

City of Lynnwood

DEC 11 2000

SCANNED

CITY OF LYNNWOOD

ORDINANCE NO. 1314

AN ORDINANCE REVISING TITLE 19 "SUBDIVISIONS" OF THE LYNNWOOD MUNICIPAL CODE.

WHEREAS, after due hearing and deliberation the Planning Commission of the City of Lynnwood did adopt Findings of Fact and Conclusions of Law, recommending that the proposed change would be in the best interest of the City of Lynnwood and,

WHEREAS, each member of the City Council of the City of Lynnwood has made himself/herself familiar with said Findings of Fact and Conclusions of Law,

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

SECTION 1. That Title 19 of the Lynnwood Municipal Code, Ordinance 62, Ordinance 318, Ordinance 725, Section 3 of Ordinance 925, Ordinance 998 and Ordinance 1191

ARE HEREBY REPEALED IN THEIR ENTIRETY

SECTION 2. This ordinance shall be known as Title 19 Subdivisions of the Lynnwood Municipal Code.

SECTION 3.

19.05.010 PURPOSE. The purpose of this title is to regulate the subdivision of land and to promote the public health, safety, aesthetics and general welfare in accordance with Ch. 58.17 RCW and the standards as established by the City of Lynnwood; to prevent overcrowding of land and the overcongestion of streets and highways while allowing for appropriate density of development and use of the land; to provide for adequate circulation of light and air; to facilitate adequate provisions for water, sewage, park and recreation areas, streets, sidewalks and other public requirements; to provide for proper ingress and egress; to provide for effective use of land; to provide for expeditious review and approval of proposed subdivisions which conform to the zoning standards and local plans and policies of the City of Lynnwood; to adequately provide for the housing and commercial needs of the citizens of Lynnwood; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal descriptions.

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19.05.015 APPLICABILITY AND EXEMPTIONS.

(A) The regulations in Chapters 19.05-19.45 and 19.90 shall apply to:

1. The division or the redivision of land within the City of Lynnwood into five or more lots, parcels or tracts, or sites for the purpose of sale, lease, or transfer of ownership, whether immediate or future. Such division or redivision of land into four or less lots, parcels, tracts or sites are more specifically regulated by Lynnwood Municipal Code (LMC) Chapter 19.50, Short Subdivisions, as per Chapter 58.17.060 RCW.
2. Land within short subdivisions that is further divided within five years of the effective date of the short subdivisions, as per Ch. 58.17.060 RCW.

(B) The regulations in this ordinance shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land into lots, tracts or parcels where each lot is five acres or larger. For this purpose, in computing the area of any lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to the centerline;
3. Divisions of land made by testamentary provisions or the laws of descent;
4. Divisions for the purpose of lease when: (a) no residential structure other than a mobile home or travel trailers are permitted to be placed upon the land; (b) it complies with Title 22 of the LMC which requires a binding site plan, as now or hereafter amended; (c) the binding site plan is recorded;
5. A division which is made by subjecting a portion of a parcel or tract of land to Ch. 64.32 RCW (horizontal property regime act - Condominiums) provided it is in compliance with Title 20 of the LMC and Ordinance 995 as now or hereafter amended;
6. A division made for the purpose of adjusting boundary lines where no new lot is created thereby, and where no lot is reduced in size below the minimum square footage requirements required by the applicable zoning control and/or building code; provided that such adjustments are first approved by the Director of Planning who shall initial the revised plat map and shall cause same to be recorded with the Snohomish County Auditor's office at the applicant's expense. Any change in the number of lots shall be accomplished as a plat or short plat;



7. Division of land due to condemnation, or sale thereof, by an agency or division of government vested with the power of condemnation.

19.05.020 COMPLIANCE REQUIRED. No person shall sell, lease or transfer the ownership of or offer for sale, lease or transfer of ownership any real property that is subject to this ordinance without full compliance with this ordinance and Ch. 58.17 RCW except that, following preliminary plat approval, performance of such offer or agreement is expressly conditioned on the recording of the Final Plat containing the lot, tract or parcel as per Ch. 58.17.205 RCW is permitted.

19.05.025 MINIMUM REQUIREMENTS. In their interpretation and application the provisions of this title shall be held to be minimum except as may be modified by LMC Ch. 19.45.

19.05.030 ENERGY CONSERVATION, OPEN SPACE PRESERVATION AND DESIGN FLEXIBILITY. Subdivisions that utilize design features to enhance energy conservation and open space preservation are encouraged and permitted. Any such plats may be processed in conjunction with a planned unit development application as per LMC Ch. 20.12. Design features may include but not limited to east-west streets, zero set-back, cluster development and any other designs that will enhance the above.

SECTION 4.

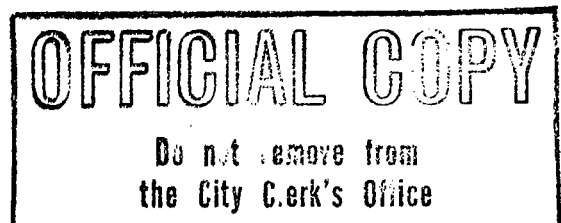
19.10.005 DEFINITIONS GENERALLY. For the purpose of this title, certain terms and words are defined by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" are permissive.

19.10.010 BINDING SITE PLAN. "BINDING SITE PLAN" means a drawing to scale as specified by this title and the LMC which: (a) Identifies and shows the areas and locations of all streets roads, improvements, utilities, open spaces, and any other matters specified by this title and the LMC, (b) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by this title and the LMC, and (c) Contains provisions making any development be in conformity with the site plan.

19.10.015 BLOCK. "Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.

19.10.020 BUFFER STRIP. "Buffer Strip" means a landscaped strip of land that provides a visual barrier.

19.10.025 CITY COUNCIL. Means the City Council of the City of Lynnwood, Washington.



19.10.030 COMPREHENSIVE PLAN. "Comprehensive Plan" means the plans, maps and reports which comprise the official development plan as adopted by the City Council in accordance with Ch. 35A RCW.

19.10.035 COUNTY AUDITOR. "County Auditor" means the office of the person assigned such duties as defined in Ch. 36.22 RCW or as defined in the Snohomish County Charter.

19.10.040 COUNTY TREASURER. "County Treasurer" means the office of the person assigned such duties as defined in Ch. 36.29. RCW or as defined in the Snohomish County Charter.

19.10.045 DEDICATION. "Dedication" is the deliberate appropriation of land or improvements by the owner for any general and public use, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The dedication shall be evidenced by the owner on the final plat, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the City Council.

19.10.050 DIRECTOR OF PUBLIC WORKS. "Director of Public Works" of the City of Lynnwood.

19.10.055 FINAL APPROVAL. "Final Approval" means the final official action taken by the City Council on the proposed plat, subdivision binding site plan, dedication or portion thereof that has previously received preliminary approval.

19.10.060 FINAL PLAT. "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 as set forth in this title and Ch. 58.17 RCW.

19.10.065 LOT. "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

19.10.067 PERSON. "Person" means and includes an individual, firm, copartnership, association or corporation, governmental agency or political subdivision.

19.10.070 PLANNING COMMISSION. "Planning Commission" means that body as defined in Ch. 35A.63 RCW designated by the City Council to perform the planning functions for the City of Lynnwood.

19.10.075 PLAT. "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 divisions and dedications.

19.10.080 PRELIMINARY APPROVAL. "Preliminary Approval" means the official favorable action taken on the Preliminary Plat of a proposed subdivision, metes-and-bound description, or dedication, by the City Council following a duly advertised public hearing as required by Ch. 58.17 RCW.

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19.10.085 PRELIMINARY PLAT. "Preliminary Plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets, 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.

19.10.090 PUBLIC STREET OR RIGHT-OF-WAY. "Public Street" or "Right-of-Way" includes every lane, road, street, highway, boulevard, or place in the City available as a matter of right for public travel and shall include principal arterials, minor arterials, collector, neighborhood streets, alleys, bicycle paths, and pedestrian ways. It shall also include streets or portions thereof which are designated as portions of the State Highway system.

19.10.095 SHORT PLAT. "Short Plat" is the map or representation of a short subdivision.

19.10.100 SHORT SUBDIVISION. "Short Subdivision" means the division or redivisions of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership.

19.10.105 SUBDIVIDER OR DEVELOPER. "Subdivider or developer" means any person, firm, or corporation proposing to make or having made a subdivision or short subdivision.

19.10.110 SUBDIVISION. "Subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided for in Chapter 19.10.100.

SECTION 5.

19.15.005 ADMINISTRATOR - POWERS AND DUTIES. The Planning Director is vested with the duty of administering the subdivision regulations within the City of Lynnwood up to and through the preliminary plat approval stage. After preliminary plat approval it shall be the duty of the Public Works Director to administer the subdivision regulations through the final plat approval, plat recording and plat construction stage.

The Planning Director and Public Works Director may prepare and require the use of such forms and procedures as are essential to the administration of such regulations.

