

**Title 16
SUBDIVISIONS**

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**Chapter 16.04
GENERAL PROVISIONS**

Sections:

- 16.04.010 Purpose.**
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16.04.010 Purpose.

The purpose of this title is to regulate the subdivision of land and to promote the public health, safety, and general welfare; to prevent the overcrowding of land; to provide for orderly development of land; to lessen congestion in the streets and highways; to provide adequate light and air; and to facilitate adequate provisions for water, utilities, sewerage, parks and recreational areas, storm drainage, sites for schools and other public requirements; to provide for ingress and egress; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal descriptions. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.04.020 Applicability.

A. Subdivisions and subdivision plats as defined in this chapter shall comply with these regulations. Short subdivisions shall comply with the regulations in Chapter 16.32 of this title. Lot line adjustments shall comply with the requirements of Chapter 16.28 of this title.

B. Exemptions. The provisions of this title shall not apply to the following:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land for agricultural purposes, where each parcel is five acres or more in area and which does not include any new streets, rights-of-way, or other provisions for necessary public areas and facilities. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.04.030 Definitions.

As used in this title:

"Adjacent property owners" means any property owner of record, according to the records of the county assessor, whose property adjoins or abuts property proposed for division, or any portion thereof, or whose property is within three hundred feet of the property proposed for division.

"Application" consists of the completed application form, completed SEPA checklist, application fee, required number of preliminary plat drawings, and list of names and stamped, addressed envelopes for properties within three hundred feet of the proposed subdivision or short plat.

"Biofiltration" is a facility including, but not limited to, grass-lined swales, grass-lined sheet flow filters, grass-lined detention areas, or densely vegetated above-ground retention/detention ponds, any of which utilize vegetation to remove pollutants from stormwater runoff and to improve water quality.

"Dedication" means 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 by the presentment for filing of a final plat or short plat showing the dedication thereon, and the acceptance by the public shall be evidenced by approval of such plat for filing by the city.

"Final plat" means a final, precise drawing of the proposed subdivision or short subdivision with the dedication which contains all requirements of this chapter and has been approved by the city council. The format of the drawing shall meet standards defined by the city engineer.

"Local neighborhood service street" means a street that provides access to individual driveways and is usually a cul-de-sac and dead-end street.

"Lot" means a fractional part of subdivided lands having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels and any other requirements defined by this title.

"Major traffic street" means a principal route for movement of traffic through the city. This class of street connects local cities and commercial areas to the city. It also connects to higher level regional streets outside of the city.

"Minor traffic street" means a street that serves as a distributor of traffic from major traffic streets to less important streets and secondary generators such as schools and parks.

"Modification" means a significant alteration to a plat or short plat after preliminary approval has been granted which is made necessary by on-site conditions and is not covered by ordinary field changes authorized by the city engineer or public works. Modification is not intended to allow exceptions to otherwise applicable ordinances and development standards.

"Neighborhood traffic street" means a street that collects and distributes traffic from higher level streets to residential areas.

"Official plans" means those plans or regulations or portions thereof adopted by code by the city council including but not limited to the comprehensive plan, the zoning ordinance, and this title.

"Planning commission" means that commission established by the city council as provided in Chapter 35.63 RCW.

"Plat" means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other subdivision requirements, conditions or dedications.

"Preliminary plat" means the neat and to-scale drawing of a proposed subdivision or short subdivision, showing the general layout of streets, and alleys, lots, blocks, and restrictive covenants, to be applicable to the subdivision, 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 as required in Section 16.20.020 of this title. The plat will be so designated until improvements shown on the approved drawings are installed or a sufficient bond or other suitable security is posted to ensure and assure installation.

"Recorded plat" means a final, approved drawing of proposed subdivision, or short subdivision with dedication, that has been filed for record with the county auditor.

"Short plat" means a map or representation of a short subdivision.

"Short subdivision" means the division of land into four or less lots, tracts, parcels, or sites for any purpose other than as excepted in Section 16.04.020 of this chapter.

"Significant tree" means a "significant tree" as defined in Section 18.20.020.

"Subdivider" means any person, firm, corporation, or other entity undertaking or having an interest in title to the land being divided into lots, tracts, or parcels.

"Subdivision" means a division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, gift or development, or other purpose other than as excepted in Section 16.04.020(B) of this chapter, and shall include all resubdivisions of land.

"Tree" means a "tree" as defined in Section 18.20.020. (Ord. 352 §1, 2007; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

Chapter 16.08
APPLICATION AND FEES

Sections:

- 16.08.010** **Application.**
16.08.020 **Fees.**

16.08.010 Application.

A. An application form and SEPA checklist supplied by the city clerk shall be completed, and, after consultation with the superintendent of public works to verify in writing that the application is complete by providing all of the required information outlined in Section 16.20.020(A) of this title, shall be submitted to the city clerk. The application shall be accompanied by fourteen prints of the preliminary plat, and payment of all applicable application fees.

B. The subdivider shall provide a list of names, addresses and zip codes of all adjacent property owners, as defined in Section 16.04.030 of this title, or their representative. For those properties where the owner of record is not the resident on the property, the address and zip code of the residents shall be added to the list. In addition to the list, the subdivider shall furnish the city, preaddressed, stamped envelopes, omitting the return address, with the names, addresses and zip codes of all persons on the list.

C. Upon receipt of a complete application, preliminary plat drawings, fees, addressed stamped envelopes and list of adjacent property owners, the city clerk shall assign a file number and record the filing date. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.08.020 Fees.

A. The applicant shall pay for work performed by city employees on processing the application, and for such work related to the application but performed prior to the application, at the hourly rate established by city council resolution. The applicant also shall reimburse the city for all charges incurred by the city for services of consultants and agents in connection with the application and approvals, and for such charges related to the application but performed prior to the application, including but not limited to legal, engineering, surveying and environmental review and services.

B. Concurrent with the application, the applicant shall deposit with the city the amounts established by city council resolution for the charges to be incurred by the applicant pursuant to subsection A of this section. Upon completion of the application, the city shall return any excess deposit, without interest. When any deposit has been applied totally to charges, the applicant shall, within fourteen days of the date of a written request from the city, submit an additional deposit. If the applicant fails to submit the additional deposit within the fourteen-day period, the city may suspend all work and services on the application. The period of time thereafter shall be deemed to be a consent by the applicant to extend the period of time for processing the application. (Ord. 353 §1, 2007; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

Chapter 16.12
ADMINISTRATIVE PROVISIONS

Sections:

- 16.12.010** **Effect of rezones.**
- 16.12.020** **Modifications.**
- 16.12.025** **Concurrent procedures.**
- 16.12.030** **Permits.**
- 16.12.035** **Determining innocent purchaser status.**
- 16.12.040** **Appeals.**
- 16.12.050** **Violation--Penalty.**
- 16.12.060** **Return of application for substantial noncompliance with land use development ordinances--Cessation of application review for violation of land use development ordinance requirements.**

16.12.010 Effect of rezones.

Any lots in a final plat or short plat filed for record with the county auditor shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.12.020 Modifications.

A. Where a significant change in a subdivision or short subdivision, not covered by ordinary and customary field changes, is requested after preliminary approval has been granted, an applicant may submit the request in writing to the city provided the modification does not constitute a variance. Modification is not intended to allow exceptions to otherwise applicable zoning, environmental, sensitive area or design criteria requirements.

B. When an applicant requests a modification to an approved preliminary plat, the city council shall hold a hearing, and shall amend, approve or disapprove the requested modifications. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.12.025 Concurrent procedures.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat for a subdivision or short subdivision shall be processed simultaneously with applications for rezones, variances, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing. Although processed simultaneously, a separate application and appropriate fee must be filed for each procedure. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.12.030 Permits.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this title; provided, the prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice determined under Section 16.12.035. If an applicant is in violation of this title and denied innocent purchaser status, the applicant may obtain an exemption from applicable subdivision regulations if the city council rules that the public interest will not

be adversely affected. (Ord. 362 §1, 2009; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.12.035 Determining innocent purchaser status.

