIFICATIONS
- 16.65 SHORT SUBDIVISIONS
- 16.70 BOUNDARY LINE ADJUSTMENTS
- 16.75 VARIANCES
- 16.80 GRIEVANCE AND APPEAL
- 16.85 ILLEGALLY DIVIDED LAND
- 16.90 VIOLATIONS, PENALTIES AND DAMAGE RECOVERY

**CHAPTER 16.05
GENERAL PROVISIONS**

SECTIONS:

- 16.05.005 PURPOSE.
16.05.010 ADMINISTRATION.
16.05.015 INTERPRETATION OF PROVISIONS.
16.05.020 FURTHER DIVISION OF SHORT SUBDIVISION.
16.05.025 EXEMPTIONS.

16.05.005 PURPOSE.

The purposes of this chapter are as follows:

- To regulate the subdivision of land and to promote the public health, safety and general welfare;
- To prevent the overcrowding of land;
- To manage congestion in the streets and highways;
- To provide for adequate light and air;
- To facilitate adequate provision for water, sewerage, parks and recreation areas, sites or schools and school grounds and other public requirements;
- To provide for proper ingress and egress;
- To require uniform monumenting of land subdivisions and conveyance of land by accurate legal description;
- To provide for the orderly growth of White Salmon in conformance with the White Salmon Comprehensive Plan and applicable codes;
- To encourage the appropriate use of the land;
- To encourage the protection and long-term management of White Salmon's sensitive lands and natural resources.

16.05.010 ADMINISTRATION.

The City planning director, hereinafter referred to as the administrator, is vested with the duty of administering subdivisions and platting regulations within the incorporated areas of the City subject to review of the planning commission.

16.05.015 INTERPRETATION OF PROVISIONS.

It shall be the duty of the planning commission and administrator to interpret the provisions of this title in such a way as to carry out the intent of the comprehensive plan prepared by the planning commission and adopted by the City council.

16.05.020 FURTHER DIVISION OF SHORT SUBDIVISION RESTRICTED.

Land short-subdivided pursuant to this chapter may not be further divided in any manner within a period of five years without the filing of a final plat and complying with the provisions of the City's Land Division regulations, except that when the short plat contains fewer than the four (4) parcels, nothing in this section shall prevent the owner

who filed the short plat from filing an alteration within the five (5) year period to create up to a total of four (4) lots within the original short plats boundaries.

16.05.025 EXEMPTIONS.

The provisions of this article shall not apply to:

- Any division of land not containing a dedication, in which the smallest lot created by the division exceeds ten acres;
- Any cemetery or burial plot, while used for that purpose;
- Any division of land made by testamentary provisions, the laws of descent, or upon court order, provided the City has prior notice of the proceeding and an opportunity to intervene to ensure compliance with City land use regulations.

**CHAPTER 16.10
DEFINITIONS**

SECTIONS:

16.05.005 GENERALLY.

16.05.010 WORD DEFINITIONS.

16.10.005 GENERALLY.

Whenever the following words and phrases appear in this chapter, they shall interpreted according to the meaning attributed to them by this section. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and plural the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making a decision.

16.10.005 WORD DEFINITIONS.

1. **ACCESS PANHANDLE** is a strip of land contiguous with the lot and having a width narrower than that of the lot, tract or parcel to be served thereby, and designed for the purpose of providing access to a lot (typically referred to as a flag lot), tract or parcel, being less in width than the minimum lot width allowed by this chapter.
2. **ADMINISTRATOR** is the City Council or such person as designated by the City Council.
3. **ALLEY** means a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties that abut and are served by a public road.
4. **ARTERIAL STREET** is a main thoroughfare that carries neighborhood traffic as well as through traffic.
5. **BLOCK** is a group of lots, tracts or parcels within well-defined and fixed boundaries.
6. **BOARD OF ADJUSTMENT** is the City board of adjustment.
7. **BOUNDARY LINE ADJUSTMENT** means an alteration of the boundary lines between platted or unplatted lots or both, 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 dimensions to meet minimum requirements for width and area for a building site. All boundary line adjustments shall conform to the criteria set forth herein and the other provisions of this title.

8. **CONDOMINIUM** is a building or buildings of multiple dwelling units in which the land and common areas are jointly owned and the dwelling units are individually owned.
9. **COUNCIL** is the City council of White Salmon.
10. **DEDICATION** is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner of the presentment for filing of a final plat showing dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the City council.
11. **DISTRICT HEALTH OFFICER** is a representative of the Southwest Washington Health District, Vancouver, Washington or a registered sanitarian authorized by and under the direct supervision of the health officer. Branch offices are located in Goldendale and White Salmon, Washington.
12. **PRIVATE DRIVEWAY** is a driveway serving a single dwelling unless approved for access to up to two dwellings. A private driveway may be permitted subject to driveway rather than private or public road standards but will be subject to access standards in the fire code essential to ensure access to emergency responders.
13. **EASEMENT** is a right of use on, under or over the real property of another.
14. **FINAL PLAT** means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 271, Laws of 1969, First Extraordinary Session, and in this article adopted pursuant thereto.
15. **LEASE** is a contract by which an owner of real property grants to another the right to possess, use and enjoy such real property for a period of one year or more. LEASE does not apply to shopping centers or condominiums as defined herein, or any internal subdivision of a single building or to Port District land.
16. **LOT** is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements, and also means any identifiable parcel of un-subdivided land with established boundaries set forth in a deed or other form of conveyance. The terms *tract* or *parcel* shall be synonymous with LOT
17. **LOT DEPTH** is the distance measured between the midpoint of the lot line opposite the midpoint of the line fronting on the street or road; or where the lot does not front on a road, or where the lot is irregular. DEPTH shall refer to the greatest average principal dimension.

18. **LOT WIDTH** is the distance measured between the midpoints of the two principal side lot lines and at approximately right angles to the lot depth.
19. **OWNER(S)** is the record title-holder to the property being short platted according to the Klickitat County auditor's records. **OWNER(S)** does not mean a holder of any lien or other secured party.
20. **PERSON** means any natural person, partnership, corporation, association or other entity, and any governmental body.
21. **PLAT** means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, roads, and alleys or other divisions and dedications
22. **PRELIMINARY PLAT** means a neat and approximate drawing of a proposed subdivision showing the general layout of roads and alleys, lots, blocks and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
23. **PRIVATE ROAD** means every way or place in private ownership that is used for travel of vehicles by the owner or those having express or implied permission from the owner but not by other persons. For the purpose of this chapter, this shall apply only to roadways serving two or more parcels of land unless a driveway is accepted to serve up to two dwellings. Nothing herein shall be construed as creating a City road without the City's acceptance thereof.
24. **PUBLIC DEDICATION** is the deliberate conveyance of land by an owner for any general and public uses, reserving to himself no right other than such as are compatible with the full exercise and enjoyment of the public uses for which the property has been dedicated.
25. **ROAD** is an improved and maintained way which provides vehicular circulation and access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, cut and fill slopes, and drainage.
26. **SHOPPING CENTER** shall have its common meaning which includes (but is not limited to) a parcel of ground owned by a single business entity which leases commercial building space to two or more separate businesses and maintains common parking, entrances, signs, etc.
27. **SHORT PLAT** is a document consisting of a map of a short subdivision, together with written certificates and data, showing thereon the division of a tract of land into lots.
28. **SHORT PLAT ADMINISTRATOR** is the person appointed by the mayor or his/her designee to administer the short plat regulations. □
29. **SHORT PLAT SUBDIVISION** is the division or re-division of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, transfer of ownership or any other reason. □

30. **SHORT PLAT SUBDIVIDER** is any owner who undertakes to create a short plat subdivision for the purpose of this chapter.
31. **SHORT SUBDIVISION** is the division of land into four or fewer lots, tracts or parcels for the purpose of sale or lease.
32. **STANDARD SHEET** is a page twenty-two (22) inches by thirty-two (32) inches with a one-half (1/2) inch border on three edges and a two (2) inch border along the left-hand edge for binding purposes. For final plats the material will be a reproducible tracing cloth, stable-base mylar polyester film or equivalent approved by administrator.
33. **SUBDIVIDER** is a person, including a corporate person, who undertakes to create a subdivision.
34. **SUBDIVISION** is the division of land into five or more lots, tracts, parcels, sites or divisions for the purposes of sale or lease and includes all re-subdivision of land.

CHAPTER 16.15 PRELIMINARY PROCEDURES

SECTIONS:

- 16.15.010 APPLICATION REQUIRED.
- 16.15.020 PRELIMINARY CONFERENCE.
- 16.15.030 SITE EVALUATION FOR CRITICAL AREAS.
- 16.15.040 PRELIMINARY RESPONSIBILITIES AND INQUIRIES.
- 16.15.050 PRELIMINARY PLAT.
 - A. SUBMITTAL, ACCEPTANCE AND DISTRIBUTION OF COPIES.
 - B. FEES.
 - C. HEARING.
 - D. DISTRIBUTION OF COPIES.

16.15.010 APPLICATION REQUIRED.

Any person intending to subdivide land in the incorporated area of the city shall obtain a notification form from the administrator. The completed form shall then be submitted to the administrator.

16.15.020 PRELIMINARY CONFERENCE.

When the administrator deems it necessary a conference may be called between the subdivider or his agent and appropriate officials involved with plat approval, prior to submission of preliminary plat.

16.15.030 SITE EVALUATION FOR CRITICAL AREAS.

Prior to preparation of preliminary plans for a proposed subdivision and prior to site disturbing activities, the applicant shall meet with the administrator to assess whether the proposed development site includes one or more critical areas such as a wetland,

waterbody, sensitive habitat area or geological hazard area as identified, classified and protected by city ordinance. The Washington Department of Fish and Wildlife (WDFW) shall be notified of all applications to divide land within the city limits prior to determination of completeness. A joint visit to the site may be necessary. If the administrator determines that a critical area is present or likely to be impacted by a proposed development, the applicant shall first complete a critical areas application, review and report, with appropriate protective measures identified, prior to preparation of preliminary development plans. The intent of this section is to minimize design conflicts, unnecessary costs and misunderstandings that could arise later, so that the applicant will be able to proceed with greater certainty about the physical limitations of a particular site.