19.15.010 PLAT PROCESS FUNCTIONS. The functions and responsibilities for processing plat applications for the City of Lynnwood shall be as generally outlined below:

- (A) Planning Commission. The Planning Commission is authorized to hold a public hearing on all preliminary plats and to make recommendations to the City Council. In its recommendation to the City Council, the Planning Commission shall make proposed Findings of Fact and Conclusions of Law to indicate that the proposed subdivision is in conformance with the zoning ordinance and other applicable land use controls, this title and State law;

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- (B) Planning Department. The Planning Department shall coordinate all activities concerning the preliminary plat including routing departmental and outside agency reviews and recommendations, consolidating staff recommendations to the Planning Commission and City Council and conducting the public hearings and meetings. This provision shall not be construed to conflict with the duties of other named City officials as mentioned in this ordinance;
- (C) City Council. The Lynnwood City Council shall hold a public meeting or hearing on all preliminary plats; further, the City Council shall have sole authority to approve final plats. No plat may be approved unless the City Council makes a formal finding of fact that the proposed plat is in conformance with the zoning code and all other applicable land use regulations, this title and State Law.

SECTION 6.

19.20.005 - PRE-APPLICATION CONFERENCE. Any subdivider or developer who desires to subdivide land within the City of Lynnwood is encouraged to consult the Planning Department on an informal basis in order to become familiar with the requirements of this Title. The Public Works Department should also be consulted at this time for advice and assistance in understanding the engineering requirements of the City of Lynnwood.

19.20.010 - PRELIMINARY PLAT APPLICATION. No plat shall be considered by the Planning Commission or a hearing date set until a completed application is submitted. A prospective subdivider or developer who wishes to have a preliminary plat considered by the Planning Commission shall obtain a preliminary plat application form and Environmental Checklist from the Planning Department. The applicant shall then submit to the Planning Department the following materials which together shall comprise a complete application for preliminary plat approval:

1. Completed application form;
2. Completed environmental checklist (Environmental Impact Statement (EIS) if required);
3. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with application for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing as per Ch. 58.17.070 RCW;
4. Twelve copies of the preliminary plat which shall be prepared by a registered surveyor in the State of Washington;
5. A master plan and schedule if the property is intended to be developed in phases;
6. Payment for preliminary plat fee;

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7. Payment for any required application as per No. 3 above provided that if an application is a combined planned unit development and plat, only the plat fee shall be assessed;
8. Payment for Environmental Checklist;
9. If deemed necessary by the Public Works Director, and/or Planning Director, those items found in LMC Ch. 19.30.015;
10. One 8-1/2x11" reduction each of Nos. 4 and 5 above.

19.20.015 - FEES. Application and review fees relating to the preliminary plat process are as follows:

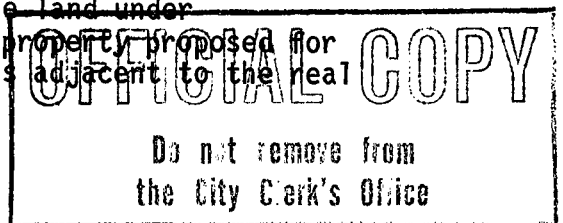
1. Preliminary Plat review - Preliminary plat application fee: \$75.00 plus \$35.00 per lot;
2. Plat Variance - included in No. 1 above;
3. Zoning map amendment, Planned Unit Development, Comprehensive Plan Amendment, Environmental Checklist, amounts as prescribed by the City;

19.20.020 - REFERRAL TO OTHER CITY DEPARTMENTS: The Planning Department shall distribute a copy of the preliminary plat to the Public Works Department; one copy to the Building Department; one copy to the Police Department; one copy to the Fire Department; one copy to the Parks and Recreation Department; one copy to the Edmonds School District; one copy to the Snohomish County P.U.D.; one copy to the Snohomish County Health Department; and one copy to any utility or public agency that may be affected by the proposed plat.

Whenever the property proposed to be subdivided is located within one half mile of the corporate limits of another city, town or unincorporated county, a copy of the proposed preliminary plat shall be distributed to the respective jurisdiction. Also, whenever the property is located adjacent to the right-of-way of a state highway, one copy of the proposed plat shall be transmitted to the Department of Transportation.

19.20.025 - PLANNING COMMISSION PUBLIC HEARING.

- A. Notice. The Planning Commission shall hold a public hearing on any proposed plat. Notice of public hearing on any such proposal or application shall consist of:
- (1) At least three copies of the notice of hearing shall be posted in conspicuous places, in which the time, place and purpose of such hearing is clearly indicated, all of which shall be posted not less than twenty days prior to the hearing;
 - (2) The announcement of public hearing shall be mailed, at least twenty days prior to the date of the public hearing, to the owners of all properties any portion of which is within a distance of three hundred feet from any property line of the land under consideration. If the owner of the real property proposed for subdivision owns another parcel or parcels adjacent to the real

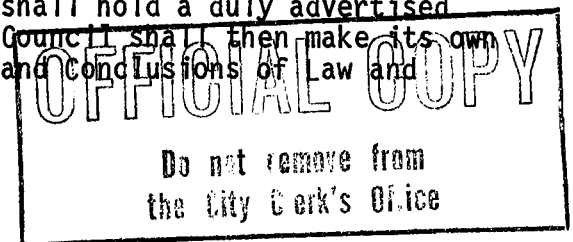


property proposed for subdivision, notice under this subsection shall be mailed to owners of real property lying within three hundred (300) feet of any portion of the boundaries of such adjacent parcels. Notice mailed to the addressee found on the City of Lynnwood utility billing records, or if no record for any given lot, then notice mailed to the last owner of record in the office of the County Assessor shall be deemed proper notice. Mail notification of condominium owners shall be sent to the designated agent for service of process, according to the records of the County Auditor. The notice by mail requirement shall be satisfied by substantial compliance with this section;

- (3) Notice of hearing and the notice of the proposed change shall be given by publication in the official newspaper of the city at least twenty days prior to the date of hearing. The notice of hearing shall include a statement that the Planning Commission or City Council will only consider any and all materials, testimony and statements submitted to it prior to or at the public hearing(s). No information, statements, or other materials submitted after the date of the public hearing(s) shall be considered by the Planning Commission;
- (4) All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

B. Planning Commission Recommendation. The Planning Commission shall be responsible for holding a public hearing to review all proposed preliminary plats together with accompanying materials and documents, land use applications, staff reports and public testimony. Based on the record established at the public hearing, the Planning Commission shall make a recommendation on the plat and other related land use applications to the City Council or return the plat to the applicant with a request for additional information. If the Planning Commission makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. In recommending any proposed plat, the Planning Commission shall propose Findings of Fact and Conclusions of Law to the City Council which shall state fully its reasons to the City Council. The recommendation and findings of the Planning Commission shall be advisory only. Sole authority to approve or disapprove shall reside in the City Council.

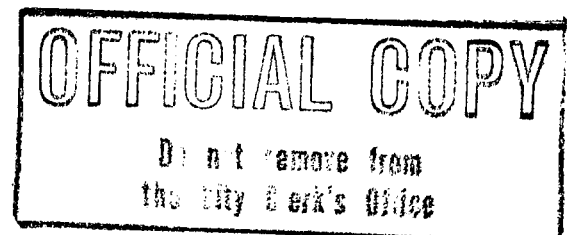
19.20.030 CITY COUNCIL ACTION. The Planning Commission recommendation, findings and all supporting documents shall be forwarded to the City Council. The City Council, within fourteen days of the Planning Commission's action shall set a date and time of public meeting to review the recommendation of the Planning Commission. If the City Council adopts the Planning Commission's recommendation and proposed findings of fact and conclusions of law no further action is required. However, if the City Council after considering the matter at the public meeting, deems a change in the Planning Commission recommendations is necessary, the City Council shall hold a duly advertised public hearing to consider the plat. The City Council shall then make its own decision supported by written Findings of Fact and Conclusions of Law and



approve, approve with conditions, or disapprove the preliminary plat. Prior to making a decision the City Council may refer the plat back to the Planning Commission for further consideration or may require the applicant to modify the plat, or require more information to be submitted.