A. An innocent purchaser of a parcel divided in violation of subdivision requirements who files a notarized affidavit of innocent purchaser with the planning department on the application form provided by the city may seek to establish the parcel's eligibility for building permits, septic tank permits, or other development permits and for lawful future conveyance; provided, that nothing herein is intended to exempt development on innocent purchaser lots from compliance with other zoning or development standards of the city's zoning code.

B. The planning department shall determine whether the applicant is an innocent purchaser based on the submitted application and any other information accessible to the city. The determination is effective upon recording of the affidavit of innocent purchaser, acknowledged by the planning department, with Snohomish County.

C. Innocent purchaser status shall not be granted more than once to any individual or person as defined in Section 1.04.010. (Ord. 362 §2, 2009)

16.12.040 Appeals.

Any final decision for which no other direct appeal is specifically provided in this title approving or disapproving any subdivision, plat, short subdivision, or lot line adjustment, and for which all other appeals specifically authorized have been timely exhausted, may be appealed to the Snohomish County court, in accordance with Chapter 1.20 of this code. (Ord. 349 §1, 2007; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.12.050 Violation--Penalty.

Any person, firm, corporation, or association who violates any provision of this title relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land shall be guilty of a misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense. Any person, firm, corporation, or association in violation of this title for second and ongoing offenses shall be guilty of a gross misdemeanor. Conviction shall subject the violator to a fine in any sum not to exceed two thousand five hundred dollars for each offense; provided, however, that in addition to the criminal sanctions provided herein for the violations of this title the city shall have the right to commence an action to restrain and enjoin any subdivision, sale or transfer or offers of sale or transfer, compel compliance with the provisions of this title, and obtain other injunctive relief as may be granted by a court sitting in equity jurisdiction including the costs of such action taxed against the violator and a reasonable sum for attorney's fees. (Ord. 362 §3, 2009; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.12.060 Return of application for substantial noncompliance with land use development ordinances--Cessation of application review for violation of land use development ordinance requirements.

Brier Municipal Code

No subdivision or short subdivision application shall be processed, considered, or reviewed, where the applicant has previously taken action that is not in compliance with, or has failed to comply with any land use development ordinance or requirement which materially affects the condition of the property subject to subdivision or short subdivision application. Any applicant who, in violation of an applicable land use development ordinance, causes the property subject to a pending application to be materially changed causing material noncompliance with an applicable land use ordinance, shall have their application returned, and no further action shall be taken until such time as the condition causing the violation has been cured. For purposes of this section, a material noncompliance shall include, without limitation: tree cutting or land clearing in violation of an ordinance limiting or controlling tree cutting and land clearing; violation of sensitive areas ordinance requirements by the changing of the physical characteristics of the property; destruction of flora and/or fauna in anticipation of development; other changes in the physical characteristics of the property which, by virtue of the changed condition, has substantially and negatively affected the property. Determination of violations pertinent to this section shall be by administrative determination and decision which shall be subject to appeal to the city council under the then applicable appeal provisions of this code. Any applicant subject to the terms and conditions of this provision may reapply for a subdivision or short subdivision after the earlier of either a complete restoration of the property or five years shall have passed. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

Chapter 16.16
DESIGN CRITERIA, IMPROVEMENTS AND DEDICATIONS

Sections:

- 16.16.010** Review criteria generally.
- 16.16.020** General criteria.
- 16.16.030** Environmental impact.
- 16.16.032** Sanitary sewer requirements.
- 16.16.035** Extension of sanitary and storm sewers.
- 16.16.040** Street, block and pedestrian way specifications.
- 16.16.060** Rights-of-way of streets, alleys, and pedestrian walkways.
- 16.16.070** Street names.
- 16.16.080** Pavement widths for public highways.
- 16.16.090** Grades and curves--Streets and pedestrian ways.
- 16.16.100** Intersections.
- 16.16.110** Street placement.
- 16.16.120** Sidewalks, pathways, planter strips and street tree bulb-outs.
- 16.16.130** Lots.
- 16.16.140** Improvements and dedications.
- 16.16.150** Flood control--Geologic conditions--Sensitive areas.
- 16.16.160** Tree preservation.
- 16.16.170** Top soil preservation.

16.16.010 Review criteria generally.

Whenever in this title a review is made by any agency of the city (including the city engineer, planning commission and/or the city council) of any subdivision, short subdivision, lot line adjustment or dedication, said agency shall inquire into the matters set forth in this chapter. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.16.020 General criteria.

A. General criteria for review are as set out in this section:

1. The purposes set forth in Section 16.04.010 of this title;
2. The proposed subdivision or short subdivision provides for such requirements contained in the official plans or portions thereof and development plans for the city;
3. Public acquisition or dedication of such lands within the subdivision or short subdivision that have been designated by the official plans for uses such as, but not limited to, parks, playgrounds, public buildings, and greenbelt areas, may be considered as conditions for approval.

B. The reviewing agency shall recommend approval, or shall approve, any application governed by this title only after determining and finding that the public use, interest, health, safety and general welfare are satisfied and provided for as set forth herein and any approval or recommended approval shall be deemed to include such finding and determination without the necessity of so stating on each occasion. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.16.030 Environmental impact.

A. The city engineer and/or planning commission may require additional information from the applicant to determine whether the project must be reviewed under the provisions of the state of Washington Environmental Protection Act of 1971 (RCW Ch. 43.21C) and as the same may be amended and supplemented from time to time. Preliminary approval of the subdivision or short subdivision shall not be given until all requirements of the Act are fulfilled. If a sensitive area (as defined in Chapter 18.12 of this code) exists in the proposed subdivision or short subdivision, it shall not be altered. If a stream or natural drainage way that is not a sensitive area exists in the proposed subdivision or short subdivision, it shall not be altered until an assessment is made of the potential environmental effects.

B. The cost of the study and an environmental impact statement, if required, shall be borne by the applicant. The applicant shall be fully responsible for the adequacy and completeness of such studies and statement. He shall meet all requirements of SEPA and the guidelines promulgated by the council or environmental policy or any other authorized public body or agency. The applicant shall select an environmental consultant qualified and experienced in preparing environmental impact statements and who shall be approved by the city council to perform such tasks. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.16.032 Sanitary sewer requirements.

All lots created by the subdivision process, including lots created by short subdivisions, must be served by a gravity-flow municipal sewage system. The use of grinder pumps is not allowed. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.16.035 Extension of sanitary and storm sewers.