16.15.040 PRELIMINARY RESPONSIBILITIES AND INQUIRIES.

Prior to the submission of a preliminary plat it shall be the responsibility of the subdivider to inquire to the district health officer in order to ascertain whether larger lot sizes than those called for in this article (*see Chapter 16.45, Design Standards*) are recommended. The district health officer may require percolation tests or other similar tests. The district health officer's agency may require a fee for this service. If larger lots are recommended, the district health officer shall forward a statement in writing to the subdivider and a copy to the administrator to this effect and specify the lot sizes, reasons and conditions for the recommendation.

16.15.050 PRELIMINARY PLAT.

A. SUBMITTAL, ACCEPTANCE AND DISTRIBUTION OF COPIES.

Preliminary plats are to be submitted to the administrator. When the administrator determines that the items required by the preliminary plat standards of this article have been presented he shall accept the plat for review by the planning commission and date the receipt of the plat. If these items have not been presented the administrator shall inform the subdivider of the omissions. Thereafter, the subdivider shall have sixty (60) days to submit the additional materials or information in writing or the submission shall be considered withdrawn by the subdivider. Eight (8) copies of the preliminary plat are required. Additional copies may be requested by the administrator. The time periods set forth in RCW 58.17.140(1) shall not commence until the subdivider has fully met all conditions required by this section and section (B) below.

B. FEES.

Upon acceptance of the preliminary plat by the administrator, the subdivider shall pay an application fee and any applicable outside consultant review fees to the city in the amount as established and adjusted from time to time by city council resolution. Fees are not refundable.

C. HEARING.

A public hearing shall be scheduled before the Planning Commission when the Preliminary plat, accompanying application materials and payment of fees to the clerk-treasurer, the administrator has deemed the application complete per Chapter 19 procedures for a Type III process for subdivisions and a Type II process for short plats.

D. DISTRIBUTION OF COPIES.

The administrator shall promptly forward copies of the preliminary plat to the public works director, public utility district, district health officer and other relevant agencies.

**CHAPTER 16.20
PLANNING COMMISSION HEARING AND REPORT TO COUNCIL**

SECTIONS:

- 16.20.010 SCOPE AND CONTINUANCE.
- 16.20.020 RECOMMENDATIONS BY AGENCIES.
- 16.20.030 PLANNING COMMISSION CONSIDERATIONS AND RECOMMENDATION.
 - A. FACILITY AND IMPROVEMENT CONSIDERATIONS.
 - B. HEARING RECORDS.
 - C. REPORT TO COUNCIL.
- 16.20.040 RESUBMITTAL ALLOWED.

16.20.010 SCOPE AND CONTINUANCE.

At the public hearing the planning commission shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the council. Any hearing may be continued at the discretion of the commission, within the time limits allowed by law.

16.20.020 RECOMMENDATIONS BY AGENCIES.

The administrator, public works director, the district health officer, the public utility district and any other appropriate official shall certify to the planning commission their respective recommendations as to the specific adequacy of the proposed road system, sewage disposal and water supply systems, utility systems and fire protection facilities within the subdivision. Additionally, they may make recommendations affecting public health, safety and general welfare in regards to the proposed subdivision. The recommendations of the administrator, the public works director, the district health officer and the public utility district shall be attached to the commission's report for transmittal to the council.

16.20.030 PLANNING COMMISSION CONSIDERATIONS AND RECOMMENDATION

A. FACILITY AND IMPROVEMENT CONSIDERATIONS.

The planning commission shall determine whether the proposal includes appropriate provisions for drainage, roads, alleys and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements.

B. HEARING RECORDS.

The administrator is responsible for keeping records of the planning commission hearings on preliminary plats. These records shall be open to public inspections.

C. REPORT TO COUNCIL.

In accordance with Chapter 19 Administrative Procedures, the commission shall submit its written report and recommendations to the White Salmon City Council. The commission may recommend that the proposed plat be approved, conditionally approved or disapproved. Any conditions of approval shall be specified in the commission's report and shall include recommended protective improvements. It shall be the responsibility of the administrator to convey this report to the council.

16.20.040 RESUBMITTAL ALLOWED.

A preliminary plat disapproved by the planning commission may be revised and resubmitted to the administrator. If the number of lots has increased, an additional fee shall be required.

**CHAPTER 16.25
COUNCIL HEARING, CONSIDERATIONS AND DECISION**

SECTIONS:

- 16.25.010 DATE.
- 16.25.020 COUNCIL ACTION ON COMMISSION RECOMMENDATION.
- 16.25.030 REJECTED PRELIMINARY PLAT—PUBLIC HEARING.
- 16.25.040 PRELIMINARY PLAT HEARING RECORDING PROCEDURES.

16.25.010 DATE.

Upon receipt of the planning commission's preliminary plat recommendation the council shall, at its next public meeting, set the date for the public meeting at which the council shall consider the planning commission recommendation.

16.25.020 COUNCIL ACTION ON COMMISSION RECOMMENDATION.

At the meeting scheduled for considering the preliminary plat the council shall, after reviewing the recommendations of the planning commission, the administrator, the public works director, the district health officer, the public utility district and any other relevant evidence presented to it, either concur in or reject the planning commission's recommendation.

16.25.030 REJECTED PRELIMINARY PLAT—PUBLIC HEARING.

If the council does not summarily approve the planning commission recommendation on any preliminary plat, it shall set a date for a public hearing at which all interested persons may appear before the council and be heard on the proposal to approve, conditionally approve or disapprove the preliminary plat or a revised version thereof. At the conclusion of such public hearing or any continued hearing the council may approve, conditionally approve, or disapprove the preliminary plat or a revised version thereof.

16.25.040 PRELIMINARY PLAT HEARING RECORDING PROCEDURES.

The council's proceedings concerning preliminary plats shall be recorded by the City clerk and shall be open to public inspection. A copy of the proceedings shall be forwarded to the administrator for his files.

CHAPTER 16.30 PRELIMINARY PLAT APPROVAL

SECTIONS:

- 16.30.010 EFFECT OF APPROVAL.
- 16.30.020 EXPIRATION OF APPROVAL—FORFEITURE OF FEES.

16.30.010 EFFECT OF APPROVAL.

Preliminary plat approval by the council shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by this article and any conditions imposed by the City. Preliminary plat approval DOES NOT permit land to be further subdivided, sold, leased, transferred, or offered for sale, lease or transfer.

16.30.020 EXPIRATION OF APPROVAL—FORFEITURE OF FEES.

Preliminary plat approval shall be effective for five years from date of approval by the City, or such longer period as required by state law. If, during this period, a final plat is not filed with the administrator, the preliminary plat shall be null and void. Fees paid to the City clerk shall be forfeited.

CHAPTER 16.35 FINAL PLAT APPROVAL

SECTIONS:

- 16.35.010 FILING OF FINAL PLAT
 - A. TIME LIMIT.
 - B. COPY DISTRIBUTION PRIOR TO APPROVAL.
 - C. SUBMITTAL TO COUNCIL.
- 16.35.020 ADMINISTRATIVE REVIEW AND ACCEPTANCE CRITERIA.
- 16.35.030 FINANCIAL GUARANTEE.
- 16.35.040 COUNCIL CONSIDERATIONS FOR APPROVAL OR DISAPPROVAL.
- 16.35.050 RECORDING AND FEES.

16.35.010 FILING OF FINAL PLAT

A. TIME LIMIT.

At any time within five years following the City's approval of a preliminary plat, or such longer period as required by state law, the subdivider shall file the original and five copies of a proposed final plat with the administrator.

B. COPY DISTRIBUTION PRIOR TO APPROVAL.

After the administrator has accepted the final plat he shall then forward the original and one copy to the City clerk and one copy to each of the following: the county assessor, the public works director and the county treasurer.

C. SUBMITTAL TO COUNCIL.

After the City clerk and county treasurer have certified that taxes and assessments have been collected, the City clerk will present the final plat to the council.

16.35.020 ADMINISTRATIVE REVIEW AND ACCEPTANCE CRITERIA.

The administrator shall satisfy himself:

- That the final plat presents the items required by the final plat standards of this article;
- That the proposed final plat bears the certificates and statements of approval required by this article;
- That a title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision and is vested in the name of the owners whose signatures appear on the plat's certificate;
- That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider will provide a performance bond subject to approval of the council at the council's sole discretion.

If the administrator finds that the final plat submitted varies with the approved preliminary plat he may require that the plat be reviewed by the planning commission before being accepted. When the administrator finds that these requirements are met he shall accept the final plat. The administrator's review does not constitute an approval by the city of any of the abovementioned items.

16.35.030 FINANCIAL GUARANTEE.

In lieu of completing improvements required before final plat approval, the council, in its sole discretion, may accept a financial guarantee from the subdivider in a form that is acceptable to the city attorney and in an amount and with sureties commensurate with improvements remaining to be completed securing to the city the construction and installation of the improvements within a fixed time set by the council.

16.35.040 COUNCIL CONSIDERATIONS FOR APPROVAL OR DISAPPROVAL.

The council shall, at a public meeting, determine:

- Whether conditions imposed when the preliminary plat was approved have been met;
- Whether the City clerk and county treasurer have certified that taxes and assessments have been duly paid, satisfied or discharged;
- Whether the public use and interest will be served by approving the proposed final plat;
- Whether the bond, if there is one, by its essential terms assures completion of improvements;

- Whether the requirements of both state law and this article have been satisfied by the subdivider.

The council shall thereupon approve or disapprove the proposed final plat. When the council approves a final plat it shall be the duty of the City clerk to secure the required signatures.

16.35.050 RECORDING AND FEES.

After a final plat is approved and required signatures secured the subdivider shall provide a completed mylar and recording fees to the clerk-treasurer for recording within sixty (60) days. Thereafter, the clerk-treasurer shall forward the original final plat to the county auditor for recording. Before the county auditor shall officially record a plat the subdivider shall pay the required recording fees for each plat filed. Failure to timely provide the Final Plat mylar or recording fees to the clerk treasurer within the time provide shall be deemed a voluntary withdrawal of the subdivision application by the subdivider and result in the forfeiture of all fees paid.