19.20.035 FACTORS TO BE CONSIDERED IN THE PRELIMINARY PLAT PROCESS. Planning Commission recommendations and City Council action on preliminary plats shall be based on review of Ch. 58.17 RCW and other factors that follow:

- A. The preliminary plat shall conform to and it shall be the applicant's burden to demonstrate conformance to the following factors:
1. The goals, policies and objectives of the Lynnwood Comprehensive Plan;
 2. The Lynnwood Comprehensive Parks and Recreation Plan;
 3. The Lynnwood zoning code (Title 20 of the LMC);
 4. The standards of this ordinance and Ch. 58.17 RCW;
 5. The Lynnwood Comprehensive Street and Arterial Plan;
 6. The Environmentally Sensitive Areas map (Ord. 1153) and the City's Environmental Policies (Ord. 1129) as may be amended;
 7. The Lynnwood Water System Comprehensive Plan;
 8. The Lynnwood Comprehensive Trunk Storm Drainage Plan, as may be amended and Ord. 908 as may be amended;
 9. The compatibility of the plat to the existing neighborhoods.
 10. The land clearing code (Ord. 1035);
 11. Other plans and programs as the City of Lynnwood may adopt.
- B. The Planning Commission and City Council shall determine whether appropriate provisions are made for the public use and interest by the proposed subdivision. More specifically they shall determine if appropriate provisions are made in the subdivision for, but not limited to:
1. The public health, safety and general welfare;
 2. Open spaces, parks and playgrounds;
 3. Storm drainage;
 4. Streets, alleys, sidewalks, trails and other public ways;
 5. Water supplies;
 6. Sanitary and solid waste disposal.



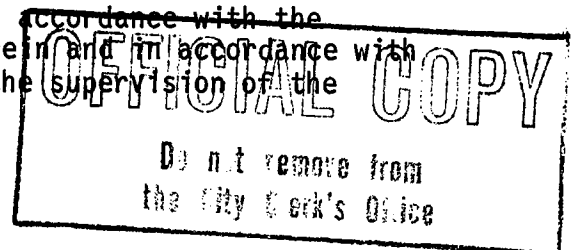
If the Planning Commission finds that the public use and interest will not be served by the proposed plat it shall recommend disapproval. If the City Council finds that the public use and interest will not be served it shall disapprove the plat.

19.20.040 TIME LIMITS, EXTENSIONS AND EFFECT OF PRELIMINARY PLAT APPROVAL.

- A. The City Council shall approve, approve with conditions, disapprove or return to the applicant for modification all preliminary plats of proposed subdivisions within ninety (90) days from the date of filing thereof unless the applicant consents to an extension of time; provided, that if an Environmental Impact Statement (EIS) is required pursuant to Ch. 43.21C RCW, the 90 day period shall not include time spent preparing and circulating a required EIS.
- B. The subdivider shall have three (3) years from the date of preliminary approval to submit to the City a final plat meeting all requirements of this title. Failure to do so will result in the expiration of preliminary plat approval. However, a subdivider who files a written request with the City Council at least thirty (30) days before the expiration shall be granted one one-year extension upon a showing that the subdivider has attempted in good faith to submit the final plat within the three year period. Requests for extensions shall be considered at a City Council public meeting.
- C. Approval of a preliminary plat by the City Council is approval of the proposed subdivision's design, relationship with adjoining property. The engineering, construction and installation of improvements and final platting detail shall be subject to approval of the Public Works Director. Approval of the preliminary plat shall authorize the subdivider to proceed with the preparation of the final plat in conformance with the approved preliminary plat and the conditions stipulated. Upon the approval of detailed construction plans by the Public Works Director construction and installation of the improvements may proceed.

19.20.045 METHODS AND PROCEDURE FOR CARRYING OUT IMPROVEMENTS.

- A. If the preliminary plat is approved by the City Council the City may accept a bond or other secure method providing for and securing to the City the actual construction and installation of minimum improvements in accordance with the provisions of LMC Ch. 19.40 within one year by any of the following methods:
 1. By furnishing the City of Lynnwood with a performance bond satisfactory to the Public Works Director and City Attorney, in which guarantee is given the City that the installation of the minimum improvements will be carried out as provided in LMC Ch. 19.40 herein and according to the specifications of the Public Works Director within one year;
 2. By actual installation of improvements in accordance with the provisions of LMC Ch. 19.40 contained herein and in accordance with the installation requirements and under the supervision of the



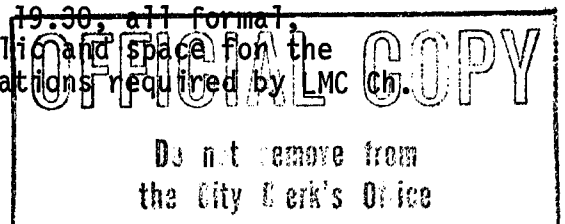
Public Works Director and furnishing of a bond approved by the City Attorney securing successful operation of the improvements for a period of twenty-four months following completion and acceptance thereof by the City;

3. By formation of a local improvement district;
 4. By a cash deposit with the City or suitable escrow;
 5. By a combination of these methods;
 6. By such other reasonable guarantee acceptable to the Public Works Director and approved by the City Attorney.
- B. The subdivider may then make application for such permits from the local officers, officials and authorities as are necessary to proceed with the installation of the plat improvements.
- C. After completing all minimum improvements, the subdivider shall make written request to the Public Works Director for inspection. After finding that all improvements have been completed or provided for in accordance with the installation standards, the Public Works Director shall so notify to the Planning Director.
- D. Upon receipt of this notification, the Planning Director shall advise the subdivider that a final plat may be submitted for that portion of the area contained in the proposed plat, subdivision, or dedication in which minimum improvements have been installed or concerning which a performance bond or other acceptable surety has been posted. The subdivider may then submit the final plat in accordance with LMC Ch. 19.25.

SECTION 7.

19.25.005 PREPARATION. After approval of the preliminary plat and the detailed construction plans and within the time limits set forth in LMC Ch. 19.20.040 the subdivider shall prepare a final plat and the supplementary materials required by this Chapter. The final plat application shall be submitted to the Public Works Department along with the supplementary materials as per LMC Ch. 19.25.010.

- A. Be drawn to the specifications and contain the information required by LMC Ch. 19.30;
- B. Conform to the preliminary plat approved by the City Council and to any conditions that may have been part of the approval. Slight deviations from the approved preliminary plat may be allowed if the Planning Director and/or Public Works Director determine such deviations are necessary because of unforeseen technical problems;
- C. Include all of the area shown in the approved preliminary plat;
- D. Include, in the manner specified by LMC Ch. 19.30, all formal, irrevocable offers of dedication to the public and space for the acknowledgements, endorsements and certifications required by LMC Ch. 19.30.

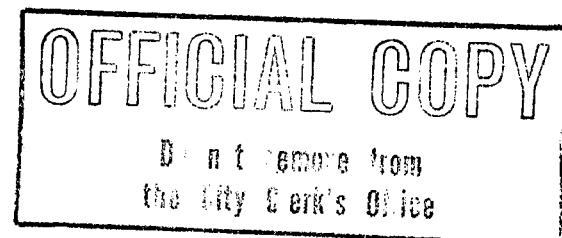


19.25.010 SUPPLEMENTARY MATERIALS. The original mylar drawing of the final plat shall be accompanied by:

- A. One copy of the final plat on sepia material;
- B. A minimum of four (4) paper copies of the final plat and one 8-1/2 x 11 reduction;
- C. A copy of any deed restrictions and restrictive covenants proposed by the subdivider;
- D. A current title report issued by a title insurance company showing all parties whose consent is necessary and their interest in the premises and listing all encumbrances;
- E. One copy of the "as-constructed" plans, on mylar material, showing all improvements completed which has been prepared and certified by a licensed professional engineer registered in the State of Washington;
- F. A complete survey and field computation notes;
- G. If required improvements have not been completed, a plat performance bond or other security as per LMC Ch. 19.20.045 of this title;
- H. If a local improvement district is proposed, a petition bearing sufficient signatures creating the district, unless the City Council in approving the preliminary plat indicated it would create a district by resolution;
- I. Payment of the inspection fee required by the Public Works Department for such improvements as have been completed, and a final plat fee as per LMC Ch. 19.20.015.

19.25.015 SEQUENCE FOR OBTAINING SIGNATURES. Signatures required by LMC Ch. 19.30 of this title for dedications, acknowledgements, and endorsements normally shall be obtained in the following sequence:

- A. A notarized signature of the owners in fee simple;
- B. The licensed land surveyor;
- C. The Snohomish County Treasurer;
- D. The Public Works Director;
- E. The Planning Commission Chairman;
- F. The Mayor;
- G. The City Clerk;
- H. The Snohomish County Auditor.



19.25.020 REVIEW BY PUBLIC WORKS DIRECTOR.

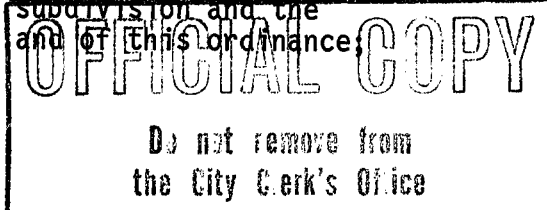
- A. The Public Works Director shall:
1. Inspect the detail and computation of the final plat for conformance with the specifications and standards of this title; the Public Works Director's determinations shall be conclusive;
 2. Inspect the final plat for conformance with the preliminary plat approved by the City Council and the conditions made a part of such approval;
 3. Determine either that all required improvements have been installed in accordance with these regulations or that certain improvements may properly be deferred as per LMC Ch. 19.20.045A.
- B. When the Public Works Director is satisfied with the detail and computations of the plat, determines that the plat conforms with the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he shall signify his approval of the subdivision by signing the original and mylar copy of the final plat. Thereafter, he shall forward the plats and the supplementary material to the Planning Director, who shall arrange for Planning Commission review.
- C. If the Public Works Director is not satisfied with the detail and computations of the final plat; finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly; or is not satisfied with the extent or manner in which completion of improvements would be deferred, he shall withhold his signature until the matter is corrected or resolved by the subdivider to the satisfaction of the Public Works Director.