Upon receipt of the application, the city engineer shall conduct a review of the proposed subdivision or short subdivision to determine if requirements to extend sewer and/or sewer easements to all neighboring properties would be necessary. Based on the city engineer's recommendation, the planning commission or city council may, in the public interest, require extension of sewer and/or sewer easements to neighboring properties, and shall specify what sewer extension and/or easements shall be required as a condition of approval. The intent of this section is to permit latitude in requiring construction of sewer extension where the requirement would be excessive for the proposed subdivision. The city may share a portion of additional expenses for extra manholes, catch basins, oversizing or increasing the depth of a sewer in order to accomplish the purpose of this section. All easements will be granted to the city. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

16.16.040 Street, block and pedestrian way specifications.

The layout of streets shall conform to the most advantageous development of adjoining areas, and the entire neighborhood, and shall provide for the following:

- A. Street continuity of appropriate streets;
- B. Streets continuing to boundaries of tract;
- C. Streets generally following contour lines;
- D. Streets intersecting at right angles, or as nearly as possible;
- E. Street jogs shall be avoided;
- F. Nothing less than full-width right-of-way for streets, and no boundary streets on the tract in which the plat is located, unless required to provide right-of-way streets designated by the official plan or portions

thereof;

G. Alleys in business district at least twenty feet wide;

H. Utility easements twenty feet wide, will be permitted in lieu of alleys in residential areas; however, alleys are required if water lines are in, or proposed to be installed at rear of lots;

I. The width of blocks shall provide for two tiers of lots, each of which shall have a minimum depth of one hundred feet;

J. The length of blocks shall not exceed one thousand three hundred twenty feet;

K. In any block exceeding six hundred sixty feet in length, walks or pedestrian ways at a mid-block point shall be required, when determined to be essential to provide circulation or access to schools, playgrounds, etc.; the right-of-way of which shall be at least fifteen feet in width;

L. The number of streets intersecting with the existing or proposed major traffic streets or minor traffic streets, as shown on the official plan, shall be held to a minimum. Whenever the topography and general characteristics of the area to be platted require blocks of more than one thousand three hundred twenty feet, such reason shall be listed and supported by the design of the plat, subdivision or dedication. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.16.060 Rights-of-way of streets, alleys, and pedestrian walkways.

A. Rights-of-way for major traffic streets and minor traffic streets as specified by the official plan shall be at least sixty feet in width in all cases with a ten-foot utility easement granted to the city on each side of the right-of-way.

B. Rights-of-way for neighborhood traffic streets and local neighborhood service streets shall be at least fifty feet in width in all cases with a ten-foot utility easement granted to the city on each side of the right-of-way.

C. All dead-end streets shall terminate in a circular turnaround design having a minimum right-of-way diameter of one hundred feet, unless a "T"- or "Y"-shaped paved space in the place of the required turning circle is approved by the city council. Right-of-way for the "T" or "Y" shall not be less than fifty feet with a ten-foot utility easement on each side of the right-of-way and around any circular, "T" or "Y" turnaround. Streets dead-ending at tract boundary shall provide a revocable easement in lieu of platted turnaround to automatically terminate at time of dedication of street extension.

D. Alleys and service drives shall have a minimum of twenty feet of right-of-way width.

E. Pedestrian walkways that are not in street right-of-ways shall have a minimum of fifteen feet of right-of-way width.

F. No portion of a right-of-way shall have a cross-sectional slope greater than five percent. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.16.070 Street names.

All street names shall be approved by the city council and shall be in conformity to the county system whenever possible. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.16.080 Pavement widths for public highways.

A. Major traffic streets shall have a pavement width of forty feet, curb to curb, not including the curbs.

B. Minor traffic streets, neighborhood traffic streets, and local neighborhood service streets shall have a pavement width of thirty-two feet, curb to curb, not including the curbs, in all sections of the street where

there are no bulb-outs for street trees.

C. All neighborhood traffic streets and local neighborhood access streets shall be installed with bulb-outs for street trees, with the curb at the bulb-out placed twelve feet from the centerline of the pavement. One bulb-out, at least eight feet in length at the widest portion of the bulb-out, shall be installed for each lot that has a street frontage of seventy feet or more that is not cul-de-sac frontage. Two bulb-outs shall be installed for each corner lot where feasible. Whenever possible, bulb-outs shall be placed nearly opposite of each other along each side of the street. Driveways and street lights shall be located at least fifteen feet from the planned location of a street tree in a bulb-out.

D. The pavement of a turning circle at the end of a dead-end street shall have an outside diameter of eighty feet and shall be at least forty feet wide. Any "T"- or "Y"-shaped paved space that has been approved in place of a turning circle shall have a paving width of twenty-five feet.

E. Alley and service drives shall have a paving width of twenty feet.

F. No pavement width shall exceed the specified width except where additional width is required for bus stops or traffic turn lanes.

G. Pavement widths may be reduced for streets on which parking is not permitted. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.16.090 Grades and curves--Streets and pedestrian ways.

A. Grades of major traffic streets shall not be greater than the WSDOT Standards.

B. Grades of minor traffic streets, neighborhood traffic streets, and local neighborhood service streets, service drives, and alleys shall not be greater than fifteen percent.

C. Grades of pedestrian ways shall be not more than fifteen percent unless steps designed in accordance with approved standards of the city engineer are provided in the plans. Whenever feasible, pedestrian ways shall meet ADA accessibility standards.

D. All changes in street grades shall be connected by vertical curves meeting the standards and requirements of the city engineer.

E. The radii of curvature on the centerline shall not be less than:

1. Major and minor traffic streets, three hundred feet;
2. Neighborhood traffic streets and local neighborhood service streets, one hundred feet;
3. Dead-end streets, alleys and service drives, one hundred feet.

F. A tangent of at least seventy-five feet in length between reverse curves shall be required. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.16.100 Intersections.

At street intersections, property line corners shall be rounded by an arc, the minimum radii of which shall be ten feet. (Ord. 25.H §1(part), 1999: Ord. 25.G §2 (Exh. A)(part), 1996)

16.16.110 Street placement.

Streets shall be placed in the center of the street right-of-way. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.16.120 Sidewalks, pathways, planter strips and street tree bulb-outs.

A. Sidewalks or pathways serving proposed shopping and retail land uses shall be at least eight feet wide.

B. Sidewalks or pathways serving areas proposed for single-dwelling-unit homes shall be five feet wide and shall be located in the right-of-way six inches from the property line. The distance between the property line and the sidewalk or pathway may be increased as necessary to accommodate steep slopes or to preserve the root structure of trees that are located within ten feet of the property line.

C. The planter strip areas between sidewalks or pathways and the curb shall have at least six inches of settled topsoil and shall be sodded or hydroseeded with lawn grass; those areas of bulb-outs and planter strips in which street trees will be planted shall have at least eighteen inches of settled topsoil.

D. Street trees of at least two-inch caliper and of a species specified by the city shall be planted in all bulb-outs and in specified planter strip areas at a spacing of fifteen to thirty feet apart. No street tree shall be planted within fifteen feet of a driveway, street intersection, utility pole, street light or existing tree. Barriers shall be provided to protect the bottom eight inches of the tree trunk from damage by machinery and to prevent grass from growing within one foot of the tree.

E. A stormwater drainage system shall be installed to intercept groundwater and surface water sheet flow along the property-line side of the sidewalk whenever the property slopes toward the sidewalk, and shall be installed in accordance with specifications provided by the city engineer. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.16.130 Lots.

A. Every lot in a subdivision shall abut on a street by not less than forty-five feet. Every lot in a short subdivision that abuts on a street shall abut on that street by not less than forty-five feet.

B. The lot width shall be defined as the horizontal distance between the side lot lines as measured at right angles to the line comprising the depth of the lot, at the building line.

C. Lots shall allow the minimum width as regulated by the zoning ordinance at the building line.

D. Residential lots shall have a minimum area as specified in Title 17 of this code.

E. Corner lots shall allow for the required setbacks from both streets as required by the zoning regulations of the area in which it is located.

F. Lots having frontage on two streets shall be avoided whenever possible.

G. Side lot lines shall be within twenty degrees of perpendicular to the centerline of the street in which the lot faces.

H. Side and rear lot lines shall be straight, or composed of straight line elements, except where bounded by curved street right-of-way.

I. No lot shall be divided by a city boundary line. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.16.140 Improvements and dedications.

A. The city engineer shall define and specify the improvements necessary to meet the requirements of this section. Required improvements shall include, but are not limited to installation of landscaping, streets, curbs, sidewalks, water connections, sewers or other approved sanitary facilities, drainage systems, undergrounding of utilities, and a drainage release provision to appear on the face of the final plat as filed with the county auditor.