**CHAPTER 16.40
DEDICATIONS**

SECTIONS:

- 16.40.010 INDICATION ON PLATS.
- 16.40.020 REQUIRED DEDICATION PROVISIONS.
 - A. PROTECTIVE IMPROVEMENTS.
 - B. PRIVATE ROADS.
 - C. LOT ACCESS.
 - D. PUBLIC WATER ACCESS.
- 16.40.030 REQUIREMENTS FOR CONVEYANCE TO A CORPORATION.
- 16.40.040 RESERVATION OF LAND FOR PUBLIC USE.
 - A. RESERVATION BY A PUBLIC AGENCY.
 - B. RESERVATION BY COUNCIL AND CONDITION OF APPROVAL.
 - C. RESERVED LAND DEVELOPMENT.

16.40.010 INDICATION ON PLATS.

All dedications of land shall be clearly and precisely indicated on plats.

16.40.020 REQUIRED DEDICATION PROVISIONS.

No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements, sidewalks, parks, playgrounds, sites for schools, school grounds, and other general purposes as may be required to protect the public health, safety and welfare. Specifically:

A. PROTECTIVE IMPROVEMENTS.

Protective improvements, and easements to maintain such improvements shall be dedicated.

B. PRIVATE ROADS.

The council, after considering the public work director's recommendations, will determine if a private road may be platted, and if an easement is required. The construction, maintenance and snow removal of private roads are the responsibility of the landowner or a homeowners' association and the city is in no way obligated until the roads meet city standards and are accepted by the city.

C. LOT ACCESS.

A dedicated road shall provide convenient access to every lot.

D. PUBLIC WATER ACCESS

Subdivision plats containing land adjacent to publicly owned or controlled bodies of water without substantially similar alternative access shall provide dedicated public access to such bodies of water. The standards of this access shall be commensurate to its use and character. The access shall extend to the low water mark. In addition, the City may require that the subdivider dedicate a public pedestrian easement of fifteen feet maximum width, bordering along and placed above the high water mark, if the council determines that public use and need will be served thereby.

16.40.030 REQUIREMENTS FOR CONVEYANCE TO AN ASSOCIATION OR CORPORATION.

Land dedicated in a subdivision for protective improvements, drainage-ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purpose may be conveyed to a homeowners' association or similar corporation if the council determines that public interest will be served thereby.

A subdivider who wishes to make such a conveyance shall, at least two weeks prior to filing a final plat, supply the council and the administrator with copies of the grantee organization articles of incorporation and bylaws, and with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess such 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 council 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.

16.40.040 RESERVATION OF LAND FOR PUBLIC USE.

A. RESERVATION BY A PUBLIC AGENCY.

Any public agency with power to acquire land by condemnation or otherwise for public uses may at any time prior to final approval of a preliminary plat by the council notify the council and the subdivider of its intention to acquire some or all of the land in a proposed subdivision for public uses. In the event the land is not dedicated for such public uses, the public agency may request that the council require the reservation of such land for a

stated period of years following the council's approval of the final plat, during which the agency may acquire the land.

B. RESERVATION BY COUNCIL AND CONDITION OF APPROVAL.

If the council finds that the public health, safety or general welfare will be served thereby, the council may require as a condition precedent to approval of the final plat, that such land or such part of it as the council deems appropriate be designated on the plat as reserved land and that for the period requested or such shorter period as the council deems sufficient the reserved land not be developed for uses other than the contemplated public use. A public agency may accelerate the expiration date of a reservation period by filing written notice of its intention to abandon its right to acquire the reserved land with the county auditor.

C. RESERVED LAND DEVELOPMENT.

1. The subdivider may indicate on the plat that if the reserved land is not acquired for public uses, it shall be subdivided, and, if the subdivider does so, the plat shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area.
2. No building permit, septic tank permit or other development permit shall be issued for improvements on reserved land during the period of reservation except as expressly authorized by the council at the time of final plat approval.
3. If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the council, the subdivider or the subdivider's successors may develop land lying within the reserved area in conformity with the plat if a request to do so is made to and granted by the council.
4. No improvements shall be made on this reserved land until adequate surety for development thereon has been provided to the council.
5. If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the council and the reserved land has not been platted as herein provided, the subdivider shall apply for subdivision on an original basis.

**CHAPTER 16.45
DESIGN STANDARDS**

SECTIONS:

- 16.45.010 GENERAL STANDARDS.
- 16.45.020 PROTECTIVE IMPROVEMENTS.
- 16.45.030 ACCESS.
 - A. PUBLIC ROADS.
 - B. LOT ACCESS.
 - C. STREET RIGHT-OF-WAY WIDTHS.
 - D. BLOCKS.

- E. REVERSE FRONTAGE LOTS.
- 16.45.040 LOT SIZE AND DIMENSIONS.
 - A. LOTS WITH PRIVATE WATER AND SEWER.
 - B. LOTS WITH PUBLIC WATER AND PRIVATE SEWER.
 - C. LOTS WITH PUBLIC WATER AND SEWER.
- 16.45.050 UTILITIES AND DRAINAGE.
 - A. WATER SUPPLY AND SANITARY SEWER SYSTEMS.
 - B. UTILITY EASEMENTS.
 - C. UNDERGROUND UTILITY INSTALLATIONS.
 - D. DRAINAGE AND STORM SEWER EASEMENTS.

16.45.010 GENERAL STANDARDS.

All roads, bridges, drains, culverts, sidewalks, curbs, storm sewers, fire protection systems, and related structures or devices shall be constructed in accordance with standards currently in effect at the time of construction. These standards shall be those contained in this article or those promulgated by the council or may be other than a city standard if accepted by the city engineer.

16.45.020 PROTECTIVE IMPROVEMENTS.

Land on which exist any topographic conditions hazardous to the safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided. Such land may be subdivided only if the construction of protective improvements will eliminate the hazards or if the land subject to the hazard is reserved for uses that will not expose persons or property to the hazards. Such protective improvements and restrictions on use shall be required as conditions of approval and clearly noted on the final plat.

16.45.030 ACCESS.

A. PUBLIC ROADS.

1. All subdivisions shall be served by one or more public roads providing ingress and egress to and from the subdivision at not less than two points, unless approved otherwise by the planning commission.
2. Major roads within every subdivision shall conform with the comprehensive plan and shall provide for the continuation of major roads serving property contiguous to the subdivision.
3. Road intersections shall be as nearly at right angles as is practicable and in no event shall be less than sixty degrees.
4. Cul-de-sacs shall be designed so as to provide a circular turnaround right-of-way (ROW) at the closed end with a minimum radius of forty-five feet.
5. Road networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.
6. The road pattern shall conform to the general circulation of the area and provide for future roads and connections.
7. If topographical features warrant, the public works director may require wider rights-of-way than specified in this chapter.

B. LOT ACCESS.

Every lot shall be provided with satisfactory access by a public road connecting to an existing public road, or by an easement permanent and inseparable from the lot served. Lots adjacent to a road designated an arterial by the public works director shall be provided with access other than the arterial unless a variance is granted to this requirement. The plat of a subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat recites a waiver of the right to direct access to the arterial, or a variance is granted to this requirement.

C. STREET RIGHT-OF-WAY WIDTHS.

When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the planning commission may require street ROW dedication of a greater width than required. The street ROW in or along the boundary of a subdivision may be half the required width when it is apparent that the other half will be dedicated from adjacent properties.

D. BLOCKS.

Blocks shall be so designed as to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two tiers of lots unless the topography or other factors make this impractical.

E. REVERSE FRONTAGE LOTS.

1. **Limitations.** No residential lots shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of the lots from arterials, railways, commercial activities or industrial activities justify the designing of reverse frontage lots.
2. **Easements on.** Reverse frontage lots shall be designed with an easement at least ten (10) feet wide to be dedicated along the lot lines abutting the traffic arterial, or other disadvantageous use, across which there shall be no right of access for the general public or adjoining property owners.

16.45.045 LOT SIZE AND DIMENSIONS.

A. LOTS WITH PRIVATE WATER AND SEWER.

Where water supply is individual wells and individual sewage disposal systems are used, minimum lot size shall be two (2) acres. Lots shall be proportioned to facilitate future subdivisions. Minimum lot width or depth shall be two hundred (200) feet.

B. LOTS WITH PUBLIC WATER AND PRIVATE SEWER.

Where an adequate public water supply and individual sewage disposal systems are used to handle some or all waste water, the minimum lot size shall be twenty thousand (20,000) square feet. Minimum lot width shall be one hundred (100) feet, and minimum lot depth shall be one hundred twenty (120) feet.

C. LOTS WITH PUBLIC WATER AND SEWER.

Where adequate public water supply and adequate public sewer lines are used, the minimum lot size shall comply with WSMC Title 17 *Zoning* for each zoning district or use.

16.45.100 WATER, SEWER, UTILITIES AND DRAINAGE.

A. WATER AND SANITARY SEWER SYSTEMS

Where a public water supply is the source of water, a potable water connection shall be provided for each lot within a subdivision by the subdivider. Where a public sanitary sewer is installed, a connection shall be provided for each lot within a subdivision by the subdivider. All facilities and devices of water supply and sanitary sewer systems shall meet the standards of the Southwest Washington Health District and any local or state regulations.

B. UTILITY EASEMENT.

Easement for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure maintenance and to permit future utility installations.

C. UNDERGROUND UTILITY INSTALLATIONS.

In areas designated by the public utility district, underground utility installation is required.

D. DRAINAGE AND STORM SEWER EASEMENTS.

Easements for drainage channels and ways shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and proper location to permit future installation.

**CHAPTER 16.50
TESTS**

SECTIONS:

- 16.50.010 STANDARDS.
- 16.50.020 REQUIREMENTS.
- 16.50.030 DATA SUBMITTAL.

16.50.010 STANDARDS.

Tests required by this article shall be in accordance with the standards of the applicable agency performing the tests. Such agency may be the Southwest Washington Health District or a soil and water conservation district.

16.50.020 REQUIREMENTS.

The administrator and/or the Southwest Washington Health District may require tests whenever there is a question relating to the suitability of any land for subdivision.