19.25.025 REVIEW BY PLANNING COMMISSION. After the inspection by the Public Works Director the Planning Commission shall review the proposed final plat for conformance with the preliminary plat and conditions approved by the Council. Such review shall take place at a regular public meeting.

If the Planning Commission finds a final plat to be conforming, the Commission Chairman shall signify the Commission's approval by signing the original drawing and mylar copies, then shall forward them to the City Clerk for consideration by the Council.

19.25.030 REVIEW BY CITY COUNCIL. The City Council shall review final plats at a public meeting, considering the factors set forth below. The Council shall determine whether:

- A. The final plat conforms to the approved preliminary plat conditions set thereon;
- B. The public use and interest will be served by the subdivision and the final plat meets the requirements of Ch 58.17 RCW and of this Ordinance;



- C. Improvements have been completed or properly guaranteed to be completed in accordance with LMC Ch. 19.20.045;
- D. The dedications, certifications, acknowledgements and signatures required have been fully stated and obtained;
- E. Proposed covenants are in satisfactory form and ready for recording with the final plat;
- F. Any other supplementary materials required by this ordinance or by the Council have been satisfactorily completed.

If the Council affirmatively makes the above determinations, the Mayor shall inscribe and execute the Council's will on the face of the original drawing of the final plat. If the Council withholds approval, it shall return the plat sheets and supplementary materials to the applicant and provide him with a statement of reasons for its decision and of the changes necessary to permit granting approval.

19.25.035 FILING. The subdivider shall file the original drawing of the final plat for recording with the Snohomish County Auditor. One (1) reproduced full copy on mylar and/or sepia material shall be furnished to the Public Works Director.

19.25.040 EXPIRATION. Any final plat not filed for recording within twenty-one (21) days after City Council approval shall be null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat.

19.25.045 VALIDITY OF LAND USE. As per Ch. 58.17.170 RCW a subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under Ch. 58.17.150 RCW (1) and (3) for a period of five years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

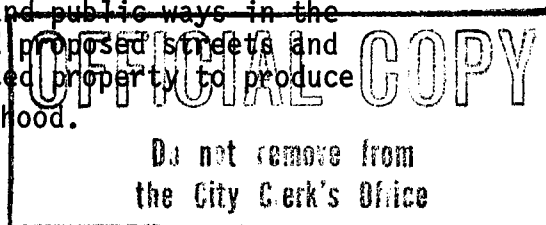
19.25.050. REVIEW OF COUNCIL DECISION. Any decision approving or disapproving any plat shall be renewable by an aggrieved city property owner pursuant to Ch. 58.17.180 RCW.

SECTION 8.

19.30.005 GENERAL REQUIREMENTS FOR PRELIMINARY PLATS.

In addition to the requirements of Ch. 58.17.100 RCW and Ch. 58.17.165 preliminary plats shall meet the following requirements:

- A. All mapped information shall be prepared in a neat and legible manner in pencil or ink, and on high grade paper.
- B. A vicinity sketch at a scale of not more than four hundred feet to the inch shall accompany the proposed plat. The vicinity sketch shall show all adjacent subdivision, streets and tract lines and bordering lines of adjacent property. It shall show how the streets and public ways in the proposed subdivision may connect with existing and proposed streets and public ways in neighboring subdivisions or unplatted property to produce an advantageous development of the entire neighborhood.



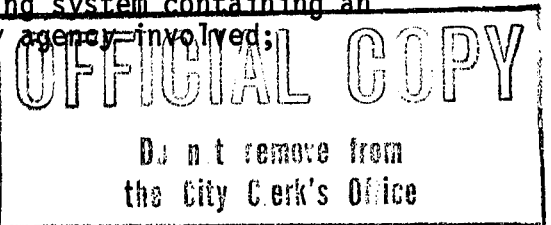
- C. The scale of the proposed plat shall be one hundred feet to the inch or such other scale as approved by the Planning Director. Street and sewer profiles as required shall be of a scale as specified by the Public Works Director.

19.30.010 SPECIFIC REQUIREMENTS FOR PRELIMINARY PLATS. The preliminary plat, subdivision or dedication shall provide the following:

1. The name of the preliminary plat, subdivision or dedication;
2. The date, scale, acreage, north arrow, vertical control datum and certification of the registered land surveyor;
3. The name and address of the owner(s), developer(s) and any party(s) of interest;
4. A legal description of the plat, subdivision or dedication;
5. Boundary lines (to scale) and actual dimensions of the tract to be platted, subdivided, or dedicated;
6. The location, width, and designations of all existing or platted streets or other public ways or easements within or adjacent to the proposed development and all other features such as buildings, utilities, watercourses, power lines, and section lines;
7. The zoning of tracts and lands adjacent thereto;
8. The contours, with intervals of five feet or less which shall be referenced to mean sea level datum or such datum acceptable to the Public Works Director;
9. The approximate dimensions of all lots and blocks with lot area, lot numbers and block designations;
10. All parcels and tracts being reserved or dedicated as parks, playgrounds, streets, alleys or other public and semi-public uses.

19.30.015 SPECIAL REQUIREMENTS OF THE PRELIMINARY PLATS. The subdivider may be required to submit any or all of the following if the Public Works Director and/or Planning Director determines that there are circumstances to warrant them:

1. A layout showing location and sizes of sewer lines, catch basins, pumps or other drainage and sewage structures;
2. A layout of a proposed water distribution system;
3. The grades of proposed streets and methods of storm drainage.
4. A layout of a proposed underground utility wiring system containing an authorized signature of each applicable utility agency involved;



- 5. A tree retention, land clearing and/or grading plan;
- 6. Any other study, plan, layout, cross-section, or documentation deemed necessary.

19.30.020 REQUIREMENTS FOR THE FINAL PLAT. The final plat, containing all the information specified in this section, shall be prepared in a neat and legible manner in drawing ink and on high grade tracing material, eighteen inches by twenty-two inches in size, allowing one-half inch for border.

- A. All documents, maps, and survey notes shall contain the name of the subdivision or be clearly referenced to it, and shall contain the name and address of the subdivider and his surveyors or engineer, or be clearly referenced to it.
- B. The legal description of the plat and the following information shall appear in the following sequences on the final plat, lettered in ink either by hand or mechanical device:

Know all men by these presents that _____, the undersigned _____ owner _____ in fee simple, and encumbrances of the land hereby platted, hereby declare this plat and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

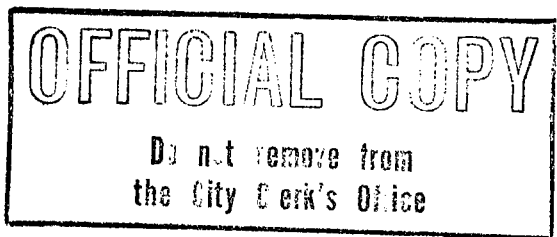
Signed and sealed _____

STATE OF WASHINGTON)
) ss
 COUNTY OF SNOHOMISH)

This is to Certify that on this _____ day of _____ A.D., 19____ before me the undersigned, a Notary Public, personally appeared _____ to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes mentioned.

WITNESS my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington, residing at _____



I hereby certify that the plat of _____ is based on actual survey and subdivision of Section _____, Township _____, North, Range _____ E.W.M., that the distances and courses and angles are shown thereon correctly, that proper monuments have been set and lot block corners staked on the ground.

Signed _____ (Seal)
Licensed Land Surveyor

Examined and approved this _____ day of _____, A.D., 19____.

Public Works Director

Examined and approved this _____ day of _____, A.D., 19____.

Chairman, City of Lynnwood
Planning Commission

Examined and approved this _____ day of _____, A.D., 19____.

CITY OF LYNNWOOD

Mayor

ATTEST:

Finance Officer/City Clerk

Filed for record at the request of the City of Lynnwood this _____ day of _____ A.D., 19____ at _____ minutes past _____ o'clock, M, and recorded in Volume _____ of Plats, on Page _____, records of Snohomish County, Washington.

Snohomish County Auditor

Deputy County Auditor

I, _____, Treasurer of Snohomish County, Washington, do hereby certify that all taxes on the above described tract have been fully paid up to and including the year 19____.