B. All subdivisions or short subdivisions being developed or to be developed shall have all necessary power lines, gas lines, telephone wires, television cables, and other communications wires, cables or lines placed in underground location either by direct burial or by means of conduit or ducts, providing service to each lot or potential building site in the plat. All above-listed utilities in street crossings must be placed in conduits or ducts.

C. All underground utility installations or systems shall meet all appropriate utility requirements and written approval of the final installation of any such utility shall be obtained, further provided that all such underground utility installations shall meet all city, state and local requirements.

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

E. All utility easements within a proposed subdivision or short subdivision shall be approved by the appropriate utility company before final acceptance of the plat and shall be shown in the exact locations on the final drawing of said plat.

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

G. Monuments shall be placed at all street intersections, boundary angle points, points of curbs in streets, and at such intermediate points as required by the city engineer. Monuments shall be of a type specified by the city engineer and set as specified by the city engineer. All lot and block corners shall be set with an iron pipe or pin at least eighteen inches in length.

H. The subdivider shall make available, for public dedication or acquisition, such lands in the area to be subdivided required to meet the goals of the comprehensive plan for parks, playgrounds, open space and public buildings. All subdivisions and short subdivisions shall provide for public dedication or in lieu fee payment as follows:

1. The subdivider shall dedicate an area or areas in the proposed subdivision for parks, playgrounds and open space to maintain the existing level of service as specified in the current comprehensive plan of the city. The city council shall hold a public hearing to determine whether an adjustment to the amount of the dedication recommended in the comprehensive plan is appropriate based upon the specific development requirements of the subdivision or short subdivision under consideration. The public hearing may be held in conjunction with other public hearings held during the review of the subdivision or short subdivision by the city council.

2. Areas to be dedicated shall be dedicated to the city in fee simple absolute, and proof of ownership shall be required at the time of final plat approval, to be included in the final plat title report or plat certificate.

3. Areas that are not suitable for development, because of steep slopes, wetlands, proposed lot geometry, inaccessibility, use for storm detention systems, encumbrance by power line easements, etc., are not acceptable for the purpose of meeting this requirement, except as specified below.

4. Areas dedicated for open storm detention systems that are designed to provide unfenced multipurpose use may be acceptable for the purpose of meeting this requirement.

5. Sensitive areas and their buffers may be given up to twenty-five percent credit for the purpose of meeting this requirement.

6. Areas encumbered by an electrical utility easement may be given up to twenty-five percent credit for the purpose of meeting this requirement provided other uses do not further restrict the use of the area for parks or open space.

7. Where, because of size, topography, shape, location or other circumstances, the dedication of land is undesirable, the developer may pay an appropriate fee approximating the value of the dedication otherwise required, based on the fair market value of the unsubdivided unimproved land at the site. Such

fee shall be set by the city council after a public hearing to determine the appropriate fee required with respect to the specific development under consideration. The public hearing may be held in conjunction with other public hearings held during the review of the subdivision or short subdivision by the city council. The fee shall be paid into a park fund to be used for the purchase of additional lands or for the development of parks and playgrounds; the city may also accept off-site land of comparable value in the vicinity in lieu of on-site land.

8. The cost of off-site park development and improvements made by the developer may be credited toward meeting this requirement.

I. The postmaster's requirements or recommendation shall be considered in all plats for mailbox considerations. There shall be not less than five feet clearance for sidewalks around mailbox installations. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A) (part), 1996)

16.16.150 Flood control—Geologic conditions—Sensitive areas.

A. All subdivisions and short subdivisions shall provide adequate provisions for stormwater retention/detention.

1. Stormwater detention systems shall be designed using the latest version of the Department of Ecology Stormwater Management Manual for this region. All recommendations within the manual, that do not conflict with the requirements of this section, shall be considered mandatory where feasible. A copy of the latest version of the Department of Ecology Stormwater Management Manual for this region shall be maintained at Brier City Hall and available for use and review by all applicants. Plats with five lots and more shall use a wet pond design where feasible. Plats with five lots and more that are not served by a wet pond shall provide biofiltration, designed in accordance with the above manual. All drainage plans and calculations shall be reviewed by the city engineer for a written recommendation.

2. Repealed by Ord. 325.

3. Repealed by Ord. 325.

4. Repealed by Ord. 325.

5. Repealed by Ord. 325.

B. Where the city engineer, SEPA consultant and/or planning commission has determined that the land is unsuitable or inappropriate for subdivision due to flooding, inundation, swamp conditions, steep slopes, rock formations, hazardous soil conditions or other features likely to be harmful to the safety, welfare and general health of the future residents or adjoining residents, the land shall not be subdivided until the following conditions are satisfied:

1. Provision is made for construction of protective improvements by the developer and the improvements are approved by the city engineer;

2. Where topographical slopes are fifteen percent or more, the planning commission may impose additional requirements which will afford protection to future and adjoining residents;

3. The effect of alteration of the site has been assessed under the provisions of Section 16.16.030 of this chapter;

4. No plat shall be approved which is situated in a flood control zone as provided in RCW 58.17.120, without approval of the Department of Ecology, state of Washington;

5. All relevant requirements of Chapter 18.12 of this code shall be met. (Ord. 325 §1(part), 2006; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A) (part), 1996)

16.16.160 Tree preservation.

A. The subdivider shall strive to preserve natural foliage and trees. If preservation of the existing

significant trees would enhance the appearance of the subdivision or reduce erosion and other negative environmental effects, the city may impose cutting restrictions on such significant trees.

B. Trees and other vegetation more than ten feet outside of areas required by approved development plans or building plans for streets, sidewalks, driveways, building foundations, patios and other impervious surfaces shall be retained and protected during the clearing process, except as specifically recommended by a certified arborist, mutually selected by the city and developer, to be removed.

C. Selected trees or areas of vegetation of particular aesthetic or wildlife value may be designated by the city for permanent protection in property deeds, in subdivision approval, by private or public covenant, or any other instrument of record.

D. Significant trees that are to be retained shall be protected during any construction in accordance with Section 18.20.130. Other trees that are to be retained shall be protected during any construction by fencing placed at a distance of one foot from the trees for every inch of tree diameter, or at a distance of two feet from the planned impervious surface, whichever is lesser. Any removal of vegetation around the trees within this area shall be by manual methods only; no development activity, including disturbance of the soil, damage to the trees, or placement of equipment or materials, shall take place within any such delineated area.

E. To assure protection of significant and other trees during construction or prior to final plat approval, the subdivider shall post a performance bond in accordance with Chapter 18.20.

F. If the subdivider or any person acting on behalf of the subdivider removes trees that are to be retained during construction or prior to final plat approval, the subdivider and such person shall be subject to the remedial measures and penalties of Section 18.20.160 and the enforcement provisions of Section 18.20.030. The director shall determine the remediation measures, tree replacement and penalties for nonsignificant trees consistent with such remediation measures, tree replacement and penalties for significant trees in Sections 18.20.030 and 18.20.160.

G. The city may also issue stop work orders, where appropriate, or orders requiring restoration of vegetation, provision of erosion control, hydroseeding of exposed slopes, and restoration of specific sites on properties where activities in violation of this chapter have taken place.