16.50.030 DATA SUBMITTAL.

Any agency or representative of an agency that conducts tests under this article shall promptly furnish the administrator with complete data and an interpretation of such data.

**CHAPTER 16.55
SURVEY REQUIREMENTS AND STANDARDS**

SECTIONS:

- 16.55.010 CERTIFIED PROFESSIONAL REQUIRED.
- 16.55.020 REQUIRED DATA.
 - A. TIMELINE AND REQUIREMENTS.
 - B. MARGIN OF ERROR.
- 16.55.030 REFERENCE POINTS.
- 16.55.040 MONUMENTATION.
 - A. LOCATION.
 - B. NOTATION AND CONSTRUCTION.
- 16.55.050 DEMARCATION.
 - A. LOT CORNERS.
 - B. SHORE MEANDER LINE.

16.55.010 CERTIFIED PROFESSIONAL REQUIRED.

The survey of every proposed subdivision and the preparation of preliminary and final plats thereof shall be made by or under the supervision of a registered professional land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.

16.55.020 REQUIRED DATA.

A. TIMELINE AND REQUIREMENTS.

At least two weeks prior to submitting a final plat, the surveyor shall furnish the public works director with sufficient survey data and information to clearly show and substantiate the following:

1. The ties of each permanent monument;
2. At least three durable, distinctive reference points or monuments;
3. Sufficient data to determine readily the bearing and length of each line;
4. The base meridian referred to.

B. MARGIN OF ERROR.

A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in five thousand feet.

16.55.030 REFERENCE POINTS.

Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown. When practical, monuments shall be referenced under the Washington State Plane Coordinate System.

16.55.040 MONUMENTATION.

A. LOCATION.

Permanent control monuments shall be established at:

1. All controlling corners on the boundaries of the subdivision;
2. The intersections of centerlines of roads within the subdivision;
 - a. Permanent control monuments within the streets shall be set after the roads are graded.
 - b. In the event that a final plat is approved before roads are graded, the surety deposited to secure grading shall be sufficient to pay the costs estimated by the public works director covering such monuments.
3. The beginning and ends of curves on centerlines;
4. All block corners;
5. All meander corners.

Permanent control monuments may be placed on offset lines.

B. NOTATION AND CONSTRUCTION.

The position and type of every control monument shall be noted on all plats of the subdivision. Permanent control monuments shall be set in two-inch pipe, twenty-four inches long, filled with concrete or shall be constructed on an approved equivalent.

16.55.050 DEMARCATION

A. LOT CORNERS.

Every lot corner shall be marked by a three-fourths (¾) inch diameter by twenty-four (24) inch long galvanized-iron pipe or approved equivalent driven into the ground.

B. SHORE MEANDER LINE.

If any land in a subdivision is contiguous to a body of water, a meander line shall be established along the shore at a safe distance back from the ordinary high water mark. Property lying beyond the meander line shall be defined by distances along the side property lines extended from the meander line. If the course of a stream lies within a subdivision or forms the boundary of a subdivision, such course shall be defined by bearings and distances as it exists at the time of the survey.

**CHAPTER 16.60
PLAT STANDARDS AND SPECIFICATIONS**

SECTIONS:

- 16.60.010 PRELIMINARY PLAT
- A. STANDARDS.
 - B. MAP.

- 16.60.020 FINAL PLAT
- A. STANDARDS.
 - B. SUBDIVISION MAP.
 - C. SECTION REFERENCE MAP.
 - D. REQUIRED WRITTEN DATA AND DOCUMENTS.

16.60.010 PRELIMINARY PLAT.

A. STANDARDS.

Every preliminary plat shall consist of one or more maps, the horizontal scale of which shall be a minimum of one hundred feet to the inch on standard sheets. Plans, profiles and sections of streets and roads to be dedicated as public highways and sewers shall be prepared at convenient scale on standard sheets.

B. MAP.

Maps, drawings and written data are to be in such form that when considered together shall clearly and fully disclose the information listed as follows:

1. Proposed subdivision name;
2. The names, addresses and telephone numbers of all persons, firms and corporations holding interests in such land;
3. If a field survey has been made, the name, address, telephone number and seal of the registered land surveyor who made it or under whose supervision it was made;
4. The date of such survey;
5. All existing monuments and markers located by such survey;
6. The boundary lines of the proposed subdivision along with the bearings and lengths of these lines;
7. The boundaries of all blocks and lots within the subdivision together with the numbers proposed to be assigned each lot and block and the bearings and lengths of these lines;
8. The location, names and width of all proposed and existing streets, roads and easements within the proposed subdivision and adjacent thereto;
9. The location, and where ascertainable, sizes of all permanent buildings, wells, watercourses, bodies of water, high and low water marks, all overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided;
10. Plans of proposed water distribution systems, sewage disposal systems and drainage systems, indicating locations;
11. Contour lines of at least five-foot intervals to show the topography of the land to be subdivided referenced to either the United States Coast and Geodetic Survey datum, county datum or other datum acceptable to the public works director;
12. A layout of proposed streets, alleys, utility easements and parcels proposed to be dedicated or reserved for public or community, school, park, playground or other uses, including grades (direction and slope);

13. A sketch of the general vicinity in which the land proposed for subdivision lies; upon which are identified owners of land adjacent to the subdivision, the names of any adjacent subdivisions, section corners and section boundaries;
14. A copy of all restrictive covenants proposed to be imposed upon land within the subdivision;
15. In subdivisions requiring percolation tests, the location of test holes, together with data regarding percolation rates;
16. Indication of minimum lot sizes in acreage or square feet, whichever is more appropriate and the total amount of lots and acreage within the subdivision.

16.60.020 FINAL PLAT.

A. STANDARDS

Every final plat shall consist of one or more standard sheets. All drawings and lettering shall be in permanent black ink. The subdivision perimeter shall be depicted with heavier lines than appear elsewhere on the plat. The scale shall be a minimum of one hundred feet to the inch. All signatures affixed to a final plat shall be original and written in permanent black ink.

B. SUBDIVISION MAP.

Every final plat shall include an accurate map of the subdivided land, based upon a complete survey thereof, which map shall include:

1. All section, township, municipal and county lines lying within or adjacent to the subdivision;
2. The location of all monuments or other evidence used as ties to establish the subdivision boundaries;
3. The location and description of all permanent control monuments found and established within the subdivision;
4. The boundary of the subdivision with complete bearings and lineal dimensions;
5. The length and bearings of all straight lines, the radii, arcs, and semitangents of all curves;
6. The length of each lot line together with bearings and other data necessary for the location of any lot line in the field;
7. The location, width, centerline and name or number of all streets within and adjoining the subdivision;
8. The location and width, shown with broken lines and description of all easements;
9. Numbers assigned to all lots and blocks within the subdivision;
10. Protective improvements and restricted areas;
11. The seal of the registered land surveyor performing the survey and making the plat.

C. SECTION REFERENCE MAP.

Every final plat shall include a map of the section or sections wherein the subdivision is located. The map shall be of sufficient size to display the following information:

1. Bearings and distances of all section, quarter-section and sixteenth-section lines relative to the survey of the plat;
2. Tie from nearest permanent control monument (section corner, quarter-section corner, etc.) to initial point of the plat.

D. REQUIRED WRITTEN DATA AND DOCUMENTS.

In addition to the map or maps, every final plat shall contain written data including:

1. The name of the subdivision;
2. The legal description of land contained within the subdivision;
3. A certificate of the registered professional land surveyor who made, or under whose supervision was made, the survey of the subdivision in substantially the following language:

"I, _____, registered as a professional land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of M/D/Y, through , M/D/Y, that the distances, course, and angles are shown thereon correctly; and that monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat."

4. A statement of approval signed by the public works director as to:
 - a. Survey data,
 - b. Layout of roads, alleys and easements,
 - c. Road names and numbers,
 - d. The design and/or construction of protective improvements, bridges, sewage and drainage systems;
5. If any portion of the subdivision lies within a flood control zone, a statement of approval signed by the director of the state Department of Ecology, or his successor;
6. If any area is defined for inclusion in a Critical Area Tract, the tract shall be clearly identified and noted on final plat;
7. A certificate bearing the typed or printed names of all persons having an interest in the subdivided land, signed by such persons and acknowledged by them before a notary public, consenting to the subdivision of such land and reciting a dedication by them of all land shown on the plat to be dedicated for public uses and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision;
8. A certificate signed by the county treasurer and clerk-treasurer that all taxes on land within the subdivision have been duly paid, including the taxes for the current year, and delinquent assessments for which the land

within the subdivision may be liable have been duly paid, satisfied or discharged;

9. Space for approval by the city council;
10. Space for the county auditor as to filing of the plat for record.

CHAPTER 16.65
SHORT PLATS AND SHORT SUBDIVISIONS □

SECTIONS:

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- 16.65.010 PURPOSE.
- 16.65.020 APPLICABILITY OF CHAPTER PROVISIONS.
- 16.65.030 EXEMPTIONS FROM CHAPTER APPLICABILITY. □
- 16.65.040 RESTRICTIONS ON FURTHER DIVISIONS.
- 16.65.050 APPLICATION
 - A. CONTENTS GENERALLY.
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 - C. MAP AND SURVEY REQUIREMENTS.
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 - A. VARIANCES.
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CHAPTER 16.65

SHORT PLATS AND SHORT SUBDIVISIONS

16.65.010 PURPOSE.

The purpose of this chapter is to regulate the subdivision of land and to promote public health, safety and general welfare pursuant to RCW Title 58 *Boundaries and Plats*, RCW Chapter 35.63 *Planning Commissions*, and RCW Chapter 65.08 *Recording*. The regulations contained in this chapter are designed, among other things:

- to encourage the most beneficial use of land throughout the City;
- to lessen traffic congestion and accidents;
- to secure safety from fire;
- to promote the coordinated development of vacant areas;
- to provide for proper ingress and egress;
- to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies;
- to facilitate adequate provisions of transportation, water sewage and other public uses and requirements;
- to require uniform monumentation of land in short subdivisions;
- and to require conveyance by accurate legal description.

