

CITY OF LYNNWOOD
ORDINANCE NO. 1578

AN ORDINANCE AMENDING TITLE 19 OF THE LYNNWOOD MUNICIPAL CODE BY EXPANDING THE DEFINITIONS IN THE SUBDIVISION REGULATIONS, CORRECTING THE REQUIREMENTS FOR FINAL PLATS AND ESTABLISHING REGULATIONS FOR BINDING SITE PLANS

WHEREAS, after proper notice, due hearing was held by the City Planning Commission to consider an amendment to the official text of the Municipal Code of the City of Lynnwood; and

WHEREAS, after due deliberation, the City Planning Commission recommended to the City Council that such amendment was desirable; and

WHEREAS, the City Council duly considered the Planning Commission recommendation of such amendment; and

WHEREAS, upon motion duly made the City Council of the City of Lynnwood has determined to amend the official text of the Municipal Code of the City of Lynnwood;

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

SECTION 1. That Chapter 19.10 of the Lynnwood Municipal Code is hereby amended by adding the following:

19.10.007 Applicant

"Applicant" means any person proposing a short subdivision, subdivision or a binding site plan.

19.10.023 Business Zone

"Business Zone" means a zone which begins with the zoning prefix of B except for BTP.

19.10.024 City

"City" means for the purposes of this Title the City of Lynnwood.

19.10.027 Commercial Zone

"Commercial Zone" means a zone which begins with the zoning prefix of C or P, except P-1.

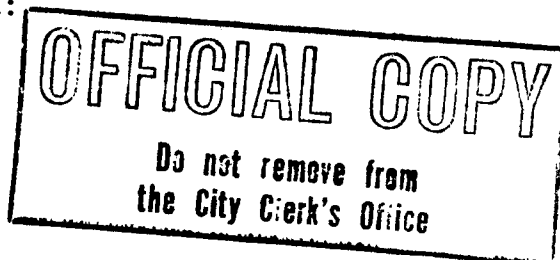
19.10.063 Industrial Zone

"Industrial Zone" means a zone which begins with the zoning prefix of L or BTP.

19.10.150 Zoning Code

"Zoning Code" means the City of Lynnwood zoning ordinance, Title 20, Lynnwood Municipal Code.

SECTION 2. That Section 19.30.020 of the Lynnwood Municipal Code, which reads as follows, to wit:



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.

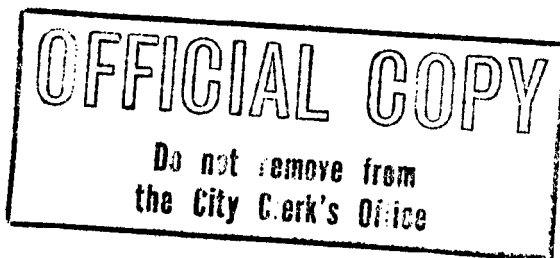
Signed & Sealed _____

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 the 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 _____



Snohomish County Auditor

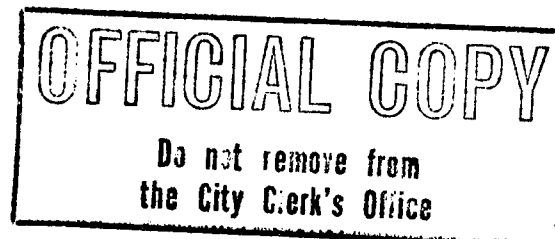
Deputy County Auditor

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 of 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 names 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;



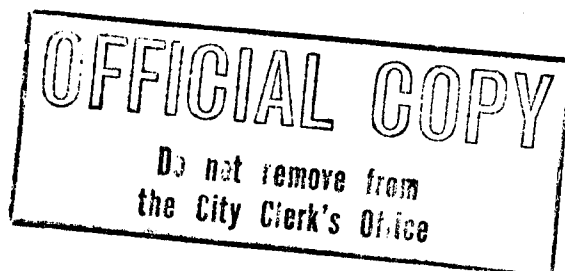
3. The lengths and bearings of all straight lines, curve radii, arcs and semi-tangents of all curves;
 4. All dimensions along the lines of each lot, with the true bearings plus any other data necessary for the location of any lot lines or corners in the field;
 5. Suitable primary control points, approved 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; and
 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.
- 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). (Ord. 1314 ss8 [part], 1983).