H. A minimum of four trees, which shall be deciduous trees that are three inches in diameter at six inches in height above natural grade or evergreen trees that are eight feet in height above natural grade, including natural trees and trees planted by the subdivider, shall remain on each lot of the subdivision. (Ord. 352 §2, 2007; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A) (part), 1996)

16.16.170 Top soil preservation.

In order to promote healthy growth of lawns, gardens and landscaping, and thereby minimize the amount of watering and use of fertilizers required to establish and maintain healthy plant growth and minimize non-point-source water pollution, the city encourages that all areas of the developed lots that are available for lawns, gardens or landscaping shall have the undisturbed native soil or approved topsoil. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A) (part), 1996)

Chapter 16.20
PRELIMINARY PLATS

Sections:

16.20.010 Preapplication conference.

16.20.020 Information required.

16.20.010 Preapplication conference.

Prior to submitting a completed preliminary plat, while the proposed subdivision, short subdivision or dedication is in sketch form, the subdivider, his engineer, or land surveyor shall consult with the superintendent of public works to discuss the proposed plans. The purpose of this conference is to eliminate as many potential problems as possible to permit an application to be processed with minimal delay. The topics to be discussed at the preapplication conference include such items as zoning, easements, permits, fees, availability of sewer and water, stormwater management, latecomer charges, potential environmental impacts, the comprehensive plan, development concepts, design standards, and other relevant city requirements. The city will inform the applicant of required studies to be performed, plan revisions, design information, or other additional information required for preliminary plat approval to the best of its ability given the information provided by the applicant at the time. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A) (part), 1996)

16.20.020 Information required.

A. The following information pertaining to the preliminary plat must be provided at the time of application; all additional information requested as provided for in subsection B of this section must be provided before preliminary plat approval can be obtained; preliminary plats must be prepared by a licensed professional land surveyor licensed in the state of Washington:

1. The name of the preliminary plat;
2. Legal description of the preliminary plat;
3. Existing zoning classification;
4. A vicinity sketch at a scale of not more than four hundred feet to the inch or smaller;
5. General description of topography, unusual soil conditions, and delineation of all sensitive areas and their buffers, including steep slopes and wetlands, as described in Chapter 18.12 of this code;
6. Contour lines at five-foot intervals or less if necessary;
7. All land owned by the applicant or in which applicant has an interest that is contiguous to proposed subdivision;
8. Date, scale, legend and north point. The scale of the preliminary plat shall be one hundred feet to the inch or greater for subdivisions, and forty feet to the inch or greater for short subdivisions;
9. The boundary lines of the tract to be subdivided and acreage of the tract;
10. Zoning boundary lines, if any;
11. Name, address, telephone number and official seal of the licensed professional land surveyor;
12. Lot dimensions, lot area (in square feet), building envelopes and number of lots. Lots should be numbered consecutively from one to total number of lots;

13. The location, ownership, width and name, where applicable, of all existing and proposed access drives, streets, public ways, easements, or other rights-of-way and watercourses within the preliminary plat and within two hundred feet of the proposed subdivision;

14. All parcels of land intended to be dedicated or reserved for public use or reserved in the deed for common use of the owners with the purpose clearly indicated;

15. All existing structures on the preliminary plat, and an indication of whether they will be removed or retained;

16. Location of any existing septic tanks or grinder pumps;

17. The approximate location of each area covered by trees, general identification of trees within the preliminary plat and identification of all significant trees that might be removed, including those that might need to be removed later to avoid having large trees within twenty feet of a building;

18. A completed application for a clearing, grading and filling permit, prepared in accordance with the requirements of Chapter 18.16 of this code, that includes any plans for clearing, grading and filling that may be required for the building of houses;

19. Detailed plans for disposing of sewage by gravity flow into a municipal sewage system, including the name of the municipal system;

20. Detailed plans, designs and calculations for a stormwater management system designed to handle the runoff from streets, sidewalks and the maximum impervious surface area proposed for all lots in the plat, and designed in accordance with the requirements of Section 16.16.150 of this chapter and in compliance with those guidelines of the latest version of the Department of Ecology Stormwater Management Manual for this region that do not conflict with Section 16.16.150;

21. Detailed plans for draining groundwater from roadway foundations;

22. A layout of a proposed water distribution system;

23. Documentation of fire department requirements for fire hydrant placement, driveway turnarounds, or other fire control provisions;

24. Drawing of right-of-way cross section showing pavement, curb, gutter, drains, planter strip and sidewalk;

25. A completed SEPA checklist.

B. After the application is deemed complete, the public works superintendent, city engineer, planning commission or city council may require further details or any other information on the preliminary plat which is necessary to determine if the proposed subdivision or short subdivision makes appropriate provision for the public health, safety and welfare.

C. No subdivision application or short subdivision application shall be deemed complete until all of the information and supporting documentation required in subsection A of this section have been submitted. Any application containing inaccurate or misleading information shall be deemed incomplete and returned to the applicant. Any application involving land on which there has been substantial noncompliance with land use development ordinances, as described in Section 16.12.060, shall be returned to the applicant. The determination that an application is complete does not in any way imply acceptance of the concepts and designs submitted. All concepts and designs submitted during the preliminary plat review process shall be considered proposals and are subject to review and further changes throughout the review process. (Ord. 352 §3, 2007; Ord. 325 §1(part), 2006; Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

Chapter 16.24
REVIEW AND PLATTING PROCEDURES

Sections:

ARTICLE I. REVIEW

- 16.24.010** **Outline of review.**
- 16.24.015** **Inactive applications.**
- 16.24.020** **Staff review.**
- 16.24.030** **Hearing procedure, notice and planning commission review.**
- 16.24.040** **City council review.**
- 16.24.050** **Installation of improvements and bonding.**
- 16.24.060** **Extensions.**

ARTICLE II. FINAL PLATS

- 16.24.070** **Approval.**
- 16.24.080** **Submittal.**
- 16.24.090** **Survey and monuments.**
- 16.24.100** **Certifications.**
- 16.24.110** **Certificates of dedication.**
- 16.24.120** **Additional requirements.**
- 16.24.130** **Format.**
- 16.24.140** **Written approval.**
- 16.24.150** **Filing for record.**

ARTICLE I. REVIEW

16.24.010 **Outline of review.**

Review procedures are as follows:

- A. The applicant or representative meets with the superintendent of public works or designated official to review city requirements as described in Section 16.20.010 of this title;
- B. The applicant submits an application that includes all the required information outlined in Sections 16.08.010 and 16.20.020(A) of this title;
- C. The superintendent of public works reviews the application and notifies the applicant of what additional information is required to make the application complete;
- D. The superintendent of public works, city engineer and SEPA consultant, as appropriate, inspect the site and submit reports to the planning commission concerning the proposed plat;
- E. The planning commission holds an open record public hearing as outlined in Section 16.24.030 of this chapter;
- F. The planning commission reviews the application and decides to either request additional information or revisions from the applicant, or recommend approval or disapproval of the preliminary plat to the city council. The planning commission does not recommend approval until all additional information and revisions have been reviewed;
- G. The city council reviews the recommendation and information at a meeting, reviewing the record

established before the planning commission;

H. The city council issues the decision;

I. The applicant installs the required improvements;

J. The applicant submits the final plat to the city council for approval;

K. The city council acts on final plat;

L. Appeal of city council action may be made to Snohomish County superior court; the appeal must be commenced in accordance with Chapter 1.20 of this code. (Ord. 349 §2, 2007: Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.24.015 Inactive applications.

If at any time in the review process prior to preliminary plat approval, the applicant fails to provide information requested by city staff, the city engineer, planning commission or city council within one year of the date of the request, the application shall be considered invalid, thus requiring a new application and fee. The one-year time limit may be extended for up to six months for a justifiable cause outside of the applicant's control, such as illness or death in the family. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.24.020 Staff review.

A. The city clerk shall transmit one copy of the application, including the SEPA checklist and the proposed preliminary plat, to the superintendent of public works for his recommendations regarding the proposed subdivision or dedication, one copy to each member of the planning commission, and shall retain at least one copy for the file.

B. The superintendent of public works shall provide a written determination to the applicant stating either:

1. That the application is complete; or

2. That the application is incomplete and what is necessary to make the application complete.

C. If additional information is necessary to make the application complete, the superintendent of public works shall review the additional information when it is provided and provide another written determination to the applicant stating whether or not the application is complete.