16.65.020 APPLICABILITY OF CHAPTER PROVISIONS.

Every division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease, transfer of ownership, or for any other purpose shall proceed in compliance with this chapter. The total number of lots includes only those lots under five (5) acres in size and does not include public dedications.

16.65.030 EXEMPTIONS FROM CHAPTER APPLICABILITY.

The provisions of this chapter shall not apply to:

- Any cemetery or burial plot, while used for that purpose;
- Any division of land into lots, tracts or parcels in which each lot is ten acres or larger. Where a road constitutes a lot border or portion thereof, the lot area may be computed from the centerline of such road;
- Any divisions of land made by a court order, or as required by laws of statewide application dealing with distribution of real property, provided the City is notified of any such action and is allowed to intervene to ensure compliance with its land use regulations;
- Any conveyance of land to a governmental agency or a junior taxing district or any conveyance of land for public purposes to any public or private utility, including but not limited to the following services: roads, telephone, television, electricity, water, sewer, natural gas;
- A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division which contains sufficient area and dimension to meet minimum requirements for width and area for a building site pursuant to the applicable zoning regulations.

16.65.040 RESTRICTIONS ON FURTHER DIVISIONS.

Lots within a short plat subdivision, approved within five years immediately preceding, may not be further divided until a final (long) plat of the re-subdivision has been approved and filed for record pursuant to this code, Chapters 16.05 through 16.90 inclusive. When the original short plat subdivision contains less than four lots, the above prohibition shall not apply to the creation of additional lots, not to exceed a total of four within the five-year period, including original number of lots.

16.65.050 APPLICATION

A. CONTENTS GENERALLY.

The short plat subdivider must submit the following to complete a short plat application:

1. Completed short plat application form;
2. One original mylar of the short plat;
3. Four blueprint copies of the mylar;
4. Short plat certificate;
5. Short plat fee.

B. FORM.

The applicant shall provide the following information on the short plat application form:

1. The name, address and telephone number(s) of the owner(s) submitting the short plat application; and the notarized signatures of all owners of the land proposed for short plat subdivision;
2. The existing zoning classification;
3. The section, township and range in which the property being short platted is located, and the county assessor's tax lot number;
4. The proposed source of water supply;
5. The proposed method of sewage disposal;
6. A legal description of the entire contiguous property/or a copy of deed containing the legal description;
7. The proposed use of lots within the short plat subdivision, i.e., single-family dwellings, commercial, industrial, etc.

C. MAP AND SURVEY REQUIREMENTS.

The short plat shall be on a sheet of stable base mylar polyester film provided by the City having dimensions of eighteen inches by twenty-four inches. All drawing, letters and signatures affixed to the short plat map shall be in a permanent medium. Surveys are required for all short platted lots that are less than one sixty-fourth of a section, or ten (10) acres or less. The short plat map shall include the following information:

1. **Boundaries.** The boundary of the entire contiguous parcel, proposed lot lines, including lengths and bearings of the parcel and lot lines;
2. **Lots.** The number of each lot, the lot size in acreage or square feet (whichever is more appropriate), and the acreage of any remaining parcel exceeding ten or more acres;
3. **Scale.** The scale of the map and north indication;

4. **Features.** The location of existing and proposed roads, rights-of-ways (ROW's) and easements including the width thereof, boundaries and section and township lines, buildings, watercourses, wells, septic systems, names of adjacent property owners and all other important features;
5. **Legal Description.** The legal description of land contained within the short plats subdivision;
6. **Surveyor Certification.** The name and certification stamp of the registered land surveyor;
7. **Certificate Block.** The following certifications and information in the certificate section:
 - a. *Owner Consent.* A statement that the short plat subdivision has been made with the free consent and in accordance with the desires of the owner and owners,
 - b. *Dedications.* If the short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and to any individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of the road.
8. **Official Signatures.** Signature block for approval by short plat administrator, City public works director, City clerk-treasurer, county treasurer, sanitarian and space for the county auditor as to filing of the plat of record;
9. **Notice of Future Plats.** The following statement on the face of the plat: "Land within this short plat subdivision shall not be further subdivided for a period of five (5) years unless a final (long) plat is filed pursuant to the White Salmon Municipal Code, Title 16, Subdivisions, Chapters 16.05 through 16.44 inclusive, or unless a short plat is allowed pursuant to White Salmon Municipal Code, Title 16, Subdivisions, Chapter 16.65";
10. **Private Roads Notice.** Every short plat containing a private road shall bear the following language on the short plat map:

"Warning: Purchasers of a lot or lots in this plat are advised that the lot or lots in this plat are serviced by private roads. The City does not maintain private roads. Lot owners must pay for the maintenance of the private roads serving this plat, including grading, drainage, snowplowing, etc. The condition of the private road may affect subsequent attempts to divide your lot or lots. Private roads must comply with City of White Salmon private road requirements."
11. **Surveyed Discrepancies.** Whenever a survey of a proposed short plat reveals a discrepancy, the discrepancy shall be noted on the face of the short plat. As used in this subsection, "discrepancy" means:
 - a. A boundary hiatus;

- b. An overlapping boundary;
 - c. A physical appurtenance, which indicates encroachment, lines of possession or conflict of title.
12. **Sewage Disposal System.** A notation shall be placed on the short plat indicating any lots not intended for residential use or not intended to have any building thereon and indicating that those lots have not been tested for subsurface sewage disposal.

D. TITLE REPORT.

Every short plat shall be required to include a short plat certificate confirming that title of the lands described by the short plat is in the name of the owner(s) signing the certificate as noted in Section 16.60.020(D) (7) and showing restrictions encumbering the land.

E. FEE.

A fee in accordance with the City's fee schedule shall be submitted along with the short plat application and map, to cover the short plat subdivision administrative review. Checks are to be made payable to the City of White Salmon. Fees are not refundable.

16.65.060 APPLICATION PROCEDURES

A. ADMINISTRATOR'S AUTHORITY.

The short plat administrator, referred to as the administrator, is vested with the duty of administering the provisions of this chapter in accordance with the procedures set forth in Title 19.

B. RECEIPT AND DISTRIBUTION OF COPIES.

1. Any property owner intending to divide land by this chapter shall obtain a short plat application form and map sheet from the City. The applicant shall then complete the application and map sheet listing all required information as outlined within Section 16.65.050.
 - a. *Sewage Disposal System.* When proposed lots are to be served by an on site sewage disposal system, site evaluations by the district health officer shall be obtained by the applicant prior to the submission of the short plat application.
 - b. *Maintenance of Private Roads.* Every short plat containing a private road serving two or more lots shall be accompanied by a private road maintenance agreement signed by the short plat subdivider. The agreement shall be recorded with the auditor.
2. Upon submission of a short plat application, a date of receipt shall be affixed on the application. The administrator shall then determine whether the requirements of this chapter have been met. An application Or map lacking sufficient information for review or not meeting the requirements of the chapter shall be rejected by the short plat administrator and returned to the applicant, and such rejection shall be accompanied by a written statement citing the reason for rejection.
3. After the short plat administrator determines that the proposed short plat application and map contain the required information and data, the

administrator shall distribute copies of the short plat application and map to the following as is necessary:

- a. City public works department;
- b. City clerk;
- c. Health District;
- d. City planning commission;
- e. Washington State Department of Transportation if the short plat is located adjacent to the ROW of a state highway;
- f. Any state or local agency which may have an interest in the short plat as determined by the administrator;
- g. The administrator will mail a notice of the proposed short plat to the latest recorded real property owners as shown by the records of the county assessor, who share a common boundary line with property being short platted, by United States first class mail.

C. FINDINGS AND COMMENTS.

The short plat administrator may request specific input from the following:

1. The public works director or the director's designee shall notify the administrator whether:
 - a. Road access, surface drainage and road construction comply with current City standards;
 - b. City utilities and fire protection are available to each lot or indicate the improvements that will be needed.
2. The clerk-treasurer shall notify the administrator if the property is clear of City liens and assessments.
3. Washington Department of Fish and Wildlife shall notify the administrator if the property has special species or habitat concerns.
4. The district health officer shall notify the administrator whether:
 - a. Water supply methods and sanitary sewer disposal methods contemplated for use in the proposed short plats, do or do not conform with current standards; and
 - b. Where sanitary sewers are not available, that each lot contains adequate area and proper soil, topographic and drainage conditions to be served by an on-site sewage disposal system.

D. SUMMARY DETERMINATION OF COMPLIANCE.

The administrator shall review all information relevant to the short plat proposal and prepare a findings document for Planning Commission consideration per Chapter 19 Administrative Procedures. The administrative check for compliance, and staff report shall result in a recommendation that the Planning Commission:

1. Approve the short plat, with or without conditions;
2. Return the short plat to the applicant for corrections or for the applicant's construction of improvements in a manner consistent with official findings; or
3. Disapprove the short plat with written findings.

E. CONDITIONAL APPROVAL.

If the preliminary approval of the short plat requires the meeting of conditions, construction of private roads and/or water systems, or the applicant needs time to obtain required certifications, then the applicant's short plat shall be granted conditional approval for up to a two year period, or as otherwise provided by state law, to provide time to complete the conditions.

Upon fulfillment of the conditions of preliminary approval, and upon acceptance of such proof by the administrator, the administrator shall then proceed with the final approval of the short plat. Upon application by the applicant within the initial conditional approval period, the administrator may, if the applicant has demonstrated good cause, grant a reasonable extension of the conditional approval period.

F. FINAL APPROVAL AND RECORDING.

After the application and short plat has met all the requirements of this chapter – the subdivider has provided all required documentation and certifications, applicant has paid the short plat fee and written approval by the administrator, public works director, health district officer, City clerk and county treasurer has been inscribed upon the face of the short plat map. The short plat shall be deemed approved when the final short plat is recorded with the Klickitat County auditor. □

It is the responsibility of the short plat subdivider to record the short plat map with the county auditor. The short plat subdivider shall pay the current recording fee. □ Upon recording the short plat map, the administrator shall obtain one copy of the short plat for City records.