Treasurer, Snohomish County

Deputy Treasurer



- C. The boundary lines with accurate distances and bearings, location, and width of all existing previously recorded public highways approaching and intersecting the boundaries of the subdivision shall be shown on the map and referenced to the United States Coast and Geodetic Survey datum or the plain coordinate system for the State of Washington, and/or acceptable data prescribed by the Public Works Director.
- D. The map shall accurately show the boundary lines of all parks and playgrounds and the rights-of-way of all public streets contained in the plat, subdivision, or dedication, and shall contain thereon, suitably inscribed, and described, a statement of dedication of these rights of way, playgrounds parks, and other necessary areas.
- E. The final plat shall clearly show the following information:
1. The lines and name of all streets or other public ways, parks, playgrounds, and easements intended to be dedicated for public use, or granted for use of inhabitants of the subdivision;
 2. The lines and name of all existing or platted streets or other public ways, parks, playgrounds, and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines, and section lines;
 3. The lengths and bearings of all straight lines, curve radii, arcs and semitangents of all curves;
 4. All dimensions along the lines of each lot, with the true bearings plus any other data necessary for the location of any lot lines or corners in the field;
 5. Suitable primary control points, approved by the Public Works Director or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat shall be referred;
 6. The name of all subdivisions immediately adjacent thereof;
 7. The date, true north point, scale and date of survey;
 8. The boundary of the tract, with courses and distances marked thereon, as determined by a field survey made by a registered land surveyor of the State of Washington and to close with an error of not more than one foot in five thousand.
- F. The subdivider shall submit complete field and computation notes showing original or re-established corners, with description of the same; showing true bearings and distances to established street lines and monuments, turning angles, points of curvature, length of tangents, and the actual traverse showing error of enclosure and method of balancing with sketches showing all distances, angles and calculations required to determine corners and distances of the plat, subdivision, or dedication.

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- G. The final plat as submitted to the City Council shall contain a certificate from the county treasurer indicating that all taxes on said property included in the proposed plat, subdivision, or dedication, have been paid and a certificate from the county assessor and city treasurer indicating that all assessments on this property have been paid in accordance with Chapter 200, Section 1, Laws, 1909, as hereafter amended (RCW 58.08.040) and Chapter 188, Section 1, Laws, 1927, as hereafter amended (RCW 58.08.030).

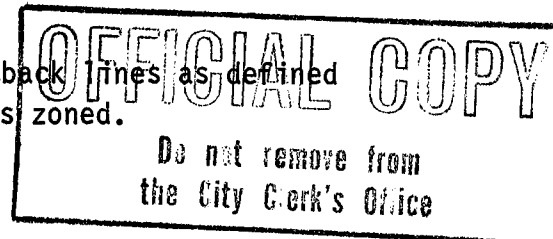
SECTION 9.

19.35.005 GENERALLY. In the planning of a plat, subdivision or dedication, the subdivider shall prepare his proposed plat in conformance with the provisions described in this chapter.

19.35.010 LOT AND BLOCK DESIGN.

A. Lot Design

1. All lots shall meet the minimum requirements of the Zoning Ordinance, Title 20 of the LMC, for the zone in which the property is located with respect to area, depth, width at street right-of-way, width at building line, yards, percentage of coverage, and, if applicable, parking and loading. Lots should generally be no less than 100 ft. deep.
2. All lots shall be provided direct access by means of minimum frontage on a public street right-of-way or by a private road as specified by Title 20 of the LMC connecting to a developed public street.
3. In general, lots and streets should be designed so that no residential property has direct driveway access to a principal arterial. Direct driveway access to minor arterials and collectors shall be minimized.
4. Where lots are more than double the minimum size required for the zone, the subdivider may be required to arrange lots so as to allow further subdivision and the opening of future streets to serve potential lots.
5. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot pattern.
6. Lots shall be laid out to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm water from one lot onto an adjacent lot.
7. In general, the ratio of the depth of any lot to its width shall not be greater than two and one-half to one.
8. Corner lots shall allow for the required setback lines as defined by the regulations of the area in which it is zoned.



9. Lots having frontage on two streets shall be avoided wherever possible.
10. Side and rear lines shall be straight, or composed of straight line elements, except where bounded by curved street right of way.

B. Blocks shall meet the following requirements:

1. The length of blocks shall not exceed one thousand three hundred and twenty feet where the average size of lots does not exceed two acres in area;
2. In any block exceeding six hundred and sixty feet in length, walks or pedestrian ways at a mid-block point shall be required, when determined to be essential by the Planning Commission in order to encourage walking and to provide circulation or access to schools, playgrounds, shopping centers, etc.; the right of way of which shall be at least ten feet in width, or as otherwise specified by the Public Works Director;
3. Lots and blocks intended for commercial and industrial use shall be designed specifically for such purposes, with adequate space provided for off-street parking, loading, and delivery. In order to assist review of the proposed development, the Commission and Council may require a preliminary site plan, a preliminary floor plan, or a preliminary landscaping plan to insure that the platted area is adequate and will not create a need for future variances.

19.35.015 UTILITY EASEMENTS. Perpetual easements to utility providers for installation and maintenance of utilities shall be provided to serve each and every lot at locations deemed necessary by the utility providers. Such utilities may include but not limited to sanitary sewer, storm sewer, water, gas, electric, telephone, and television lines and cables. Utility easements shall be as specified by the Public Works Director. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required.

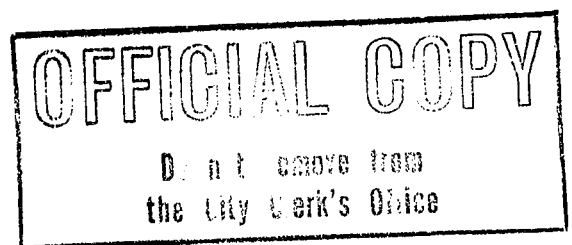
19.35.020 STREET AND RIGHT-OF-WAY DESIGN.

A. Street and right of ways shall meet the following design criteria:

1. Use of curvilinear streets, cul-de-sacs of less than 500 feet, and U-shaped streets shall be encouraged in residential subdivisions to avoid conformity of lot appearance and to discourage through-traffic;
2. Streets shall be related appropriately to the topography in order to minimize steepness of grade and reduce the need for excessive cut and fill;
3. Streets shall be designed so as to provide for continuation of principal streets in adjoining subdivisions and, where appropriate, to allow for future opening of streets to possible adjoining subdivisions. Proposed streets should not extend existing streets at less than the width of the existing street;

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4. All streets shall be platted and constructed at the full width as required in this chapter, LMC Ch. 19.40 and all other City ordinances;
5. The number of intersections of local and collector streets with minor and principal arterials shall be minimized;
6. Where existing streets adjacent to or within a subdivision are of inadequate width or where the City's capital improvements plan or Comprehensive Plan indicate need for a new street or additional right-of-way or realignment for an existing street, the subdivider shall dedicate necessary right-of-way to the City in the filing of the final plat;
7. Where residential subdivisions abut a major arterial, the subdivider shall provide a buffer strip (type IV as per LMC Ch. 20.16.080) a minimum of ten (10) feet in width along the plat boundary abutting the arterial. The buffer strip shall become a separate lot or lots in which owners of all lots within the plat shall have an undivided interest. The buffer strip shall be improved in accordance with LMC Ch. 20.16.090(a) and it shall be the property owners responsibility to maintain. Care shall be taken to alleviate site obstruction at intersections and driveways. Unless specifically approved otherwise the strip shall be designated on the plat generally as follows: "This strip is reserved for screening. The placement of any structure hereon is prohibited".



B. Minimum Widths. Minimum standards for widths (in feet) of street right-of-way, pavement (measured from curb face to curb face), utility/planting strips, and sidewalks shall be as specified in the following table:

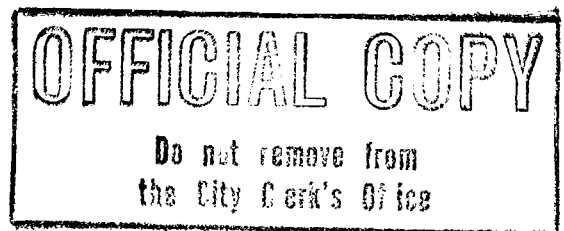
*Minimum Width Standards For Street Right-Of-Way Improvements

<u>Street Class</u>	<u>Right-of-Way</u>	<u>Curb-to-Curb Pavement</u>	<u>Utility Planting Strip</u>	<u>Sidewalk 2 Sides</u>
Principal Arterial	60'	44'	Variable	Yes
Minor Arterial	60'	40'	Variable	Yes
Collector Local and	60'	40'	Variable	Yes
Neighborhood Streets	50'	36'	Variable	Yes
Alleys (if required)	20'	16'	Variable	No

* The Public Works Director shall have the authority to modify these standards if documented conditions so warrant.