D. The superintendent of public works shall review the complete application, and set forth his findings, together with a list of all required improvements and/or dedications, and his recommendations regarding the proposed subdivision or dedication, in report form to the planning commission and the applicant at least five days prior to the public hearing.

E. The superintendent of public works shall obtain written approval or disapproval of all engineering calculations and designs from the city engineer and obtain a SEPA review, if required, from the city environmental consultant. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.24.030 Hearing procedure, notice and planning commission review.

A. The planning commission shall hold an open record public hearing as soon as practicable after the application is deemed complete. Notice of the hearing shall be given as follows:

1. The notice shall contain the date, hour and location of the hearing and the legal description of the property together with either a vicinity sketch or a location description in nonlegal language calculated to advise the general public of the location of the subject property.

2. This notice shall be published at least once not less than ten days prior to the hearing in the

official newspaper of the city.

3. Notice of proposed land use notices shall be posted in two locations on the property in clear view from the right-of-way. Signs shall be placed by the city and it shall be the responsibility of the applicant to maintain the signs until relieved by the city. Copies of notice shall be posted at official posting locations of the city not less than ten days before the hearing.

4. Notices shall be sent to adjacent property owners by using the preaddressed stamped envelopes provided by the subdivider and shall be deposited in the United States mail not less than ten days before the hearing.

B. The following organizations or officials outside of the city shall be notified not less than ten days before the hearing as to the description of the property to be subdivided and the date, time and location of the public hearing:

1. If the proposed subdivision is adjacent to the corporate limits of the city, notice shall be given to the appropriate county or adjacent city officials.

2. If the proposed subdivision contemplates the use of another municipality's utilities, notice shall be given to said municipality.

3. If the proposed subdivision is adjacent to the right-of-way of a state highway, notice shall be given to the State Department of Highways.

C. After the open record public hearing, the planning commission shall review all information submitted relating to the proposed subdivision or dedication and decide to:

1. Recommend approval by city council;

2. Recommend disapproval by city council; or

3. Request revisions, corrections or additional information.

D. The planning commission may re-open the public hearing to solicit comments on any revisions, corrections or additional information that has been presented.

E. The planning commission shall make a recommendation to the city council. (Ord. 349 §3, 2007: Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.24.040 City council review.

Upon receipt of the recommendations from the planning commission, the city council shall, at its next regular public meeting, commence consideration of the recommendation of the planning commission, reviewing the record established before the planning commission. The city council shall not receive additional testimony or exhibits, but may ask questions of the applicant, city staff and consultants, and any person to clarify the evidence and information obtained by the planning commission. An opening explanation by city staff to summarize the process, explain generally the proposed preliminary plat layout, and summarize the planning commission recommendation shall not be deemed additional evidence or information. If the city council determines that additional evidence or information is necessary to render a decision, the city council shall identify specifically the evidence and information to be obtained, and shall request the planning commission to re-open the public hearing for the limited purpose of obtaining such evidence and information. The planning commission shall give notice of the re-opened hearing in the same manner as the original hearing. After closing the additional hearing, the planning commission shall submit the supplemental evidence and information to the city council within seven business days. (Ord. 349 §4, 2007: Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.24.050 Installation of improvements and bonding.

A. Once a proposed plat is granted preliminary plat approval by the city council, the subdivider shall complete the installment of all required improvements specified in the concomitant agreement and other relevant documents before requesting final plat approval, with the exception of the final lift of asphalt for the plat roadway and the requirement for four trees per lot, which may be presented for bonding at the time of final plat approval. The bond presented shall be in written bid form to perform such work, multiplied by one hundred fifty percent.

B. All installation work shall be performed during weekdays, seven a.m. to eight p.m., except as approved by the superintendent of public works.

C. At least three business days before any installation work is begun, the developer shall notify, preferably in person, all easement holders that may be affected and all residents of abutting properties as to the work that is planned and the date the work is expected to begin. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A) (part), 1996)

16.24.060 Extensions.

A final plat shall be submitted for approval within five years of preliminary plat approval. No extensions shall be granted. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

ARTICLE II. FINAL PLATS

16.24.070 Approval.

The final plat shall be approved, disapproved or returned to the applicant by the city council within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.080 Submittal.

The final plat shall meet the requirements of the preliminary plat and shall incorporate any modifications required as a condition of approval of the preliminary plat. Twelve copies of the final plat shall be submitted with required fees. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.090 Survey and monuments.

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

B. In addition, the survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a licensed professional land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

C. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided and such other points as the city engineer shall determine are necessary. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.100 Certifications.

The plat shall contain a certificate giving a full and correct description of the lands divided as they appear on the plat. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.110 Certificates of dedication.

The plat shall also contain a certificate of dedication for all areas deeded to the public for street, utility or other purposes required by this title. Such certificate of dedication shall be properly notarized and shall be considered, to all intents and purposes, a quitclaim deed to the city. Every plat containing a dedication must be accompanied by a title report containing the legal description of the property, and confirming that the title of said subdivision property does belong to the stated owner or owners. Final approval of the plat by the city shall be evidence of acceptance of the dedications. Dedications shall include waiver of right or direct access to any street from any property if required as a condition of approval. All roadways not dedicated to the public must be clearly marked on the face of the plat. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.120 Additional requirements.

Each plat or replat of any property submitted for final approval shall have the following placed upon the face of the plat:

A. A certification from a proper officer in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of date of certification, and any other fees or penalties owed, have been duly paid, satisfied or discharged.

B. Certification by the city engineer that the plat has been examined and approved as complying with all terms of the preliminary approval of the proposed plat, subdivision or dedication.

C. The city engineer may require that the property owners agree on behalf of themselves, their assigns or subsequent purchasers to indemnify, defend and hold harmless the city from any and all claims for damages and/or injunctive relief and a waiver of all claims for damages and/or equitable relief against the city or any agency thereof, which may be occasioned to the adjacent or downstream property by the established construction, drainage and maintenance of improvements required to be installed in said plat. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.130 Format.

All final plats shall contain the information and be in the form as contained in Appendix "A" attached to the ordinance codified in this title, and by this reference made a part of this title. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.140 Written approval.

When the city council finds that the public use and interest will be served by the proposed subdivision and that the subdivision meets the requirements of the city the written approval of the city shall be placed upon the face of the plat. Final approval shall be within thirty days from the date of filing thereof, unless the applicant consents to an extension of time, or unless the application is continued by the city. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.24.150 Filing for record.

Subsequent to approval by the city council, the final plat shall be filed for record in the office of the county auditor. The subdivider shall furnish the city with mylars of the size(s) specified by the city, necessary fees and all pertinent information and documents for recording the plat. Upon satisfactory review by staff and affixed signatures, the city shall record the plat with the county auditor's office and obtain four copies of the recorded plat. The city shall retain the original mylar and one copy and shall transmit three copies to the subdivider. The subdivision shall not be an approved plat under these regulations until the final plat is recorded in the office of the county auditor. (Ord. 25.H §1(part), 1999; Ord. 25.G §2(Exh. A)(part), 1996)

Chapter 16.28
LOT LINE ADJUSTMENTS

Sections:

- 16.28.010** **Applicability.**
16.28.020 **Application procedures.**
16.28.030 **Recordation.**
16.28.040 **Fees.**

16.28.010 Applicability.

When an exchange of property is made between two adjoining lots, it shall be defined as a lot line adjustment if it satisfies the following criteria:

- A. Neither of the two lots affected is made substandard with respect to the requirements for lot dimensions specified herein and by the current zoning ordinance then in effect;
- B. No existing building or structure is made substandard or nonconforming in any respect;
- C. Existing easements in favor of the public are not rendered impractical to serve their purpose;
- D. There is no dedication of land for public purposes. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.28.020 Application procedures.