G. UNAPPROVED SHORT PLATS SHALL NOT BE RECORDED.

The applicant shall not submit to the Klickitat County auditor any short plat that does not bear the City's certificate of approval. Filing a short plat without the City's certificate of approval shall be a violation of this chapter. □

□

16.65.070 REVIEW STANDARDS

A. DESIGN REQUIREMENTS.

All roads, private roads, bridges, drains, culverts, sidewalks, curbs, storm sewers and related structures or devices shall be constructed in accordance with standards currently in effect at the time of preliminary approval. □ These standards shall be those deemed acceptable by the City engineer or those adopted by the City. Land on which there exists any topographic conditions hazardous to the safety or general welfare of persons or property in or near a proposed short plat subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is reserved for use as will not expose persons or property to the hazard. Protective improvements and restrictions on use shall be clearly noted on the short plat map.

B. DESIGN REQUIREMENTS.

The location, width and grade of streets shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Streets shall connect to all existing or approved stub streets which abut the development site where deemed feasible and desirable to make the connection. The arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels; or
2. Conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
3. Future street planning may be required where deemed necessary to assess future street connections and provide logical and useful stubs to accommodate such future extension.
4. Shadow platting may also be required if larger lots are proposed that may be further divisible at a later date. This will be required only where it is deemed valuable to understand and support potential redevelopment and infill development in some areas.

General guidelines for public street standards are included in Figures 1-3 below:

Figure 1 - Main Street to and along Loop Rd, Estes, Spring Street, Lincoln Street, and El Camino Real

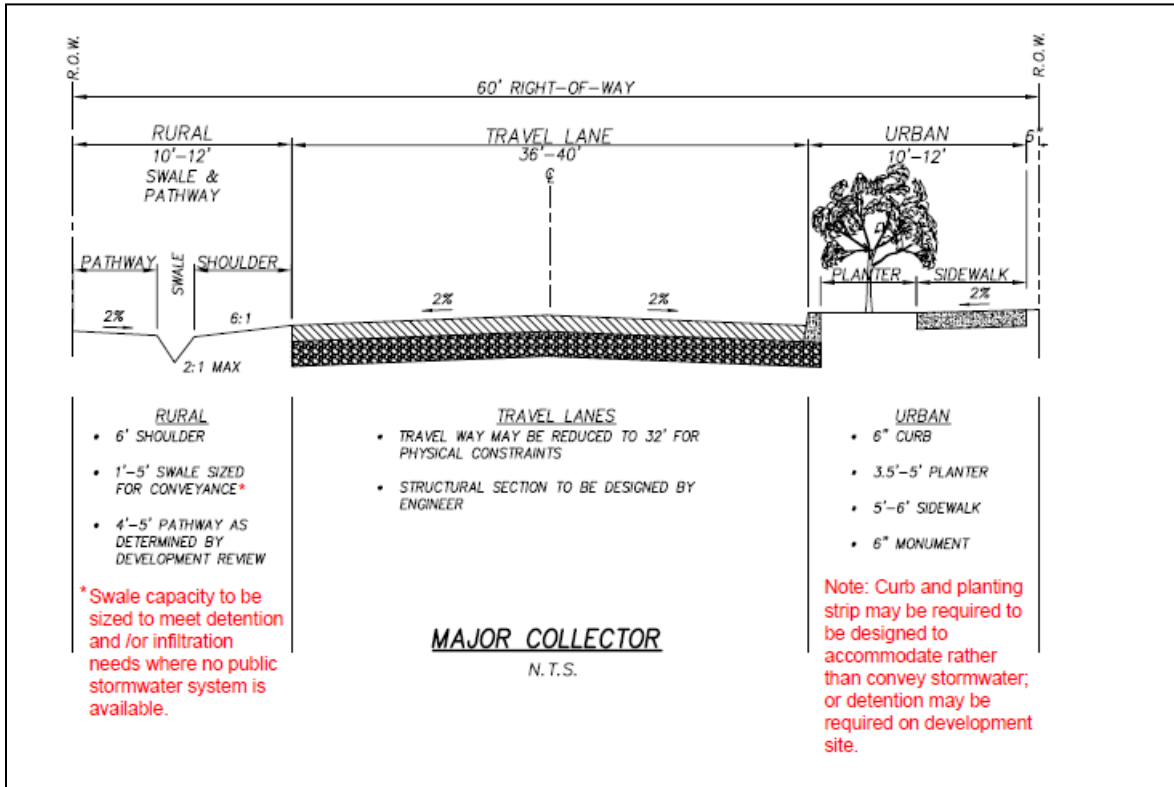


Figure 2 - Other City Streets

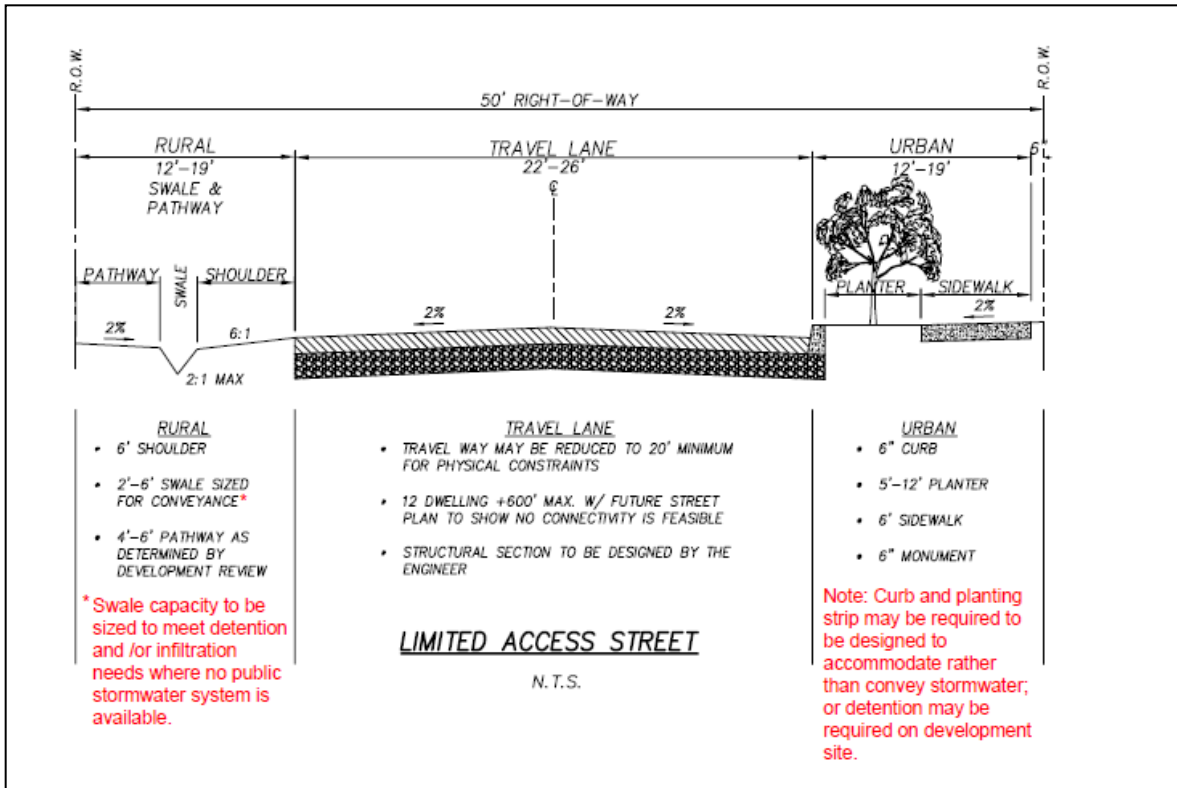
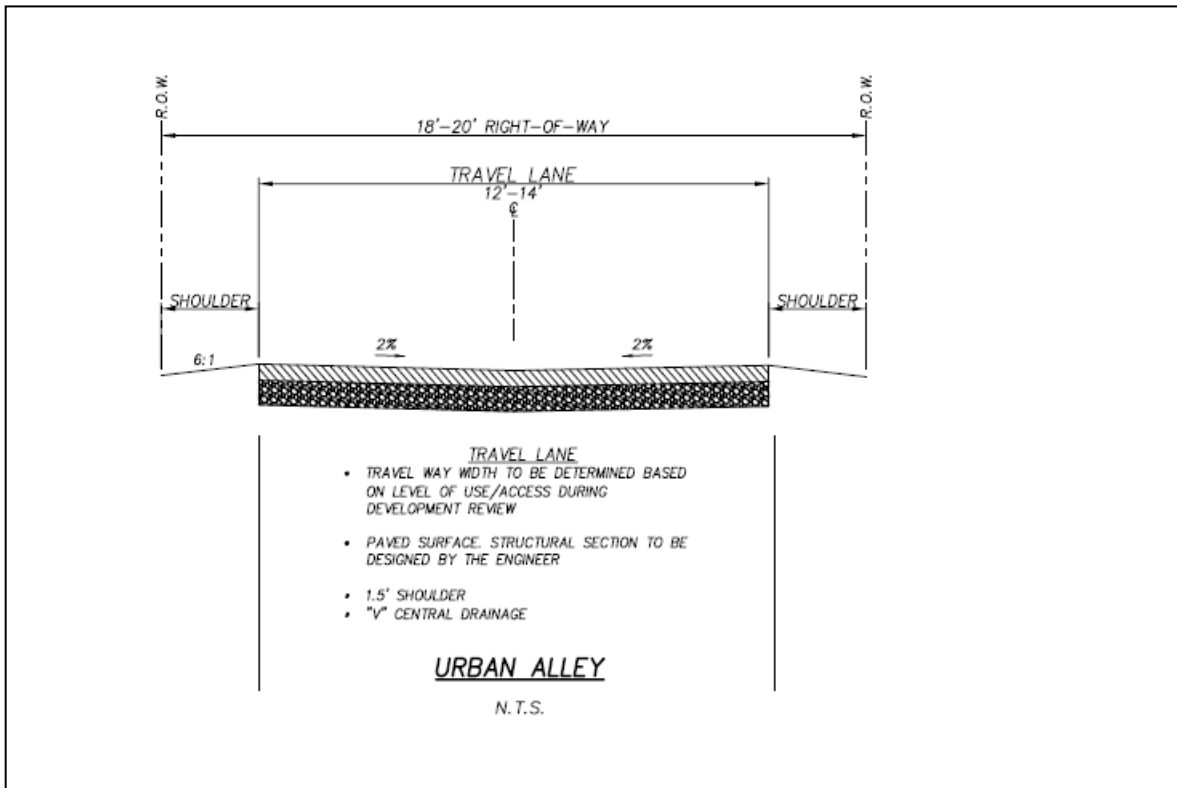


Figure 3 – Public Alleys



C. LOT SIZES, DIMENSIONS AND PROPORTIONS.

1. Minimum lot sizes and dimensions shall be in conformity with all applicable City zoning regulations contained in Title 17 of this code. □□
2. For purposes of computing the size of lots, the lot area may not include public road ROW's and private road easements, except when lots are ten acres or larger. □
3. The lot depth should not exceed the lot width by more than a ratio of four to one, four being the depth. Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot sizes.
4. Access panhandles shall provide a minimum of 25 feet of public road frontage and allow a minimum ~~20-foot~~20-foot easement for improved driveway surface. (12-16 foot wide driveway area with ~~2-foot~~2-foot shoulders). Flag lots may be permitted only where the configuration or topography of the property would otherwise preclude the partitioning and development of the property. The width of the access panhandle for flag lots shall be equal to or greater than the width of the required street frontage unless the City Administrator or the designee authorizes a modification down to a minimum of 20 feet.