C. Cul-de-sacs

1. Permanent dead-end streets shall terminate with a turning circle, which may include a planting circle in the center, and shall meet the following minimum standards:
 - a. Right-of-way width: 50' in residential areas and 60' in commercial and industrial areas;
 - b. Radius right-of-way in the turning circle: 40' in residential areas and 50-40' in commercial and industrial areas;
 - c. Radius of pavement surface in the turning circle: 30' in residential areas and 44' in commercial and industrial areas.
2. Where property adjacent to a subdivision is undeveloped and where the Council determines it is desirable to allow for future continuation of a street into the adjacent property, the right-of-way shall extend to the subdivision boundary and an interim turning circle shall be provided. The radius of such turning circle shall conform to 1.(b) and 1.(c) above. The final plat shall contain a notation that land outside the normal street right-of-way within the turning circle shall revert to abutting property owners whenever the street is continued through to City standards, provided that all public improvements within the turning circle have been properly relocated.



D. Maximum Grades:

1. Principal and minor arterials 10%;
2. Collector, local, and neighborhood streets, 15%;
3. Alleys and pedestrian ways, 15%;

E. Minimum Curve Radii at centerline:

1. Principal and minor arterials: 200 feet;
2. Collector, local and neighborhood streets: 100 feet;
3. A tangent of at least 150 feet in length between curves in principal and minor arterials and 100 feet in all others.

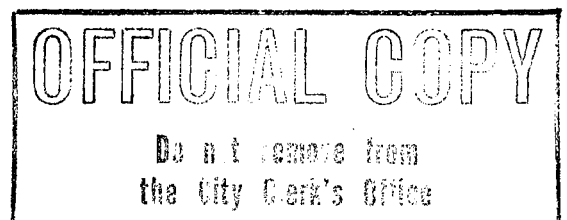
F. Intersections:

Street intersections shall be as nearly at right angles as possible. Intersecting streets shall be offset from one another at a distance as specified by the Public Works Director, to insure that the movement of traffic is maximized. Proposed new intersections along one side of an existing street shall coincide, whenever possible, with any existing intersection on the opposite side of such street or be spaced a minimum of 100'. Curbs at intersections shall be rounded by an arc that may vary from 15 to 50 feet dependent upon the geometrics of the intersection and the classification or use of the intersecting streets.

SECTION 10.

19.40.005 PROCEDURE FOR INSTALLING IMPROVEMENTS AND DEVELOPMENT STANDARDS THERETO. The Public Works Department shall make available material, design and construction standards for improvements that may or may not be transferred to the City for operation and maintenance. Said standards may be modified due to the locality, topography, soil condition, or geology of the area in which the proposed plat, subdivision or dedication is to be developed and improved. All construction drawings and specifications for improvements shall be prepared and stamped by a licensed professional engineer registered in the State of Washington and shall be subject to approval by the Public Works Director. Minimum improvements shall include the following:

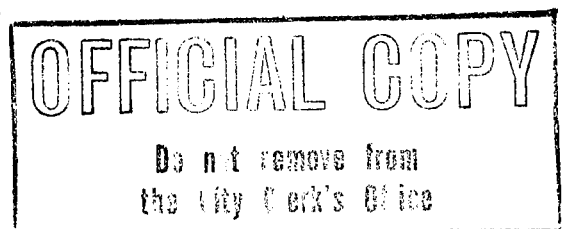
- a. Streets shall be constructed and graded to full right-of-way width and surfaced with bituminous mix or concrete in accordance with the standards set by and under the supervision of the Public Works Director;
- b. Curbs & gutter shall be installed in accordance with the standards and under the supervision of the Public Works Director;



- c. Storm sewers and appurtenances sufficient to carry normal runoff or flood waters characteristic to the area included in the proposed plat, subdivision or dedication, shall be provided and installed in accordance with the standards of LMC Ch. 13.40 and under the supervision of the Public Works Director;
- d. Sidewalks shall be constructed on both sides of the street in accordance with the standards and under the supervision of the Public Works Director;
- e. The water distribution system including the location of fire hydrants shall be designed in accordance with the standards and installed under the supervision of the Public Works Director. Connections shall be provided for each lot;
- f. The subdivision shall be provided with a complete sanitary sewer system providing a public sewer main lies within 200 of the proposed subdivision. The sanitary system shall be designed and installed in accordance with the standards and under the supervision of the Public Works Director. If a public sewer main is not located within 200 of the proposed subdivision, the following shall be considered reasonable in lieu of a distribution system:

In proposed subdivisions, where the soil conditions have been found satisfactory by the Public Works Director and County Health Officer, septic tanks or other methods of handling wastes may be installed in accordance with the standards and under the supervision of the Public Works Director and County Health Officer. Where septic tanks are provided, the minimum lot area for each septic tank system shall be determined by analysis of the soil conditions;

- g. Trees of a species indicated by the street tree plan may be planted on both sides of the street in accordance with, and under the supervision of the Public Works Director;
- h. Monuments shall be placed at all street intersections, boundary angle points, points of curves in streets, and at such intermediate points as required by the Public Works Director. The monuments shall be of stone or concrete filled pipe or tile, weighing at least fifty pounds, capped with standard markers. Street monuments shall be set between six inches and one foot below official finished street grades and in paved streets shall be enclosed in a standard monument case. All lot and block corners shall be set with a rebar or an approved equivalent at least eighteen inches in length.
 - (i) In all dedicated plats, all utility service lines including electric, communications, fire alarm and television antenna cables shall be placed underground.



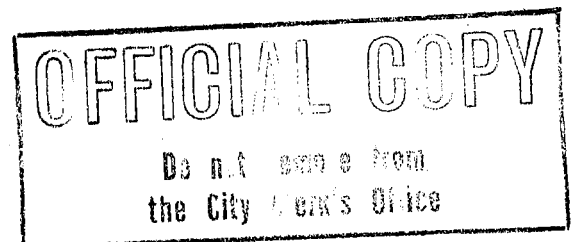
The light standard, base and luminaire, shall be provided and installed at the developer's expense in accordance with City standards and under supervision of the Public Works Director.

SECTION 11.

19.45.005 - PLAT VARIANCE APPLICATION PROCEDURE. It is recognized that in some cases pertaining to particular plats circumstances may justify the granting of plat variances from the standards of this ordinance. Applications for plat variances shall be coordinated with preliminary plat review. Petitioners for plat variances shall describe fully the variance sought and the grounds for the application, and shall bear the burden of proof that approval of such application conforms to the criteria of LMC Ch. 19.45.010. The Planning Commission shall develop separate recommendations on plat variance applications and forward them to the City Council along with the recommendation on the preliminary plat. The Commission's recommendation and the Council's action may be for a lesser degree of variation from a standard than sought by the applicant, and may include conditions. The Council shall have sole authority to approve plat variances from the standards of this ordinance.

19.45.010 CRITERIA FOR GRANTING VARIANCES. In order for a plat variance to be recommended by the Commission and approved by the Council, it must be determined that all or some of the following apply:

- a. There are special topographic physical and/or other conditions affecting the property that are not common to all property in the area;
- b. Hardship, as distinguished from mere inconvenience, would result from strict compliance with the standards of this ordinance;
- c. A variance complies with the spirit and intent of this ordinance and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity;
- d. A variance will not have the effect of nullifying the spirit and intent of the Comprehensive Plan, Zoning Ordinance; and/or any other land use regulation adopted by the City;
- e. In the case of a variance to sidewalk standards, adequate provision nevertheless will be made for pedestrian movement and safety.



SECTION 12.

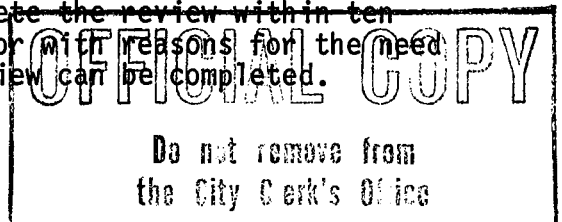
19.50.005 APPLICABILITY. Every division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease, or transfer of ownership shall proceed in compliance with this chapter. Provided that any land contained within a short subdivision shall not be further divided for a period of five years from the date of filing of a short plat without the filing of a final plat. Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision.

19.50.010 ADMINISTRATION. The Planning Director shall have the responsibility and duty of administering the provisions of this chapter. The Mayor shall have sole authority to summarily approve or disapprove a proposed short plat under the guidelines set forth in this chapter and to approve or disapprove final applications of short subdivisions. The Planning Director shall prepare and require the use of such forms as needed essential to the implementation of this ordinance.

19.50.015 EXEMPTIONS. The provisions of this chapter shall not apply to those cases as per LMC Ch. 19.05.015 B of this title.

19.50.020 APPLICATION PROCEDURE. Any person desiring to divide land under the provisions of this ordinance situated in the City of Lynnwood into four or fewer lots shall submit an application for short subdivision approval to the Planning Director together with an application fee of \$35.00 per lot.