- A. A preliminary map shall be filed with the application and fee. The map shall contain a legal description which has been prepared by a licensed professional land surveyor or a title company, and any other information required by the planning commission or city engineer.
- B. Staff Review--Hearing Procedure--Appeal. Staff review, hearing and appeals to the city council shall be conducted in the same manner as set forth in Chapter 16.32 of this title. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.28.030 Recordation.

A plat accurately depicting the approved lot line adjustment shall be recorded with the Snohomish County auditor in accordance with Chapter 16.32 of this title. (Ord. 25.H §1(part), 1999: Ord. 25.G §2(Exh. A)(part), 1996)

16.28.040 Fees.

A . The applicant shall pay for work performed by city employees on processing the application, and for such work related to the application but performed prior to the application, at the hourly rate established by city council resolution. The applicant also shall reimburse the city for all charges incurred by the city for services of consultants and agents in connection with the application and approvals, and for such charges related to the application but performed prior to the application, including but not limited to legal, engineering, surveying and environmental review and services.

B. Concurrent with the application, the applicant shall deposit with the city the amount established by city council resolution for the charges to be incurred by the applicant pursuant to subsection A of this section. Upon completion of the application, the city shall return any excess deposit, without interest. When any deposit has been applied totally to charges, the applicant shall, within fourteen days of the date of a written request from the city, submit an additional deposit. If the applicant fails to submit the additional deposit within the fourteen-day period, the city may suspend all work and services on the application. The period of time thereafter shall be deemed to be a consent by the applicant to extend the period of time for processing the application. (Ord. 353 §2, 2007)

Chapter 16.32
SHORT SUBDIVISIONS

Sections:

- 16.32.005** **Definitions.**
- 16.32.010** **Information—Accompanying data.**
- 16.32.020** **Information required.**
- 16.32.032** **Sanitary sewer requirements.**
- 16.32.035** **Extension of sanitary and storm sewers.**
- 16.32.037** **Minimum ingress/egress easement and pavement widths.**
- 16.32.040** **Future development plan.**
- 16.32.050** **Review procedures.**
- 16.32.055** **Inactive applications.**
- 16.32.090** **Installation of improvements.**
- 16.32.100** **Compliance with approval conditions.**
- 16.32.110** **Recordation—Certification.**
- 16.32.120** **Other conditions of approval.**
- 16.32.130** **Approval of dedications.**
- 16.32.140** **Further subdivision.**
- 16.32.150** **Appeals.**

16.32.005 **Definitions.**

"City planning official" is defined as the "director of community planning and development" and any other city official or city representative deemed necessary by either the "director of community planning and development" or the mayor. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.010 **Information—Accompanying data.**

The information and materials to be supplied with the application for a short subdivision are as specified in Chapter 16.08 and Section 16.32.020. No short subdivision application shall be deemed complete and vested until all of the information and supporting documentation has been submitted as required in Section 16.32.020(A), and a letter of completion has been received. Additional information may be required by city staff or the city engineer according to Section 16.32.020(B). (Ord. 335 §1(Exh. A)(part), 2006)

16.32.020 **Information required.**

A. The following information pertaining to the short plat must be provided before an application can be deemed complete; all additional information requested as provided for in subsection B of this section must be provided before short plat approval can be obtained; short plats must be prepared by a licensed professional land surveyor licensed in the state of Washington:

1. Legal description of the short plat;
2. Existing zoning classification;
3. A vicinity sketch at a scale of not more than four hundred feet to the inch or smaller;
4. General description of topography, unusual soil conditions, and delineation of all sensitive areas and their buffers, including steep slopes and wetlands, as described in Chapter 18.12 of this code;

5. Contour lines at five-foot intervals or less if necessary;
6. All land owned by the applicant or in which applicant has an interest that is contiguous to proposed short subdivision;
7. Date, scale, legend and north point. The scale of the short plat shall be forty feet to the inch or greater;
8. The boundary lines of the tract to be subdivided and acreage of the tract;
9. Zoning boundary lines, if any;
10. Name, address, telephone number and official seal of the licensed professional land surveyor;
11. Lot dimensions, lot area (in square feet), building envelopes and number of lots. Lots should be numbered consecutively from one to total number of lots;
12. The location, ownership, width and name, where applicable, of all existing and proposed access drives, streets, public ways, easements, or other rights-of-way and watercourses within the short plat and within two hundred feet of the proposed short subdivision;
13. All parcels of land intended to be dedicated or reserved for public use or reserved in the deed for common use of the owners with the purpose clearly indicated;
14. All existing structures on the short plat, and an indication of whether they will be removed or retained;
15. Location of any existing septic tanks or grinder pumps;
16. The approximate location of each area covered by trees, general identification of trees within the short plat and identification of all significant trees that might be removed, including those that might need to be removed later to avoid having large trees within twenty feet of a building;
17. Plans for disposing of sewage by gravity flow into a municipal sewage system, including the name of the municipal system;
18. Plans for a stormwater management system designed to handle the runoff from the maximum impervious surface area proposed for all lots in the plat, and designed in accordance with the requirements of Section 16.16.150;
19. A completed SEPA checklist.

B. After the application is deemed complete, the director of community development and planning or city engineer may require further details or any other information on the short plat which is necessary to determine if the proposed short subdivision makes appropriate provision for the public health, safety and welfare. The following additional information must be submitted when requested before short plat approval can be approved:

1. A completed application for a clearing, grading and filling permit, prepared in accordance with the requirements of Chapter 18.16 of this code, that includes any plans for clearing, grading and filling that may be required for the building of houses;
2. Detailed plans for disposing of sewage by gravity flow into a municipal sewage system, including the name of the municipal system;
3. Detailed plans, designs and calculations for a storm water management system designed to handle the runoff from streets, sidewalks and the maximum impervious surface area proposed for all lots in the plat, and designed in accordance with the requirements of Section 16.16.150 of this chapter. The applicant shall comply with the requirements of the ordinance or ordinances establishing the drainage code for the city by payment of such fees and preparation of such plans as therein specified to ensure adequate percolation and drainage of the area proposed to be platted;

4. A layout of a proposed water distribution system;
5. Copies of all existing or proposed easement agreements affecting the proposed plat;
6. Complete applications for all variances for any aspects of the proposal that do not comply with city ordinances;
7. Documentation of fire department requirements for fire hydrant placement, driveway turnarounds, or other fire control provisions.

C. No short subdivision application shall be deemed complete until all of the information and supporting documentation required in subsection A of this section have been submitted. Any application containing inaccurate or misleading information shall be deemed incomplete and returned to the applicant. Any application involving land, on which there has been substantial noncompliance with land use development ordinances, as described in Section 16.12.060, shall be returned to the applicant. Determination that an application is complete does not in any way imply final approval may be granted. All concepts and designs submitted during the short plat review process shall be considered proposals and are subject to review and further changes throughout the review process. (Ord. 352 §4, 2007; Ord. 335 §1(Exh. A)(part), 2006)

16.32.032 Sanitary sewer requirements.

All lots created by the short subdivision process must be served by a gravity flow municipal sewage system. The use of grinder pumps is not allowed. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.035 Extension of sanitary and storm sewers.

Upon receipt of the application, the city engineer shall conduct a review of the proposed short subdivision to determine if requirements to extend sewer and/or sewer easements to neighboring properties would be necessary. Based on the city engineer's recommendation, the director of community development and planning may, in the public interest, require extension of sewer and/or sewer easements to neighboring properties, and shall specify what sewer extension and/or easements shall be required as a condition of approval. The intent of this section is to permit latitude in requiring construction of sewer extension where the requirement would be excessive for the proposed subdivision. The city may share a portion of additional expenses for extra manholes, catch basins, oversizing or increasing the depth of a sewer in order to accomplish the purpose of this section. All easements will be granted to the city. The project proponent shall be reimbursed for construction and extension benefiting neighboring properties in accordance with state law and city ordinance governing developer extension agreements and including payment to the city for administration costs. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.037 Minimum ingress/egress easement and pavement widths.

Minimum easement widths and paving for private access roads shall be as follows:

- A. For ingress/egress easements serving one lot, a twenty- foot-wide easement with a minimum of twelve feet of paving is required.
- B. For ingress/egress easements serving two lots, a twenty- foot-wide easement with a minimum of twelve feet of paving is required.
- C. For ingress/egress easements serving three or more lots, a thirty-foot-wide easement with a minimum of twenty feet of paving is required. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.040 Future development plan.

When a short subdivision is designed with lot sizes capable of further subdivision, the project applicant shall be required to submit a future development plan depicting that adequate provision has been made in the proposed short subdivision for the future needs for access, utilities, compliance with the appropriate plans of the city and the other criteria as set forth in Chapter 16.16 of this title. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.050 Review procedures.

A. The applicant shall first meet with city planning officials in a preapplication conference to discuss the proposed plans and review city requirements and concerns.

B. The applicant next submits a project application that includes the information outlined in Section 16.32.020(A), a sketch of the proposed project, a list of names, addresses and zip codes of all adjacent property owners as defined in Section 16.04.030, or their representatives, and pay the required fees.

C. The city clerk shall assign a short subdivision number to the project, transmit one copy of the application, the SEPA checklist, and proposed short plat to the director of community development and planning, retain at least one copy for the file, post public notices of the project on the site and at the official posting locations of the city, and send notices of the project to the neighboring residents and property owners.

D. Notice of proposed land use in the required form shall be posted in two locations on the property in clear view from the right-of-way. Signs shall be placed by the city and it shall be the responsibility of the applicant to maintain the signs until relieved by the city. Copies of the notice shall be posted at official posting locations of the city within three days of application acceptance by the city. Notices shall be sent to adjacent property owners within three hundred feet of the proposed short subdivision by using the preaddressed stamped envelopes provided by the project applicant and shall be deposited in the United States Mail within three days of application acceptance by the city.

E. Public notices and the notices sent to the neighboring residents and property owners shall include:

1. A description of the project;
 2. A statement that the decision regarding the final approval of the project is scheduled to be made by the director of community development and planning on a given date;
 3. A statement that all written comments concerning the project must be received by the city by a specified date that is fourteen days after acceptance of application;
 4. A description of the appeal process as outlined in city ordinances and associated timelines;
- and

5. A statement that a set of plans and description of the project will be available for public review at City Hall within three days of acceptance of this application.

F. City planning officials shall review the application and notify the applicant, within twenty-eight days after receiving the application, whether or not the application is complete and, if not, what additional information is required.

G. If additional information is necessary to make the application complete, city planning officials shall review the additional information when it is provided and provide another written determination, within fourteen days of receiving the additional information, to the applicant, stating whether or not the application is complete.

H. City planning officials, the city engineer, and a SEPA official, as appropriate, may inspect the site.

I. City planning officials shall review the application to determine if the proposed short subdivision conforms to the general and design criteria set forth in Chapter 16.16. If, based on those criteria, it is the opinion of the director of community development and planning that it is not in the public interest to require installation of complete improvements as otherwise required by Chapter 16.16, the director shall specify what improvements shall be required to be made as a condition of approval in order to accomplish the purpose of this section. It is the intent of this section to permit latitude in determining whether requiring full improvements would be excessive for the proposed short subdivision. Full improvements may be required to ensure adequate provisions if future subdivision could result in five or more lots total. Contiguous properties may also be considered when determining the potential total number of lots.

J. The director of community development and planning, in consultation with the city engineer and SEPA official, shall submit a report to the applicant that gives his assessment of the proposed project, together with a list of all required improvements and/or dedications, and requests any additional information that is deemed necessary.

K. The director of community development and planning shall obtain written approval or disapproval of all engineering calculations and designs from the city engineer and obtain a SEPA review, if required, from the SEPA official.

L. The applicant shall submit all of the information requested by the director of community development and city engineer deemed necessary to satisfy all ordinance requirements.

M. The director of community development and planning shall review all information provided and, after all requests for additional information have been satisfied, and within thirty days of the date that the application was deemed complete, not counting the time required for the applicant to provide additional information requested, make the decision to approve or disapprove the project, and provide written findings to support the decision. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.055 Inactive applications.

If at any time in the review process the applicant fails to provide information requested by the city engineer, planning commission or city council in a timely manner, the application shall be considered invalid, thus requiring a new application and fee. The director shall, prior to declaring an application lapsed, send at least one letter, by regular and certified mail, clearly stating if the requested information is not received within thirty days of the date of issuance of the letter, the application will be deemed lapsed and a new application and fees required. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.090 Installation of improvements.

Installation of both on-site and off-site improvements may be required in order to ensure improved access and adequate utilities. If such improvements are required to be installed, the project applicant shall meet the requirements set forth in Section 16.24.050. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.100 Compliance with approval conditions.

All conditions for approval shall be met by the applicant and the plat recorded within five years from the date project approval was granted. No extensions shall be granted. If not recorded as specified, the short subdivision plat shall be deemed lapsed. Sale, lease or transfer of land while a short plat application is pending shall bind any successor in interest to the same terms and conditions of approval. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.110 Recordation—Certification.

Short subdivisions shall be recorded as a short plat with the Snohomish County auditor and shall not be deemed approved until so filed and shall contain a certification setting forth the following:

- A. A full and correct description of the lands divided as they appear on the short plat;
- B. The dedication of all streets and other areas to the public, and others as shown on the short plat;
- C. Shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided;
- D. Shall be accompanied by a title report confirming that the title of the lands as described and shown on said short plat is in the name of the owners signing the certificate;
- E. A waiver of right of direct access to any street from any property, if required;
- F. All dedications, including access roads, utilities or other easements, shall be shown on the face of said short plat, which shall thereupon be considered as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purposes intended;
- G. As a condition for approval, said short plats requiring a dedication shall be required to be surveyed by a licensed professional land surveyor and monuments placed on the site. As a further condition of approval the city may require a survey and/or monumentation of the lots created by the short subdivision if deemed necessary by the city engineer; and
- H. The city engineer may require that the agreement and waiver be placed upon the face of the short plat as set forth in Section 16.24.120(C). The project applicant shall furnish the city with the mylars, necessary fees, and all other pertinent information and documents for recording the plat. Upon satisfactory review by staff and upon affixed signatures the city shall record the plat with the county auditor's office and obtain four copies of the recorded plat. The city shall retain the original mylars and one copy and transmit three copies to the project applicant. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.120 Other conditions of approval.

Any other conditions of approval shall be set forth in writing as a covenant running with the land and shall be granted by the owners of the property as grantors and, where appropriate, to the city as a grantee, and shall be recorded by the city at the applicant's expense. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.130 Approval of dedications.

When a dedication is required in a short subdivision, acceptance of said dedication by the city council shall be obtained prior to the recording of the final short plat. The city clerk shall place the short subdivision dedication on the next public hearing agenda of the city council and shall notify the applicant and all other persons who leave their names and addresses with the city clerk of the date of the hearing before the city council. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.140 Further subdivision.

Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except when the short plat contains fewer than four parcels, provided nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. (Ord. 335 §1(Exh. A)(part), 2006)

16.32.150 Appeals.

Any final decision by the director of community development and planning regarding the approval or disapproval of a short subdivision may be appealed to the city council. The appeal must be made in writing within ten days after the final decision is made public, in accordance with Chapter 1.20 of this code. The city council may hear the appeal, or may appoint a hearing examiner to hear the appeal. An appeal by someone other than the applicant shall be limited to a person with standing and the appeal hearing shall be considered the sole open record hearing allowed under this chapter. (Ord. 335 §1(Exh. A)(part), 2006)