□

D. ACCESS.

Every lot shall be provided with access by a public road or private road connecting to an existing public road, over a permanent easement, inseparable from the lot served. □ Lots adjacent to SR 14 or Route 141 or any other State highway or route may be required to access via a means other than the state route frontage where possible to do so. A short plat subdivision containing lots adjacent to a state route may be rejected unless the plat recites a waiver of the right to direct access to the arterial if such a waiver is required by the public works director. □

1. Driveway standards - A minimum of 12 feet of improved driveway width and frontage width shall be provided for each residential driveway. A private driveway will only be approved when it can be demonstrated that the private driveway is designed and can be constructed to function safely. Any private driveway shall be required to be paved for the final 20 feet including the full apron width where the driveway meets the public or private road and to comply with the minimum dimensional standards provided in under B, above. A shared private driveway may be permissible for up to two dwellings. Two dwellings may share a single private driveway where there are spacing constraints or other factors that justify a joint driveway, and it can be demonstrated that a joint or shared driveway can operate safely.
2. A minimum 14-foot wide fire access corridor shall be provided to all parcels created through the partitioning process. No vehicular obstruction, including trees, fences, landscaping, and structures shall be located within the width of the fire access corridor.
3. A minimum of 12 feet of paved driveway shall be provided for single-family units on parcels created through the partitioning process. Driveways less than 15 feet in width shall provide 2 feet of improved shoulder on either side of

the driveway's paved surface. If two units will use the drive, a minimum of 15 feet of pavement width shall be provided along with 2 feet of improved shoulder on either side of the driveway's paved surface. If the proposed accessway exceeds 150 feet in length, it may be required to be paved to a minimum width of 20 feet including a turnaround for emergency vehicles in accordance with Fire Code requirements. If required, the city engineer in consultation with the Public Works Director and Fire Chief shall approve the turnaround.

E. PUBLIC AND PRIVATE ROADS.

All public and private roads shall be developed in accordance with current City public or private road standards.

1. Where a short plat subdivision abuts a public road ROW having insufficient width to conform to current City public road standards, dedication of sufficient additional ROW to the City may be required. To make this requirement, the City will demonstrate that the dedication is in the public interest or that additional right-of-way exacted will be of value in conjunction with surrounding right-of-way already dedicated or plans to secure surrounding right-of-way. Any required additional ROW must come from within the boundary of the designated lots of the short plat subdivision.
2. The City is no way obligated for maintenance or snow removal until a road meets City public road standards and is accepted by the City as a public road. Development of private roads to meet the standards for acceptance by the City is the responsibility of the land owner(s).
3. Private road maintenance agreements shall be required for all short plats involving a private road serving more than one lot. Agreements shall be filed for record at the time the short plat is recorded and the private road notice required by this Chapter shall appear clearly on the final plat.

F. WATER SUPPLY AND SANITARY SEWER SYSTEMS.

All facilities and devices of water supply, sanitary sewer systems, and on-site sewage disposal systems shall meet the standards of the City and the Health District. Lot sizes shall demonstrably accommodate implementation of safe drinking water standards and wastewater disposal in accordance with the requirements of local and state law.

G. UTILITY AND DRAINAGE EASEMENTS.

Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width and location to allow for proper maintenance and to permit future utility installations. Easements for drainage channels and storm sewers, where used, shall be provided and shall be of sufficient width and proper location to permit installation and maintenance.

H. SIDEWALKS.

Construction of sidewalks may be required in conjunction with short plat subdivisions in areas where school bus service is not provided and students walk to and from school.

□

16.65.080 ANCILLARY PROCEEDINGS

A. VARIANCES.

Any short plat subdivider may apply for a variance to this chapter where it appears there exists conditions such as topography, access, location, shape, size, drainage or other physical features of the site, or adjacent lands, which would result in extraordinary hardship by compliance with the provisions contained in this chapter. □

Application for variance shall be in writing, shall accompany the proposed short plat application, and shall indicate the provisions of this chapter relevant to the variance request. Upon receipt of a variance application and payment of filing fee, a date shall be scheduled for a public hearing and review as provided by Title 17 and Title 19. The time taken to review a variance shall not be applicable to the forty-five days required for approval or disapproval of a short plat application. □

B. PLAT ALTERATION INVOLVING A PUBLIC DEDICATION.

When any person desires to alter any short plat involving a public dedication or the altering of any portion thereof that involves a public dedication, except as provided in Section 16.65.030, that person shall submit an application to request the alteration to the council. Upon receipt of an application for alteration, the council shall provide notice of the application to all owners of property within a short plat, and as provided for in Section 16.65.060 (B). The notice shall establish a date for public hearing.

1. **Signatures.** The application shall contain the signatures of the owner(s) of the lots, tracts, parcels, sites or divisions in the subject short plat or portion to be altered. If the short plat is subject to restrictive covenants which were filed at the time of the approval of the short plat, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short plat or portion thereof.
2. **Determination of public interest.** The council shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessment shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the short plat, such land may be altered and divided equitably between the adjacent properties. □
3. **Revision of final plat.** After approval of the alteration, the council shall order the applicant to produce a revised drawing of approved alteration of

the short plat, which after signature of the mayor, shall be filed with the county auditor to become the lawful plat of the property.

C. PLAT VACATION.

Whenever any person is interested in the vacation of any short plat or any portion thereof, or any area designated or dedicated for public use, that person shall file an application setting forth the reasons for vacation with the council. The council shall give notice as provided in Section 16.65.060 (B) and shall conduct a public hearing on the application for vacation and may approve or deny the application for vacation of the short plat after determining the public use and interest to be served by the vacation of the short plat.

Specifically:

1. **Signatures.** The application shall contain signatures of the owner(s) of that portion of the short plat subject to vacation. If the short plat is subject to restrictive covenants which were filed at the time of the approval of the short plat, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the short plat or portion thereof.
2. **Roads.** When the vacation application is specifically for a City road, the procedures for road vacation in both state and local codes shall be utilized for the vacation. When the application is for the vacation of the short plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of roads may not be made that are prohibited under state law.
3. **Public lands.** If any portion of the land contained in the short plat was dedicated to the public for public use or benefit, such land, if not previously deeded to the City, shall be deeded to the City unless the council shall set forth findings that the public use would not be served in retaining title to such lands.

16.65.090 ENFORCEMENT.

No person, firm or corporation, or any agent of these, shall transfer, sell or lease any land subject to the provisions of this chapter until a short plat has been approved and filed with the county auditor. When any person divides, or attempts to divide land subject to the provisions of this chapter without having secured approval, or prior to the filing of the short plat with the county auditor, the City attorney shall commence an action to enjoin further violations, or attempted violations, and to compel compliance with this chapter. The costs of such action shall be taxed against the person, firm, organization or corporation transferring, selling or leasing land.

No developmental permit (such as a septic tank permit, building permit or road approach permit) shall be issued for any lot divided in violation of this chapter.

Any person, firm, organization or corporation, or any agent thereof who violates any part of this chapter or RCW 58.17 *Plats – Subdivisions – Dedications* relating to the sale,

lease or transfer of any lot within a short plat subdivision, shall be guilty of a misdemeanor. Each sale, lease or transfer of each separate lot in violation of any provision of this chapter or other violation of this chapter, shall each be deemed a separate and distinct offense.

□

**CHAPTER 16.70
BOUNDARY LINE ADJUSTMENTS – REVIEW AND APPROVAL**

SECTIONS:

- 16.70.010 PURPOSE AND APPLICABILITY.
 - A. PURPOSE
 - B. CONDITIONS FOR ADJUSTMENT.
- 16.70.020 REQUIREMENTS
 - A. APPROVAL.
 - B. APPLICATION.
 - C. MAP.
 - D. SURVEY.
- 16.70.030 ADMINISTRATIVE PROCEDURES.
 - A. REVIEW.
 - B. RECORDING.
- 16.70.040 VIOLATIONS.

16.70.010 PURPOSE AND APPLICABILITY.

- A. PURPOSE
- B. The purpose of this chapter is to establish a procedure for the application, review and approval or denial of proposed boundary line adjustments, and to establish criteria and requirements for the same, consistent with the provisions of RCW 58.17
- C. CONDITIONS FOR ADJUSTMENT

The boundary lines separating two or more lots of record may be adjusted under the provisions of this Chapter, provided that such adjustment:

1. will not result in the creation of any additional lot, tract, parcel, site or division;
2. will not create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet the requirements of city zoning regulations and applicable conditions, covenants and restrictions pertaining to the property;
3. will not adversely affect access, utilities, easements, drainfields or public safety;
4. will be in conformance with any applicable building setbacks, fire safety or similar regulations;
5. will not increase the nonconforming aspects of an existing nonconforming lot;

6. will not violate either restrictive covenants contained on the face of a final plat or conditions of preliminary plat approval;
7. will not create an unreasonably hazardous approach to or from the property for access or egress purposes, nor increase the number of lots accessing to or from an arterial or collector street within the city;
8. will not be contrary to the purpose of RCW 58.17 and WSMC Title 16.