IS HEREBY REPEALED, REVISED AND AMENDED TO READ AS FOLLOWS:

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-four 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 & 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 the 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.

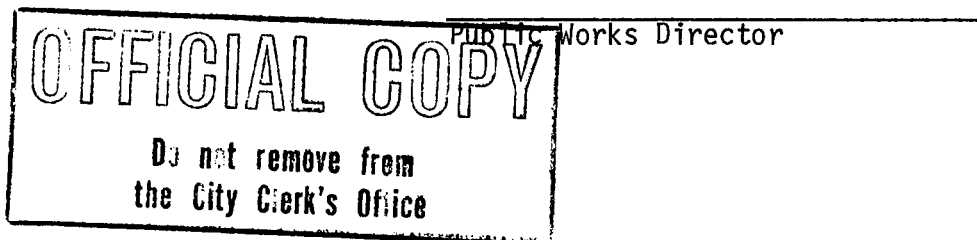
WITNESS my hand and official seal the day and year last above written.

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

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 & Approved this ___ day of _____, A.D., 19__.



Examined & Approved this ___ day of _____, A.D., 19__.

Planning Director

Examined & 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.

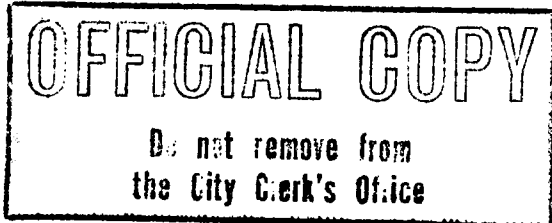
Snohomish County Auditor

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 of 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 names 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 semi-tangents 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; and
 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.



- 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 3. That Title 19 of the Lynnwood Municipal Code is hereby amended by adding the following:

- 19.75.003 Purpose
- .005 Applicability
- .010 Definitions
- .015 Compliance Required
- .020 Minimum Requirements
- .025 Administrator - Power and Duties
- .030 Binding Site Plan Process Function
- .035 Preliminary Binding Site Plan Application
- .040 Notice to Adjacent Property Owners
- .045 Planning Director Recommendation on Preliminary Binding Site Plan
- .050 Action of the Mayor
- .055 Factors to be Considered in the Preliminary Binding Site Plan
- .060 Time Limits, Extensions and Effect of Preliminary Binding Site Plan
- .065 Methods and Procedures for Carrying Out Improvements.
- .070 Final Binding Site Plan Application Procedure
- .075 Binding Site Plan Supplementary Materials
- .080 Review by Public Works Director
- .085 Filing and Recording Binding Site Plan
- .090 Expiration
- .095 Development
- .100 Requirements for Final Binding Site Plan
- .105 Design and Development Standards
- .110 Variances
- .115 Binding Site Plan Revisions

19.75.003 PURPOSE

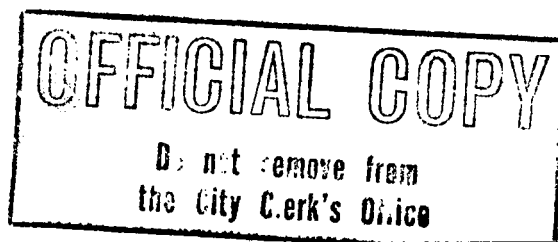
The purpose of this chapter is to establish an alternate process to subdividing and short subdividing of land as provided for in Chapter 19.00 and 19.50 of the Lynnwood Municipal Code (LMC).

19.75.005 APPLICABILITY

Any person, firm, corporation or other entity which does not divide their property in accordance with Chapter 19.00 or Chapter 19.50 of the LMC and seeks to divide business, commercial, or industrial zoned land for the purpose of sale, lease or transfer of ownership is required to apply for and complete a binding site plan as is required by this ordinance.

19.75.010 DEFINITIONS

The definitions found in Chapter 19.10 LMC shall apply to this chapter.



19.75.015 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 chapter without full compliance with this chapter and Chapter 58.17 RCW except that, following preliminary binding site plan approval, performance of such offer or agreement is expressly conditioned on the recording of the Final Binding Site Plan containing the lot, tract or parcel as per Chapter 58.17.205 RCW is permitted.

19.75.020 MINIMUM REQUIREMENTS

In their interpretation and application the provisions of this chapter shall be held to be minimum except as may be modified by LMC Section 19.75.115

19.75.025 ADMINISTRATOR - POWERS AND DUTIES

The Planning Director is vested with the duty of administering the binding site plan regulations within the City of Lynnwood up to and through the preliminary approval. After preliminary approval it shall be the duty of the Public Works Director to administer the binding site plan regulations through the final approval, recording and 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.

19.75.030 BINDING SITE PLAN PROCESS FUNCTION

The functions and responsibilities for processing binding site plan applications for the City of Lynnwood shall be as generally outlined below:

A. PLANNING DEPARTMENT

The Planning Department shall coordinate all activities concerning the preliminary binding site plan including routing departmental and outside agency reviews and recommendations and consolidating staff recommendations. The Planning Department shall make a recommendation indicating that the proposed binding site plan is in conformance with the zoning ordinance and other applicable land use controls, this title and State law;

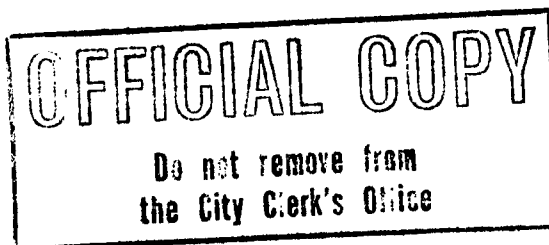
B. MAYOR

The Mayor shall review the Planning Director's Recommendation. The Mayor shall have sole authority to approve a final binding site plan.

19.75.035 PRELIMINARY BINDING SITE PLAN APPLICATION

A. 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 ordinance. The Public Works, Fire and Building Departments should also be consulted at this time for advice and assistance in understanding their department's respective requirements.



B. PRELIMINARY BINDING SITE PLAN

No binding site plan shall be considered until a completed application is submitted. A person who wishes to have a binding site plan considered by the City shall obtain an 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:

1. Completed application form;
2. Completed Environmental Checklist (Environmental Impact Statement [EIS] if required);
3. Twelve copies of the binding site plan which shall be prepared by a registered surveyor in the State of Washington with the following information:
 - a. The name of the binding site plan or dedication;
 - b. The date, scale, area, north arrow, vertical control datum and certification of the registered land surveyor;
 - c. The name and address of the owner(s), developer(s), and any party(s) of interest;
 - d. A legal description of the binding site plan or dedication;
 - e. Boundary lines (to scale) and actual dimensions of the tract to be platted, subdivided, or dedicated;
 - f. 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;
 - g. The zoning of tracts and lands adjacent thereto;
 - h. 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;
 - i. The approximate dimensions of all lots and blocks with lot area, lot numbers and block designations; and
 - j. All parcels and tracts being reserved or dedicated as parks, playgrounds, streets, alleys, or other public and semi-public uses.
4. A master plan and schedule if the property is intended to be developed in phases;
5. Payment for binding site plan fee;



6. Payment for Environmental Checklist;
7. The following items, if deemed necessary by the Public Works Director and/or Planning Director:
 - a. A layout showing location and sizes of sewer lines, catch basins, pumps or other drainage and sewage structures;
 - b. A layout of a proposed water distribution system;
 - c. The grades of proposed streets and methods of storm drainage;
 - d. A layout of a proposed underground utility wiring system containing an authorized signature of each applicable utility agency involved;
 - e. A tree retention, land clearing and/or grading plan; and
 - f. Any other study, plan, layout, cross-section, or documentation deemed necessary.
8. The names and addresses of adjacent property owners.

C. FEES

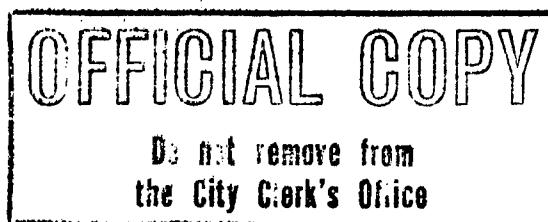
Application and review fees relating to the binding site plan process are as follows:

\$325.00 plus \$15.00 per lot.

D. REFERRALS

The Planning Department shall distribute a copy of the binding site plan 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 a binding site plan is proposed within one half mile of the corporate limits of another city, town or unincorporated county, a copy of the proposed preliminary binding site plan 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 binding site plan shall be transmitted to the Department of Transportation.



19.75.040 NOTICE TO ADJACENT PROPERTY OWNERS

A. NOTICES TO PROPERTY OWNERS

The City shall send adjacent property owners notice that a binding site plan application has been filed with the City. The City will only be required to send notice 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 Treasurer 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. Notice is deemed sent once placed in the mail.

- B. Adjacent property owners shall have ten (10) working days from the date sent in which to submit written comment to the Planning Department.

19.75.045 PLANNING DIRECTOR RECOMMENDATION ON PRELIMINARY BINDING SITE PLAN

The Planning Director shall be responsible for reviewing all proposed applications together with accompanying materials and documents, referral comment and public comments. Based on the above, the Planning Director shall make a recommendation on the application to the Mayor or return it to the applicant with a request for additional information. If the Planning Director makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. The recommendation of the Planning Director shall be advisory only. Sole authority to approve or disapprove shall reside with the Mayor.

19.75.050 ACTION OF THE MAYOR

After reviewing the recommendation of the Planning Director, the Mayor within two weeks shall:

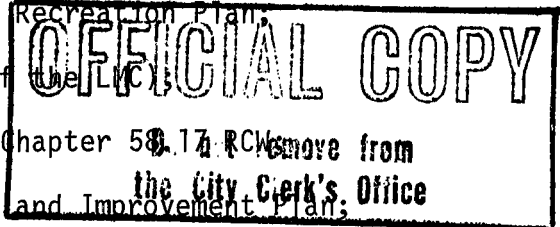
1. Adopt the recommendation of the Planning Director, or
2. Remand the binding site plan back to the Planning Director for further consideration.

19.75.055 FACTORS TO BE CONSIDERED IN THE PRELIMINARY BINDING SITE PLAN

Planning Director recommendations and Mayoral action on preliminary binding site plans shall be based on review of Chapter 58.17 RCW and other factors that follow:

- A. The preliminary binding site plan shall conform to and it shall be the applicant's burden to demonstrate conformance to the following factors:

1. The Lynnwood Comprehensive Parks and Recreation Plan;
2. The Lynnwood Zoning Code (Title 20 of the LMC);
3. The standards of this Ordinance and Chapter 58.17 RCW;
4. The Lynnwood Six Year Transportation and Improvement Plan;
5. The Environmentally Sensitive Areas map (Ord. 1153) and the City's Environmental Policies (Title 17 LMC) as may be amended;

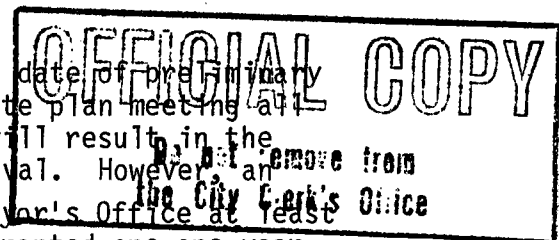


6. The Lynnwood Water System Comprehensive Plan;
 7. The Lynnwood Comprehensive Trunk Storm Drainage Plan, as may be amended and Ord. 908 as may be amended;
 8. The compatibility of the binding site plan to the existing adjacent developments;
 9. The Land Clearing Code (Ord. 1035);
 10. The Federal Flood Hazard Area map and criteria (Ord. 1462); and
 11. Other plans and programs as the City of Lynnwood may adopt.
- B. The Planning Director, Public Works Director and Mayor shall determine whether appropriate provisions are made for the public use and interest by the proposed binding site plan. More specifically, they shall determine if appropriate provisions are made in the binding site plan 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; and
 6. Sanitary and solid waste disposal.

If it is found that the public use and interest will not be served by the binding site plan, the Planning Director shall recommend disapproval. If the Mayor finds that the public use and interest will not be served he shall disapprove the application.

19.75.060 TIME LIMITS, EXTENSIONS AND EFFECT OF PRELIMINARY BINDING SITE PLAN APPROVAL

- A. The City shall approve, approve with conditions, disapprove or return to the applicant for modification all binding site plans within sixty (60) 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 Chapter 43.21C RCW, or other environmental studies required for a Determination of Nonsignificance, or if a variance or other similar applications are required, the 60-day period shall not include time spent preparing and circulating a required EIS, or the time required for processing the other application(s).
- B. The applicant shall have three (3) years from the date of preliminary approval to submit to the City a final binding site plan meeting all requirements of this chapter. Failure to do so will result in the expiration of preliminary binding site plan approval. However, an applicant who files a written request with the Mayor's Office at least thirty (30) days before the expiration shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final binding site plan within the three-year period.



- C. Approval of a preliminary binding site plan by the Mayor is approval of the proposed binding site plan's design, and relationship with adjoining property. The engineering, construction and installation of improvements and final detail shall be subject to approval of the Public Works Director. Approval of the preliminary binding site plan shall authorize the applicant to proceed with the preparation of the final binding site plan in conformance with the approved preliminary binding site plan and the conditions stipulated. Upon the approval of detailed construction plans by the Public Works Director, construction and installation of the improvements may proceed.

19.75.065 METHODS AND PROCEDURE FOR CARRYING OUT IMPROVEMENTS

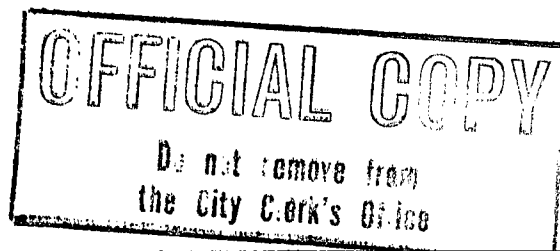
If the preliminary binding site plan is approved by the Mayor the City may accept a bond or other secure method providing for and securing to the City the actual construction and installation of minimum improvements in accordance with the provisions of Section 19.75 105 LMC within one year by any of the following methods:

- A. By furnishing the City of Lynnwood with a performance bond satisfactory to the City Attorney, in which guarantee is given the City that the installation of the minimum improvements will be carried out as provided in Section 19.75.060 LMC herein and in accordance with City specifications within one year;
- B. By actual installation of improvements in accordance with the provisions of Section 19.75.060 LMC contained herein and in accordance with the installation requirements and under the supervision of appropriate city departments and furnishing 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;
- C. By formation of a local improvement district;
- D. By a cash deposit with the City or suitable escrow;
- E. By a combination of these methods; and
- F. By such other reasonable guarantee acceptable to the City Attorney.

The applicant may then make application for such permits from the local officers, officials and authorities as are necessary to proceed with the installation of the binding site plan improvements.

After completing all minimum improvements, the applicant shall make a request to the appropriate department for inspection. After finding that all improvements have been completed or provided for in accordance with the installation standards, the appropriate department shall so notify the Planning Director.

If applicant uses another approved method for carrying the improvements out, the appropriate department will so notify the Planning Director.



Upon receipt of this notification, the Planning Director shall advise the applicant that a final binding site plan may be submitted for that portion of the area contained in the proposed binding site plan, or dedication in which minimum improvements have been installed or concerning which a performance bond or other acceptable surety has been posted. The applicant may then submit the final binding site plan application in accordance with Section 19.75.070 LMC.

19.75.070 FINAL BINDING SITE PLAN APPLICATION PROCEDURE

After approval of the preliminary binding site plan and the detailed construction plans and within the time limits set forth in Section 19.75.060 LMC, the applicant shall prepare a final binding site plan and the supplementary materials required by this chapter. The final application shall be submitted to the Planning Department along with the supplementary materials as per Section 19.75.075 LMC, and shall:

- A. Be drawn to the specifications and contain the information required by Section 19.75.105 LMC;
- B. Conform to the preliminary binding site plan approved by the Mayor and to any conditions that may have been part of the approval. Slight deviations from the approved preliminary binding site plan may be allowed if the Planning Director and/or Public Works Director determine such deviations are necessary because of unforeseen technical problems and comply with the spirit and intent of the preliminary approval and will not be detrimental to the public health, safety or welfare or injurious to other properties in the area. Examples of slight deviations are (but not limited to):
 1. Modification of lot lines which do not violate any development codes or regulations of the City;
 2. Reconfiguration of parking lots or landscape areas that would conform to City standards and the spirit and intent of the preliminary binding site plan approval;
 3. Relocation of fire lanes that would conform to City regulations and approved by the Fire Department;
 4. Relocation of utilities that would conform to City regulations and approved by the Public Works Department;
 5. Modification of building configurations that does not significantly increase the floor area, increase the height of the building resulting in an increase in the number of stories, or violate any city regulations;
- C. Include all of the area shown in the approved preliminary binding site plan; and
- D. Include, in the manner specified by Section 19.75.105 LMC, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements and certifications required by Section 19.75.100 LMC.

OFFICIAL COPY

Do not remove from
the City Clerk's Office

19.75.075 BINDING SITE PLAN SUPPLEMENTARY MATERIALS

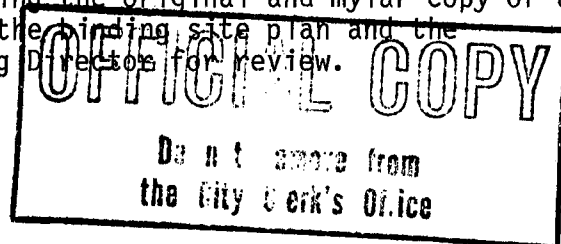
The original mylar drawing of the final binding site plan shall be accompanied by:

- A. One copy of the final binding site on reproducible material;
- B. A minimum of four (4) paper copies of the final binding site plan;
- C. A copy of any deed restrictions and restrictive covenants proposed by the applicant;
- 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 Chapter 19.75.065 LMC of this title;
- H. If a local improvement district is proposed, a petition bearing sufficient signatures creating the district, unless in approving the preliminary binding site plan indicated it would create a district by resolution; and
- I. Payment of the inspection fee required by the Public Works Department for such improvements as have been completed.

19.75.080 REVIEW BY PUBLIC WORKS DIRECTOR

- A. The Public Works Director shall:
 - 1. Inspect the detail and computation of the final binding site plan for conformance with the specifications and standards of this title; the Public Works Director's determinations shall be conclusive;
 - 2. Inspect the final binding site for conformance with the preliminary binding site plan approved by the Mayor and the conditions made a part of such approval; and
 - 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 Section 19.75.065 LMC.

When the Public Works Director is satisfied with the detail and computations of the bind site plan, determines the binding site plan conforms with the approved preliminary binding site plan and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he shall signify his approval by signing the original and mylar copy of the final. Thereafter, he shall forward the binding site plan and the supplementary material to the Planning Director for review.



B. REVIEW BY PLANNING DIRECTOR

After the inspection by the Public Works Director, the Planning Director shall review the proposed final binding site plan for conformance with the preliminary binding site plan and conditions approved by the Mayor.

If the Planning Director finds the final binding site plan to be conforming, the Director shall signify approval by signing the original drawing and mylar copies, then shall forward them to the Mayor for his approval.

19.75.085 FILING AND RECORDING BINDING SITE PLAN

The applicant shall file the original drawing of the final binding site 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.

19.75.090 EXPIRATION

Any final binding site plan not filed for recording within twenty-one (21) days after Mayoral approval shall be null and void. To be reactivated, the binding site plan must be resubmitted as a new preliminary binding site plan.

19.75.095 DEVELOPMENT

All development must be in accordance with the recorded binding site plan.

19.75.100 REQUIREMENTS FOR THE FINAL BINDING SITE PLAN

The final binding site plan, 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-four inches in size, allowing one-half inch for border.

- A. All documents, maps, and survey notes shall contain the name of the binding site plan or be clearly referenced to it, and shall contain the name and address of the applicant and his surveyors or engineer, or be clearly referenced to it.
- B. The legal description of the binding site plan and the following information shall appear in the following sequences on the final binding site plan, 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 binding site plan and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the binding site plan 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 binding site plan in the reasonable original grading of all streets, shown hereon.

Signed & 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 the 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

Commission expires _____

I hereby certify that the binding site plan 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.

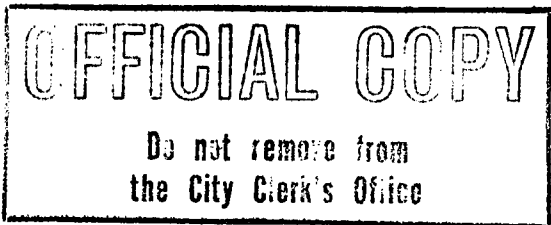
Signed _____ (Seal)
Licensed Land Surveyor

Examined & Approved this ____ day of _____, A.D., 19__.

Public Works Director

Examined & Approved this ____ day of _____, A.D., 19__.

Planning Director



Examined & Approved this ___ day of _____, A.D., 19__.

CITY OF LYNNWOOD

Mayor

ATTEST:

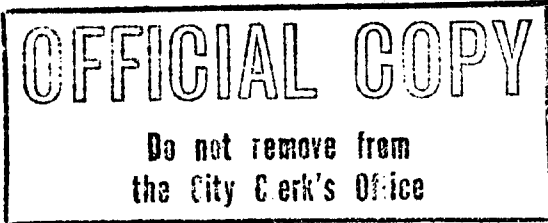
Finance Officer/City Clerk

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 of 19__.

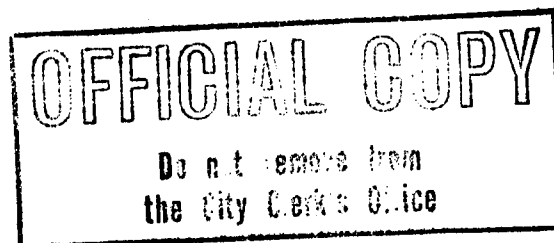


Treasurer, Snohomish County

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 binding site plan 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 names 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 semi-tangents 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; and
 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 applicant 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 binding site plan or dedication.
- G. The final binding site plan as submitted to the Planning Director shall contain a certificate from the County Treasurer indicating that all taxes on said property included in the binding site plan 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).



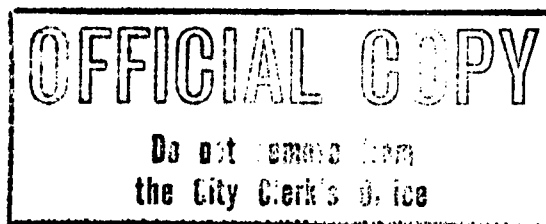
19.75.105 DESIGN AND DEVELOPMENT STANDARDS

A. Street Right-of-Way Realignment, Dedication or Widening:

If the City concludes that the street right-of-way adjacent to a proposed binding site plan is inadequate for widening and realignment of the existing street is necessary, then the City may require a dedication of necessary right-of-way and improvement of that right-of-way.

B. Design and Improvement Standards:

1. The design and development of binding site are encouraged to preserve the natural drainage, existing top soil, trees, natural vegetation, and wetlands to the maximum extent possible. Information generated through the threshold determination and/or EIS will be used in designing the development in such a way as to mitigate potential adverse environmental impacts.
2. In reviewing any project, all existing structures shall comply with the standard of this Ordinance and Zoning Code requirements. However, if the structures are non-conforming, the applicant shall bring the project into compliance with Chapter 20.14 LMC.
3. The use of the site-specific energy schemes shall be encouraged that best offer opportunities for maximum use of southern exposures and the use of natural climate conditions.
4. Land identified in the Lynnwood Special Flood Hazard area as per Ord. 1462 with accompanying flood insurance maps shall not be developed unless the requirements of Flood Plain Regulations are met.
5. Landscaping shall be required on all projects per Title 20 of the LMC (Zoning Code) requirements and City Standards.
6. The number of parking stalls shall be provided per Zoning Code requirements. All parking lots shall be paved and designed per City standards.
7. Loading areas shall be provided per Zoning Code requirements.
8. Outdoor storage areas shall be fully screen as per the Zoning Code.
9. All signs shall be per Zoning Code requirements and City Sign Ordinance. All signing shall be approved by the City and integrated into the building design and the overall site plan.
10. Lot arrangement shall be related to the natural features of the site and provide a suitable building site. Lots in general in a binding site plan do not have to meet lot dimensional requirements of the Zoning Code, as long as the City has approved the overall binding site plan.



11. All setbacks for structures shall be the same as the Zoning Code, provided, however, when the City has approved a binding site plan, interior lots need not meet Zoning Code requirements, provided that construction meets building and fire codes.
12. Fire hydrants shall be installed per City hydrant requirements.
13. Ingress and egress shall be approved by the Public Works Director.
14. Whenever a project is proposed on an existing public street, frontage shall be improved to current City standards.
15. All sanitary sewer improvements shall be per City standards.
16. All water improvements shall be per City standards.
17. Storm drainage improvements shall be required as specified by City's Comprehensive Storm Drainage Plan and Ordinance.
18. Before any site modification where existing natural features would be disturbed or removed, a grading plan must be submitted to the City and approved by the City showing the extent of the proposed modification.

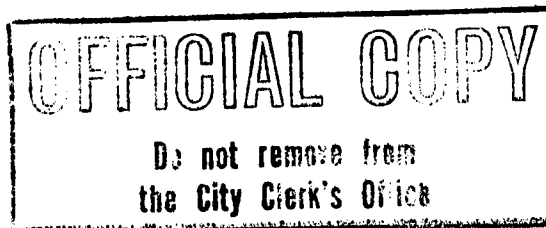
Debris and waste such as trees, timber, rocks, stones, junk, rubbish, or other waste materials of any kind shall not be buried in any land or deposited in any surface water.

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

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

19. All utility facilities shall be constructed in accordance with City standards.
20. Permanent easements shall be provided for utilities and other public services whenever requested by the City.
21. All projects shall have all power lines, telephone wires, television cables, fire alarm systems and other communication wires, cables or lines placed underground in accordance with applicable city regulations.

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



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

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

19.75.110 VARIANCES

Variances to Section 19.75.105 LMC Design and Development Standards items B. 1, 2, 5-11 may be requested prior to preliminary binding site plan approval. The criteria and procedures for such variances shall be as outlined in Chapter 2.22 LMC (Hearing Examiner). The decision on the variances request shall be rendered prior to the granting of preliminary binding site plan.

19.75.115 BINDING SITE PLAN REVISIONS

Alteration of an approved preliminary or final binding site plan other than slight deviations as defined in Section 19.75.070(B) LMC shall be accomplished by application as set forth in Section 19.75.035 LMC and shall be subject to all procedures and requirements established in this chapter.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

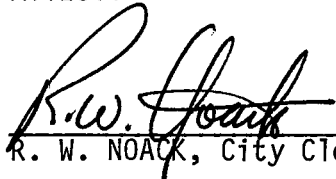
SECTION 5. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 13th day of July, 19 87, and signed in authentication of its passage this 13th day of July, 19 87.

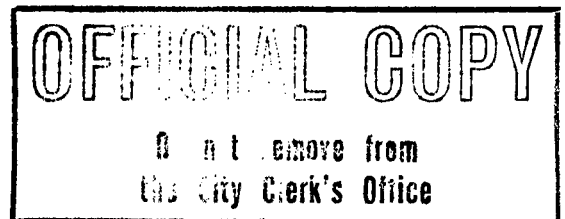


M. J. HRDLICKA, Mayor


ATTEST:



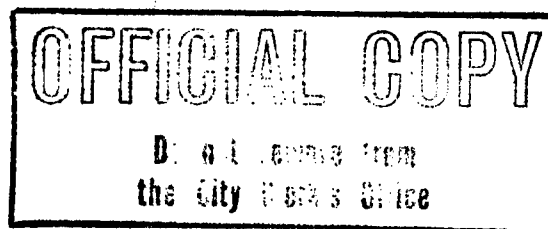
R. W. NOACK, City Clerk



APPROVED AS TO FORM:


PATRICK M. CURRAN, Asst City Attorney

File Name: Binding Site Plan Code Amendment
File Number: 86-CA-14



Published: July 23, 1987