- A. Applications for approval of short plat subdivisions shall be submitted on forms prescribed by the Planning Director. All applications submitted to the Planning Director shall be complete with all information as required by LMC Ch. 19.50.040. An application lacking sufficient information for review, shall be rejected by the Planning Director prior to the acceptance of application fees and such rejection shall be accompanied by a written statement citing the reason for rejection.
- B. Procedure of a short plat application - When the Planning Director determines that the proposed short plat application contains the required information and data as a basis for its approval or disapproval a file number and a date of receipt shall be affixed and copies of the short plat application shall be distributed to the following for their review and comment:
1. County Health Officer;
 2. All City departments;
 3. Federal, State or local agency which may have an interest in the short plat as determined by the Planning Director.
- C. Review by agencies shall be completed within ten working days from the date of referral. If any agency cannot complete the review within ten days they shall so notify the Planning Director with reasons for the need for more time and an estimate of when the review can be completed.



1. The Health Officer shall notify the Planning Director that:
 - (a) Sanitary sewerage disposal methods contemplated for use in the proposed short plats, do or do not conform with current standards;
 - (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 onsite sewerage disposal system.

2. The Public Works Director shall notify the Planning Director that:
 - (a) The proposed road, utilities and other improvements do or do not conform to current standards;
 - (b) Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city street;
 - (c) That the survey does or does not conform to the standard practice and principles of land surveying;

3. The Fire Chief or Fire Marshall shall respond to the Planning Director of any concerns on fire flow and ingress and egress of emergency vehicles.

4. Other agencies shall notify the Planning Director of their concerns and shall so list their concerns for consideration by the Mayor in his findings for approval or denial of the short plat;

- D. Approval - As per Ch. 58.17.195 RCW, within 30 days of filing of a valid short plat or a longer period as agreed to by the applicant or as required by Ch. 43.21C RCW, the Planning Director shall review the reports and comments received and include in his recommendation to the Mayor a determination that the short subdivision is or is not in conformance with the following:
 1. The goals, policies and objectives of the Lynnwood Comprehensive Plan;
 2. The Lynnwood Comprehensive Parks and Recreation Plan;
 3. The Lynnwood zoning code (Title 20 of the LMC);
 4. The standards of this Title;
 5. The Lynnwood Comprehensive Street and Arterial Plan;
 6. The Environmentally Sensitive Areas map (Ord. 1153) and the City's Environmental Policies (Ord. 1129) as may be amended;
 7. The Lynnwood Water System Comprehensive Plan;

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8. The Lynnwood Comprehensive Trunk Storm Drainage Plan, as may be amended and Ord. 908 as may be amended;
9. The compatibility of the plat to the existing neighborhoods;
10. The Land Clearing Code (Ord. 1035);
11. And all other plans and programs as the City of Lynnwood may adopt.

After receipt of the Planning Director's determination, the Mayor shall within the time period specified above:

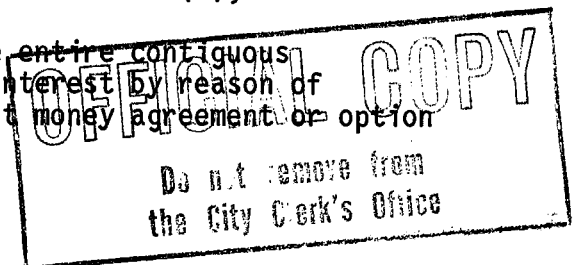
1. Approve the short subdivision (preliminary or final) as per LMC Ch. 19.50.030 and Ch. 19.50.035; or
2. Return the short plat to the applicant for corrections or for the applicant's construction of improvements in a manner consistent with official findings; or
3. Disapprove the short subdivision and the short plat thereof with written findings.

19.50.030 PRELIMINARY APPROVALS. If the adopted recommendations require the meeting of conditions, construction of improvements, or time is necessary for the obtaining of required certifications, then the approval action shall be preliminary approval. Preliminary approvals shall be for six months whereby the conditions of approval and required improvement shall be accomplished. If good cause is shown and a written request is received at least two weeks prior to the deadline, the Mayor may grant an additional six-month time extension to the applicant for meeting conditions of approval and/or construction of improvements.

19.50.035 FINAL APPROVAL AND RECORDING. When the short subdivision and the short plat thereof meet all the requirements as per City ordinance and State law and will serve the public use and interest and the subdivider has provided all the required documentation/certification, then the written approval shall be inscribed upon the face of the short plat. The action of approving a short plat shall become effective if, within twenty-one (21) working days, the final short plat has been filed for record with the Auditor of Snohomish County. No final short plat shall be accepted for filing unless all current taxes have been paid in full to the County Treasurer.

19.50.040 APPLICATION:

- A. The application shall be on a form provided by the Planning Director and shall contain the following information:
 - (1) The name, address and telephone number of the owner(s);
 - (2) A certification by the owner showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option

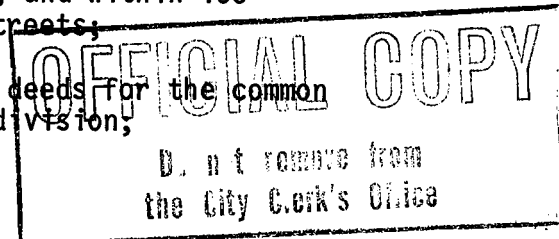


by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;

- (3) The existing zoning classifications;
- (4) The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads shall not be included in the lot size computation;
- (5) The source of water supply;
- (6) The method of sewage disposal;
- (7) A survey prepared by a licensed surveyor registered in the State of Washington. However, if the Planning Director determines that existing conditions so warrant because of previous development, construction or subdividing, the requirement of a survey of the property to be subdivided may be waived for the preliminary short plat, but a survey shall be required for the final short plat;
- (8) For the same reasons as stated in No. 7 above, a current ownership certificate from a recognized title company at the preliminary short plat stage may be waived for the preliminary short plat; however, it shall be required for final short plat approval.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and one-half inches by fourteen inches, and containing the following information:

- (1) A legal description of the property to be subdivided and legal descriptions of lots, tracts, or parcels therein together with the legal description of private roads and easements therein, if any, all prepared or approved and sealed by a licensed surveyor, registered in the State of Washington. The Planning Director may substitute the map for several narrative legal descriptions if it provides as good or better description of property lines;
- (2) The date, scale and north arrow;
- (3) The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
- (4) The number assigned to each lot;
- (5) The location, names, widths and auditor's file number of any existing easements, existing and proposed roads existing and proposed rights-of-way for public services utilities within the area contained within the short subdivision, and within 100' thereof, and location of the nearest city streets;
- (6) The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;



- (7) The location of permanent and topographic features which will have an impact upon the short subdivision, such as all existing or platted streets adjacent to the short subdivision, buildings, watercourses, rights-of-way, all utility rights-of-way, township lines and section lines;
- (8) Statement: Land within this short subdivision shall not be further subdivided for a period of 5 years unless a final plat is filed pursuant to LMC Ch. 19.25 and Ch. 58.17 RCW;
- (9) Signature block for approval by the Mayor.
- (10) A certificate as per Ch. 58.17.165 RCW.

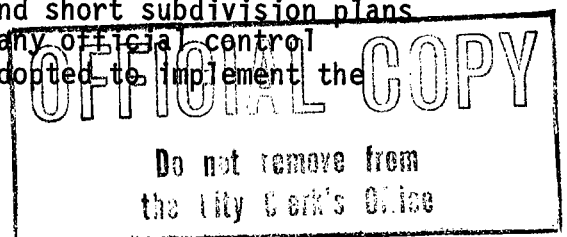
C. Supporting documents. The following documentation shall accompany each application for approval of a short plat:

- (1) A vicinity map clearly identifying the location of the property being short subdivided, having a scale of not more than four hundred feet to the inch;
- (2) Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions must be recorded either prior to or simultaneously with the short plat;
- (3) In any short subdivision where lots are served or to be served by a private street, the subdivider shall furnish copies of such further covenants or documents that will result in;
 - (a) Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision;
 - (b) Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private street which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the moment the short subdivision becomes effective;
- (4) A current title certificate consisting of a report prepared by a recognized title company, showing interest of the persons signing the final short plat and showing restrictions encumbering the land. All parties of interest shall sign the plat map.

LOT DESIGN

19.50.045 GENERAL STANDARDS.

- (1) Design. The design of the short plat and short subdivision plans shall conform with the requirements of any official control relating to the land use which may be adopted to implement the



Lynnwood Comprehensive Plan or any element thereof, or any other official plan; PROVIDED, that in the event of a discrepancy among standards and requirements, the responsible department may exercise professional judgment to determine which standard or requirement shall control.

The design, shape, size and orientation of the short subdivision shall be appropriate to the use for which the divisions of land are intended, the character of the area in which they are located, and site characteristics including sanitation needs, utilities, steep slopes, access, slide hazards, water supply, poor drainage or flood hazards and any other unique conditions or features which may warrant protection of the public interest.

- (2) Easements. Easements shall be provided where necessary for road utility installation and maintenance, public access, drainage, and buffer strip or protective easements.
- (3) Overall plan: A generalized plan for the entire ownership shall be required to indicate that the road pattern and general arrangement for the short subdivision can be coordinated with the entire tract when fully developed. Topographic information may be required if conditions so warrant.

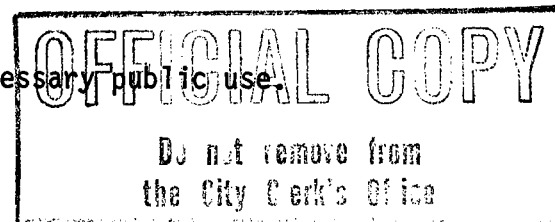
Where property is short subdivided into divisions, lots or tracts of one acre or more, the Planning Director may require an arrangement of divisions, lots or tracts and roads such as to permit later re-subdivision in conformity with zoning, access, division, lot or tract standards, when such re-subdivision complies with this ordinance.

4. Survey Standards. A survey conducted by or under the supervision of a registered land surveyor shall be made of every short subdivision filed for approval in Lynnwood. The surveyor shall certify on the short plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standards, practices and principles for land surveying.

19.50.050 GENERAL REQUIREMENTS. The following are applicable to all short subdivisions.

A. Private Roads.

- (1) Any right-of-way or road surface not open to general public use, shall be retained permanently as a privately owned and privately maintained road.
- (2) The face of any short plat containing a private road shall bear the following language: "WARNING: Lynnwood has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described in this short plat."
- (3) Privately owned roads shall be open for necessary public use.



- (4) When two or more lots are served or when the road exceeds 200 feet in length, a workable, turnaround with a minimum turning radius of 40 feet shall be provided. A "T" or "Y" shaped paved surface may be allowed in lieu of a turning circle in conformance with the standards of the Public Works Department and Fire Department.
- (5) Private road rights-of-way shall meet the following:
 - a. The driving surface shall be a minimum of twenty feet wide;
 - b. No parking shall be permitted on the private road serving two or more lots. A "No Parking" sign shall be posted in accordance with City standards and at the owner's expense.
- (6) All roads within a short plat shall meet city construction standards for private roads.
- (7) Private roads shall serve no more than four lots and not exceed 300 feet in length. The area within the private road shall not be included in the computation of the lot area or be used to meet any dimensional requirement of the lot.
- (8) A private maintenance agreement shall be required for any private road serving two or more lots.

B. Lots

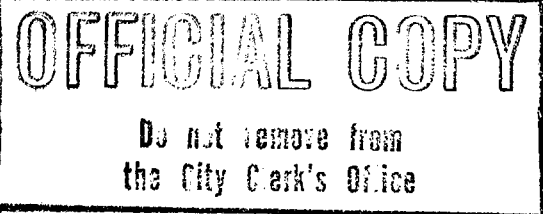
- (1) All lots shall provide for the minimum depth, width, width at the building line and area as required by the zoning code (Title 20 of the LMC).
- (2) The Planning Director may designate the yard designations and setbacks for lots within short plats to insure that the location of buildings will be compatible to the existing development in the area.

C. Utilities:

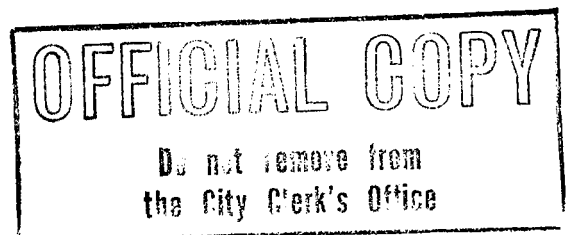
- (1) All utility improvements shall be prepared and certified by a licensed professional engineer, registered in the State of Washington.
- (2) All utility improvements shall be designed in conformance with the standards of the Public Works Department.

19.50.055 PUBLIC STREET RIGHTS-OF-WAY

- A. Dedication or deeding to the city of such right-of-way as may be consistent with adopted city standards for public streets, or a portion thereof, shall be required within or along the boundaries of the short plat of any lot(s) within, under the following circumstances:



- (1) Where the Comprehensive Street and Arterial Plan indicates the necessity of a new right-of-way or portion thereof for street purpose; or
 - (2) When there is less than of the right-of-way required from the center line of the street to the property line; or
 - (3) Where necessary to extend or complete the existing public street; or
 - (4) Where necessary to provide future access to other properties.
- B. Public street improvements, consistent with adopted city standards and specifications for public streets, shall be required under the following circumstances:
- (1) When new public right-of-way is deeded or dedicated;
 - (2) When necessary to develop an existing undeveloped or unmaintained city right-of-way to city standard for public streets, when such right-of-way abuts the land for which short plat approval is sought.
 - (3) In lieu of public street improvements when required, the City may accept a bond approved by the City Attorney or other reasonable equivalent guarantee that the improvements in the public right-of-way could and would be installed at the expense of the developer and/or assigns upon the right-of-way within a reasonable time after notice so to do is given by the City.
- C. Public street improvements shall be consistent with adopted city design standards and specifications.
- D. When the Public Works Director determines that it is necessary to provide for future public street right-of-way and/or to assure orderly development of a neighborhood street pattern, he may require the setting aside of a sufficient future right-of-way. The dimensions of such tract, when required, shall be based on Public Works Director estimates, consistent with adopted city standards for public streets. Such tract may contain a private road, consistent with the standards set forth in LMC Ch. 19.50.050.
- E. Lots within a short subdivision shall be designed so that lots adjacent to principal arterials do not require direct access except that if the subdivider presents proof that direct access to such lot is necessary to the development of his property and the Planning Director so finds, direct access may be permitted.
4. Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city street.



19.50.060 SURVEY--WHEN REQUIRED--MONUMENTS AND MARKERS. All permanent monuments with the subdivision shall be located and described, and all controlling corners on the boundaries of the short subdivision shall be marked by a rebar pipe or approved equivalent driven into the ground. All monuments and markers shall be shown on the face of the plat.

19.50.070 VIOLATION INJUNCTIVE RELIEF. Whenever any parcel of land is divided into four or less lots, tracts, or parcels of land and any person, firm, corporation, or association or any agent of any person, firm, corporation, or association sells or transfers or offers or advertises for sale or transfer any such lot, tract, or parcel without having a short plat of such subdivision approved pursuant to this ordinance then such action is hereby declared to be unlawful and a public nuisance and the city attorney may commence an action to restrain and enjoin further subdivisions, sales or transfers, or offers of sale or transfer and compel compliance with all provisions of this ordinance. The costs of such action shall be taxed against the persons, firm, corporation, association, or agent of such entities selling or transferring the property.

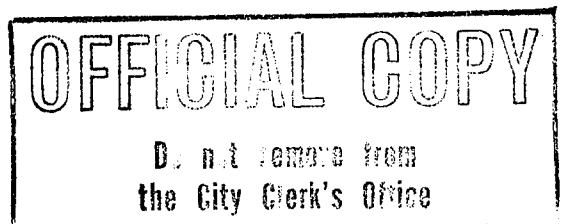
19.50.080 ASSURANCE OF DISCONTINUANCE. In the enforcement of this chapter the city attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court of Snohomish County. A violation of such assurance shall constitute prima facie proof of a violation of this ordinance.

19.50.090. UNAPPROVED SHORT PLAT--NOT TO BE FILED. The Auditor shall refuse to accept for filing any short plat which does not bear the certificate of approval of the City of Lynnwood. Should a short plat be filed without a certificate, the city attorney shall apply for a writ of mandate on behalf of the city directing the Auditor to remove the unapproved plat from the Auditor's files.

SECTION 13.

19.90.010 - PENALTIES. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this ordinance or of State law relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be guilty of a gross 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 ordinance or State law shall be deemed a separate and distinct offense.

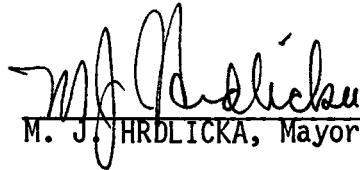
19.90.020 DEVELOPMENT OF ILLEGALLY DIVIDED LAND - INNOCENT PURCHASER FOR VALUE. No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this ordinance or State law unless the Mayor finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.



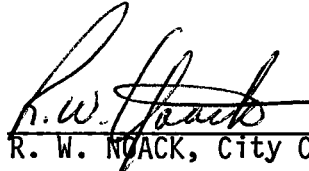
SECTION 14. Severability - If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such validity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, clause, phrase or word of this ordinance.

SECTION 15. This ordinance shall take effect and be in force five days after its passage, approval and publication.

PASSED THIS 28th day of February, 1983, and signed in authentication of its passage this 28th day of February, 1983.


M. J. HRDLICKA, Mayor

ATTEST:


R. W. NOACK, City Clerk

APPROVED AS TO FORM:


PATRICK M. CURRAN, Asst. City Attorney

Title 19 - Subdivisions
81-CA-10

1056Z