16.70.020 REQUIREMENTS.

A. APPROVAL.

No person shall do or take any action which would cause or result in a boundary line adjustment as defined in this chapter, without first complying with the terms of this chapter and having the proposed boundary line adjustment approved as required herein.

B. APPLICATION.

Application for boundary line adjustment shall be made on forms to be provided by the city and shall be submitted to the same with the applicable nonrefundable fee. The application will include the following:

1. The signatures of the owners of the property, or their representative, involved in the adjustment, indicating approval of the proposal;
2. A current title report showing copy of the title(s) or proof of ownership of and encumbrances against the subject properties, and written consent to the boundary line adjustment from all owners and security interest holders;
3. The existing legal descriptions and proposed legal descriptions, prepared by a registered professional land surveyor Or title company, attesting to the accuracy of the legal descriptions;
4. Description of any restrictive covenants or conditions on the subject property;
5. A nonrefundable fee as established by city resolution and which may be revised from time to time.

C. MAP.

In addition to the application, the applicant must also submit an original and two copies of a plot plan or survey drawn to scale and accurately dimensioned, clearly showing the following information:

1. Name of boundary line adjustment;
2. The existing and proposed boundary lines and identification by lot and parcel number for all affected lots;
3. North arrow and scale;
4. The area and dimensions of each proposed lot;
5. The location of all structures existing upon the affected lots accurately showing the distance of each such structure from all existing and proposed lot lines and from each other structure;
6. The location of all generally observable natural features, such as slopes, bluffs, streams and wetlands on the affected lots;
7. The location and dimension of any drainfield easements, ROW or streets within or adjacent to any affected lot;

8. The existing public utilities and, if applicable, a statement regarding proposed future method of sewage disposal for each affected lot;
9. Where any lot reduced in size by a proposed boundary line adjustment is served or likely to be served in the future by an on-site sewage disposal system, a report provided by the local health district officer, a registered sanitarian, civil engineer or similarly qualified professional confirming that the lot or lots will continue to meet existing standards for an on-site septic disposal system for each such lot;
10. A signature line for planning administrator approval and the following statement:
"This boundary line adjustment is exempt from City and State platting regulations as provided by RCW 58.17.040(6)."

D. SURVEY.

A survey by a licensed professional land surveyor shall be required for a boundary line adjustment, except for the following cases:

1. For existing' lots, tracts or parcels where a new boundary line is being established parallel to an existing boundary that is described by deed or as part of a recorded survey;
2. For lot lines within a recorded subdivision or short plat where lot corners are still in place or can be found and verified.

16.70.030 ADMINISTRATIVE PROCEDURES.

A. REVIEW

A complete application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modification, or denied within twenty (20) business days of its receipt by the city.

1. The city shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of Section 16.70.020.
2. The administrator may forward one copy of the proposed boundary line adjustment plan to the public works director for review if deemed necessary. In such cases, the public works director shall respond within (10) ten business days of receipt.
3. In approving or denying the application, the director shall make appropriate findings of fact and conclusions in writing and notify the applicant. Any conditions of approval may be required to be contained in and executed as a restrictive covenant against and running with the land, in form and substance approved by the administrator.
4. The decision of the administrator may be appealed as contained in Chapter 16.80.

B. RECORDING.

Upon approval of the application, the administrator shall notify the applicant. The applicant shall then record the certificate or document issued by the administrator indicating approval of the boundary line adjustment, together with the legal document

transferring title, any applicable restrictive covenants, and the plot plan or survey, if one was required and has not yet been recorded, with the Klickitat County auditor.

If the documents are not recorded within ninety (90) days of approval, the boundary line shall automatically become null and void. A boundary line adjustment does not become effective until the documents required for recording in this subsection have been recorded or filed for record with the Klickitat County auditor. The applicant shall return one (1) copy of each recorded document to the city.

16.70.040 VIOLATIONS. Any person who makes any transfer or conveyance or enters into any contract for the transfer or conveyance of any property which would constitute a boundary line adjustment as defined by this chapter, and who fails to comply with the provisions of this chapter, shall be guilty of a Class 1 civil infraction punishable by a fine not to exceed two hundred fifty (\$250) dollars, or as set by statute, plus court costs and statutory assessments for each violation. Moreover, any such conveyance shall be null and void as against the City. However, it shall not be a violation to contract for the transfer or conveyance of property so long as the transfer or conveyance is expressly conditioned upon boundary line adjustment approval.

In addition, any such transfer or conveyance shall be null and void, and the city may record any appropriate document to nullify or may initiate any appropriate action to enjoin or set aside such transfer, conveyance or any sale or agreement in the appropriate court with jurisdiction, and may recover, together with any other amounts, such reasonable attorney's fees and costs incurred in bringing such action as may be allowed under the laws of the state of Washington.

CHAPTER 16.75 MODIFICATION OF STANDARDS

SECTIONS:

- 16.75.010 GENERAL CRITERIA.
- A. UNDUE HARDSHIP.
 - B. PROTECTION OF PUBLIC INTEREST.
 - C. MAINTAINING THE PURPOSE OF THIS TITLE.

16.75.010 GENERAL CRITERIA.

When the planning commission finds that extraordinary hardship will result from strict compliance with the provisions contained within this article, it may modify the regulations herein, providing that the adjustment authorized does not grant a special privilege inconsistent with the limitations imposed upon other properties in the vicinity and that findings are made confirming compliance with the general purpose of the adopted standard.

In addition to the above, the following conditions must be found to exist:

A. UNDUE HARDSHIP.

Because of special circumstances applicable to subject property, including size, shape, topography, location for surroundings, strict compliance will cause undue hardship and deprive subject property of rights and privileges enjoyed by other properties in the vicinity;

B. PROTECTION OF PUBLIC INTEREST.

Modification of a standard will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity;

C. MAINTAINING PURPOSE OF THIS TITLE.

Acceptance of a modified standard will not have the effect of nullifying the intent and purpose of the regulations set forth in this title.

**CHAPTER 16.80
GRIEVANCE AND APPEAL**

SECTIONS:

16.80.010 PLAT ACCEPTANCE APPEAL PROCEDURE.

16.80.020 FINAL DECISION APPEAL PROCEDURE.

16.80.030 APPLICATION FOR WRIT OF REVIEW.

16.80.010 PLAT ACCEPTANCE APPEAL PROCEDURE.

Any person aggrieved by a final decision of the administrator not to accept a plat for filing may appeal this decision to the planning commission. When such an appeal is made the administrator shall cooperate in bringing this matter to the attention of the planning commission. The planning commission may affirm or reverse the decision and instruct the administrator to accept the plat for filing.

16.40.020 FINAL DECISION APPEAL PROCEDURE.

Any person aggrieved by a final decision of the planning commission to approve or disapprove a proposed plat may appeal the decision to the city council within thirty (30) days following issuance of the planning commission's decision. The council, following a public meeting thereon, may affirm or reverse the planning commission's decision, or may remand the application to the planning commission with instructions to approve the same upon compliance with conditions imposed by the council.

16.40.030 LUPA APPEAL.

Any final decision approving or disapproving any plat shall be reviewable subject to Title 19.

**CHAPTER 16.85
ILLEGALLY DIVIDED LAND**

SECTIONS:

- 16.42.010 PLANNING COMMISSION APPROVAL.
16.42.020 CITY COUNCIL APPROVAL.

16.42.010 PLANNING COMMISSION APPROVAL.

No application for a septic tank permit or other development permit for any lot, tract or parcel of land divided in violation of state law or this article shall be granted without prior approval of the planning commission. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the planning commission that:

- The district health officer has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;
- The public works director has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interfere with or impair existing or planned public highway and drainage facilities in the vicinity;
- The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property;
- Division deemed acceptable by City staff.

16.42.020 CITY COUNCIL APPROVAL.

An application for a septic tank permit or other development permit for any lot, tract or parcel of land divided in violation of state law or this article shall not be granted without prior approval of the council, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the council that:

- The applicant purchased the lot, tract or parcel for value;
- The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or this article.

**CHAPTER 16.90
VIOLATIONS, PENALTIES AND DAMAGE RECOVERY**

SECTIONS:

- 16.44.010 VIOLATION DEEMED MISDEMEANOR.
16.44.020 ILLEGAL TRANSFER.
16.44.030 PENALTIES.
16.44.040 DAMAGE RECOVERY.

16.44.010 VIOLATION DEEMED MISDEMEANOR.

Any violation of the platting and subdivision regulations as this article or any amendment thereto shall constitute a misdemeanor.

16.44.020 ILLEGAL TRANSFER.

It is illegal for any person, firm or corporation to transfer, sell or lease, or offer for transfer, sale or lease, any land regulated by this article before such land has been approved by the city and before the same has been filed for record in the county auditor's office. This shall constitute a misdemeanor.

16.44.030 PENALTIES.

Each violation shall be punishable by a fine not exceeding three hundred (\$300) dollars or imprisonment in the county jail for a term of not exceeding ninety (90) days or both fine and penalty may be imposed at the discretion of the court. For each lot or parcel illegally transferred, leased or sold, or agreed and/or optioned to be sold, the fine shall be one hundred (\$100) dollars. The description of such lots by metes and bounds in the instrument of transfer, agreeing or optioning shall not exempt and transfer from such penalty. For removal of hearing notices posted at a proposed subdivision prior to the date of the hearing, the fine shall be fifty (\$50) dollars.

16.44.040 DAMAGE RECOVERY.

A transferee who cannot secure a septic tank permit or other developmental permit for the reason that his transferor failed to comply with any provision of this article may recover damages from his transferor, to include compensation for the loss of his bargain, actual costs of investigation and suit, reasonable attorney's fees and such additional elements as the law allows.

SECTION 2 - SEVERABILITY. If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 3 - EFFECTIVE DATE. This ordinance shall become effective following passage and publication as provided by law.

PASSED in regular session this 26th day of November, 2012.

David Poucher, Mayor

Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney