

**CITY OF LYNNWOOD**

**ORDINANCE NO. 2463**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SUBDIVISION REGULATIONS; AMENDING CERTAIN CHAPTERS IN TITLE 1 AND TITLE 19; REPEALING CHAPTERS 19.30 AND 19.40; AND ADDING CHAPTERS 19.55 AND 19.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

**WHEREAS**, the City Council has determined that it is in the community interest to review and revise the subdivision code regulations as set forth in the Lynnwood Municipal Code, particularly those regulations pertaining to Subdivisions, Short subdivisions, Boundary Line Adjustments and Lot Combinations; and

**WHEREAS**, the Lynnwood Planning Commission held a duly advertised public hearing on March 27, 2003 and April 24, 2003 and recommended to the City Council that certain revisions be made to Title 19 LMC; and

**WHEREAS**, the City Council has conducted work sessions on the Planning Commission recommendation and has further held a public hearing on the proposed subdivision code revisions on May 27, 2003, July 14, 2003, and August 11, 2003; and

**WHEREAS**, the City Council finds that the proposed subdivision code revisions, are in the public interest and are further consistent with the City of Lynnwood Comprehensive Plan and other City adopted policies and regulations;

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

Section 1. Findings.

The recitals set forth above are adopted as findings of the City Council in support of the approval of this Ordinance.

Section 2: Amendment. LMC Chapter 19.00 is revised to read as follows:

**19.00 TITLE**

This ordinance, together with any amendments, shall be known and may be cited as the subdivision ordinance of the City of Lynnwood.

Section 3: Amendment. LMC Chapter 19.05 is revised to read as follows:

**19.05 GENERAL PROVISIONS**

**19.05.010 Scope and Purpose.**

The provisions of this title and subsequent amendments shall govern the platting and subdivision of land, dedication, modification and vacation of plats or portions of the same, filing and recording of plats in accordance with Chapter 58.17 RCW and the standards established by the City of Lynnwood. These regulations are adopted for the following purpose:

A. To support the rights of property owners to develop property while providing for the public health, safety and general welfare of the community;

B. To guide the future growth and development of the community in accordance with the goals, objectives and policies of the comprehensive plan;

C. To provide for adequate light, air and privacy, to secure safety from fire, flood and other dangers, and to prevent overcrowding of the land;

D. To protect the character and the social and economic stability of all parts of the community and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities or where adequate public facilities can easily be provided;

E. To protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, open space and other public requirements and facilities;

G. To provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the community, with particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for the proper location and width of streets and building lines;

H. To establish reasonable standards of design and procedures for subdivision and re-subdivision in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumentation of subdivided land;

I. To ensure that public facilities and services are available concurrent with development and will have sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;

J. To prevent the pollution of air, streams, ponds and wetlands, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the community in order to preserve the integrity, stability, and beauty of the community and value of the land

K. To preserve the natural beauty and topography of the community and to ensure appropriate development with regard to these natural features; and

L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the city's comprehensive plan and zoning ordinance.

**19.05.015 Applicability.**

This Chapter applies to each application for subdivision, short subdivision, boundary line adjustment, or binding site plan applied for after the effective date of the ordinance codified in this title except as provided in Section 19.05.017.

**19.05.017 Exemptions.**

The provisions of this chapter do not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. 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 under this paragraph 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 such centerline;
- C. Divisions of land made by testamentary provisions or the laws of descent;
- D. Divisions of land into lots or tracts classified for industrial or commercial uses when approved by the city in accordance with Chapter 19.75 LMC, Binding Site Plans;
- E. Except as otherwise provided, a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet city code; provided, that such alterations shall be first approved by the Community Development Director 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;
- F. Divisions of land into lots or tracts if:
  - 1. The improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
  - 2. The division of land is approved by the city in accordance with Chapter 19.75 LMC Binding Site Plan; and
  - 3. The binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest";
- G. Division of land due to condemnation, or purchase thereof in lieu of condemnation, 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 title without full compliance with this title and

Chapter 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 RCW 58.17.205 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 Chapter 19.45 LMC.

**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 pursuant to Chapter 21.30 LMC. Design features may include but not be limited to east-west streets, zero setback, cluster development and any other designs that will enhance the above.

Section 4: Amendment. LMC Chapter 19.10 is revised to read as follows:

**Chapter 19.10 Definitions**

**19.10.005 Definitions generally.**

For the purpose of this title, certain numbers, abbreviations, terms and words shall be used, interpreted and defined as set forth in 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 ALLEY**

"Alley" means a public right-of-way or city approved private way which affords only a secondary means of vehicular access to abutting property, unless specifically allowed by this title to serve as a primary means of access subject to specific conditions.

**19.10.015 Applicant.**

"Applicant" means the owner(s) of land proposed to be subdivided or the owner's representative who shall have express written authority to act on behalf of the owner. Written consent shall be required from the legal owner(s) of the land proposed to be subdivided.

**19.10.020 Binding site plan.**

"Binding site plan," means the division of land classified as industrial or commercial use provided by RCW 58.17.020 and 58.17.035. The Binding Site Plan shall include a drawing to scale as specified by this title and the Lynnwood Municipal Code which:

A. Identifies and shows the areas and locations of all streets, private roads, easements, improvements, utilities, open spaces, and any other matters specified by this title and the Lynnwood Municipal Code;

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 Lynnwood Municipal Code; and

C. Contains provisions making any development be in conformity with the site plan.

**19.10.025 Block.**

“Block” means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, PUD/Interurban right-of-way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street, which it intercepts. Private alleys and private roadways shall not be considered in determining blocks.

**19.10.030 Bond**

“Bond” means any form of a surety in an amount and form satisfactory to the Public Works Director and the City Attorney. All bonds shall be approved by the Public Works Director whenever a bond is required by this title.

**19.10.035 Boundary line adjustment**

“Boundary Line Adjustment” means a division made for the purpose of adjusting boundary lines between platted or unplatted lots or both which does not create any additional lots, tracts, parcels, or sites. A boundary line adjustment may not modify existing nonconforming to make the lots more nonconforming. A boundary line adjustment also provides a procedure to consolidate previously platted lots into a single parcel.

**19.10.040 Buffer strip.**

“Buffer strip” means a strip of land that is landscaped and maintained as open space in order to eliminate or minimize conflicts and impacts between a development and adjacent land use or public street. The buffer strip shall be held in private ownership and not be dedicated as Public Right-of-Way.

**19.10.045 City.**

“City” means for the purposes of this title the city of Lynnwood.

**19.10.050 City Council.**

“City council” means the city council of the city of Lynnwood, Washington.

**19.10.055 Collector arterial**

“Collector Arterial” means those arterials that are designated as collector arterials in the Lynnwood Comprehensive Plan..

**19.10.060 Community Development Director**

“Community Development Director” means the Director of the Community Development Department for the City of Lynnwood or the Director’s designated representative.

**19.10.065 Comprehensive plan.**

“Comprehensive plan” means the generalized coordinated land use policy statement of the City of Lynnwood that was adopted pursuant to RCW 36.70A. The Plan includes the City’s vision and goals, the GMA required “elements, addresses the statewide planning goals, and provides the policy support for implementing regulations. The Plan includes both text and map.

**19.10.070 County auditor.**

“County auditor” means the office of the person assigned such duties as defined in Chapter 36.22 RCW or as defined in the Snohomish County Charter.

**19.10.075 County treasurer.**

“County treasurer” means the office of the person assigned such duties as defined in Chapter 36.29 RCW or as defined in the Snohomish County Charter.

**19.10.080 Cul-de-sac**

“Cul-de-Sac” means a street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**19.10.085 Declaration of short subdivision**

“Declaration of short subdivision” means a document signed by all persons having any peculiar interest in the land being subdivided and acknowledged before a notary that they signed the same as their voluntary act and deed. The declaration shall, at a minimum, contain the elements of:

- (1) A legal description of the tract being divided and all parcels contained therein; and
- (2) An illustrative map;
- (3) If applicable, the restrictive covenants.

**19.10.090 Dedication.**

“Dedication” means 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 recorded documents, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the City Council.

**19.10.095 Easement**

“Easement” means a use granted by a property owner to specific persons or to the public to use the owner’s property for a specified purpose.

**19.10.100 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.

**19.10.105 Final subdivision plat.**

“Final subdivision 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 Chapter 58.17 RCW.

**19.10.110 Hearing Examiner**

“Hearing Examiner” means the official designated as the hearing examiner for the City of Lynnwood pursuant to Chapter 2.22 LMC.

**19.010.115 Improvements**

“Improvements” mean any permanent structure or landscape feature that becomes part of, placed upon, or is affixed to real property including streets, with or without curb or gutter, sidewalks, crosswalk ways, water mains, sanitary and storm sewers, street trees and other appropriate items.

**19.10.120 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.

**19.10.125 Lot Combination**

“Lot Combination,” means the combination of two or more legal, illegal or nonconforming lots into one or more lots all of which comply with the provisions of the City of Lynnwood Municipal Code in effect at the time of said combination.

**19.10.130 Minor Arterial**

“Minor Arterial” means those arterials that are designated as minor arterials in the Lynnwood Comprehensive Plan.

**19.10.135 Owner**

“Owner” means any person having property rights as a fee owner or contract purchaser, or one duly authorized by the power of attorney to represent the owner.

**19.10.140 Parcel**

“Parcel” means a contiguous quantity of land in the possession of, owned by, controlled by, or recorded as the property of the same owner or joint owners.

**19.10.145 Pedestrian Way**

“Pedestrian way” means a right-of-way or easement, dedicated to public use and to facilitate pedestrian access between two points.

**19.10.150 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.

**19.10.155 Preliminary approval.**

“Preliminary approval” means the official favorable action taken on the preliminary plat of a proposed subdivision, short subdivision, or Binding Site Plan by the approving authority.

**19.10.160 Preliminary plat.**

“Preliminary plat” means 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.

**19.10.165 Principal Arterial**

“Principal Arterial” means those arterials that are designated as principal arterials in the Lynnwood Comprehensive Plan as well as those arterials identified in LMC 21.14.210.

**19.10.170 Private Roadway**

“Private roadway” means a tract, parcel, or easement created to provide the access from a city street to platted lots, the maintenance of which is the responsibility of a homeowners association or similar private party or parties, who shall be noted as such on the face of a plat.

**19.10.175 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.

**19.10.180 Public Works Director**

“Public Works Director” means the Director of the Public Works Department for the City of Lynnwood or the Director’s designated representative.

**19.10.185 Short plat.**

“Short plat” means the map or representation of a short subdivision.

**19.10.190 Short subdivision.**

“Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership; provided, any boundary line adjustment is deemed to be a short subdivision when such boundary line adjustment reconfigures lot lines of property to facilitate future subdivision of that property when such subdivision results in a total of more than four lots, tracts, parcels, sites, or division of the property including the lots reconfigured by the boundary line adjustment. Should the future subdivision occur more than five years after the boundary line adjustment or result in four or fewer lots, tracts, parcels, sites, or division of property including the reconfigured lots, such boundary line adjustment shall not be deemed a short subdivision.

**19.10.195 Subdivider.**

“Subdivider” means any person, firm, or corporation proposing to make or having made a subdivision or short subdivision.

**19.10.200 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 LMC 19.10.100.



Section 5: Amendment. LMC Chapter 19.15 is revised to read as follows:

**Chapter 19.15 ADMINISTRATION**

**19.15.005 Administrator – Powers and duties.**

The Community Development Director is vested with the duty of administering the subdivision regulations within the City of Lynnwood up to and through the plat approval stage. After preliminary plat approval, it shall be the duty of the Public Works Director to administer the subdivision regulations through the plat construction stage. After completion of the construction stage, it shall be the duty of the Community Development Director to administer the subdivision regulations through the final plat approval and plat recording.

The Community Development 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.

**19.15.007 Procedure.**

The city will process an application for a preliminary plat through Process IV, LMC 1.35.400 through 1.35.499.

**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. Hearing Examiner. The Hearing Examiner is authorized to hold an informal public meeting on all preliminary plats and to make recommendations to the City Council. In its recommendation to the City Council, the Hearing Examiner 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;

B. Community Development Department. The Community Development Department shall coordinate all activities concerning the preliminary plat including routing departmental and outside agency reviews and recommendations, consolidating staff recommendations to the Hearing Examiner 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 title;

C. City Council. The Lynnwood City Council shall hold a public 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.

**19.15.15 Amendments**

The city will process an amendment to the text of the Subdivision code using Process IV, LMC 1.35.400 et seq.

Section 6: Amendment, LMC Chapter 19.20 is revised to read as follows:

**Chapter 19.20 PRELIMINARY PLAT PROCEDURE**

**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 Community Development Department in order to become familiar with the requirements of this title. The Public Works Department and Fire Marshal's office 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.**

A complete preliminary plat application and environmental checklist shall be submitted to the Community Development Department for any platting or subdivision of land regulated under this title. A complete application shall contain the following materials:

A. Completed application form. Application shall be made on forms provided by the Community Development Department and completed by the applicant

B. Completed environmental checklist (1 original and 3 copies). A completed State Environmental Policy Act checklist shall be prepared on forms provided by the Community Development Department

C. If requested by an applicant for preliminary plat approval, 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 per RCW 58.17.070. The applicant shall submit to the Community Development Department, in writing, any request to concurrently review other application(s) being processed simultaneously with the preliminary plat.

D. Eight copies of the preliminary plat which shall be prepared by a registered surveyor in the state of Washington and containing the following information;

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. The scale shall be one inch equals 50 feet for sites two acres in size or less, and one inch equals 100 feet for sites greater than two acres in size. A scale for smaller projects may be used if approved by the City;
3. The name and address of the owner(s), developer(s), and any party (ies) of interest;
4. The legal description of all affected tracts and legal descriptions for all proposed lots or dedications;
5. Snohomish County assessor parcel numbers for all affected tracts;
6. Boundary lines of the tracts to be subdivided, and corresponding bearings and dimensions and actual dimensions of the tract to be platted, subdivided, or dedicated;
7. 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;
8. All parcels and tracts being reserved or dedicated as parks, playgrounds, streets, alleys or other public and semi-public uses.

9. The approximate dimensions of all lots and blocks with lot area, lot numbers and block designations;

10. 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, The contour intervals shall extend reasonably beyond the boundaries of the site;

11. The zoning of tracts and lands adjacent thereto;

12. The location of any sensitive areas as defined in LMC Title 17 as known to the applicant at time of submittal

E Eight copies of the conceptual utility plan containing the following information:

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 tree retention, land clearing and/or grading plan.

F A vicinity map shall accompany the proposed plat. The vicinity map 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.

G. A master plan and schedule if the property is intended to be developed in phases;

H. Payment for preliminary plat fee (see Chapter 2.23 LMC);

I. Payment for any required application as per subsection (C) of this section; provided, that if an application is a combined planned unit development and plat, only the plat fee shall be assessed;

J. Payment for environmental checklist (see Chapter 2.23 LMC);

K. If deemed necessary by the Public Works Director, and/or Community Development Director, those items found in LMC 19.30.015; and

L. One 11-inch by 17-inch reduction each of subsections (D) and (E) of this section.

M. Additional information may be determined to be needed due to site conditions or proposed improvements, in order for the city to review and approve the proposed development. Other information required may include but limited to critical area assessments, traffic impact assessments, preliminary engineering designs, etc.

#### **19.20.015 Fees.**

Upon submittal of the preliminary subdivision application and any other application associated with the preliminary subdivision, the applicant shall pay an application fee or fees as set forth in Chapter 2.23 LMC.

#### **19.20.020 Referral to city departments and other agencies.**

The Community Development Department shall distribute a copy of the preliminary plat to the Public Works Department; one copy to the Building Official ; 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.

**19.20.022 Notice Requirements**

The Community Development Director shall provide notifications (notice of informal meeting and notice of public hearing) when appropriate in accordance with the notification requirements set forth in LMC 1.35.440.

**19.20.025 Hearing Examiner informal public meeting.**

A. Hearing Examiner Recommendation. The Hearing Examiner shall be responsible for holding an informal public meeting to review all proposed preliminary plats together with accompanying materials and documents, land use applications, staff reports and public testimony. Based on the comments and testimony established at the informal public meeting, the Hearing Examiner 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 Hearing Examiner makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. In recommending any proposed plat, the Hearing Examiner shall propose written findings of fact and conclusions of law to the City Council which shall state fully its reasons to the City Council.

**19.20.030 City Council action.**

A. The Hearing Examiner recommendation, findings and all supporting documents shall be forwarded to the City Council. The Community Development Department shall set a date and time for a public hearing before the City Council to review the recommendation of the Hearing Examiner. 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.

B. Prior to making a decision the City Council may refer the plat back to the Hearing Examiner 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.**

Hearing Examiner recommendations and City Council action on preliminary plats shall be based on review of Chapter 58.17 RCW and the following factors:

A. The preliminary plat shall conform to and it shall be the applicant's burden to demonstrate conformance to the following factors as they now exist or as they may be amended:

1. The goals, policies and objectives of the Lynnwood Comprehensive Plan;
2. The Lynnwood Comprehensive Parks and Recreation Plan;
3. The Lynnwood Zoning Code;
4. The standards of this title and Chapter 58.17 RCW;
5. The Lynnwood Comprehensive Street and Arterial Plan;
6. The standards of Lynnwood Municipal Code Title 17: Environment;
7. The Lynnwood Water System Comprehensive Plan;

8. The Lynnwood Comprehensive Flood and Drainage Management Plan, and Chapter 13.40 LMC, Drainage Plans;

9. The compatibility of the plat to the existing neighborhoods;

10. Other plans and programs as the city of Lynnwood may adopt.

B. A proposed subdivision and dedication shall not be approved unless the City Council makes written findings that:

1. Appropriate provisions are made for, but not limited to:

a. The public health, safety, and general welfare;

b. Open spaces, drainage ways, streets, roads, alleys, other public ways and transit stops;

c. Potable water supplies, and sanitary wastes;

d. Parks and recreation, playgrounds, schools and school grounds;

e. All other relevant facts, including sidewalks and other planning features that assure safe walking conditions.

2. The public use and interest will be served by the platting of such subdivision and dedication.

3. The proposed subdivision and dedication is in conformity with the Lynnwood zoning code and land use controls.

#### **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 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 Chapter 43.21C RCW, the 90-day period shall not include time spent preparing and circulating a required EIS.

B. The subdivider shall have five 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 provided, however, that upon written application to the Community Development Department at least 30 days prior to the expiration of the five-year period and upon satisfactory showing that a good faith effort has been made to submit the final plat within the five-year period, the Community Development Director or designee may grant the applicant an additional period of one year in which to submit the final plat for approval. No extension of time beyond six years from the date of final approval of the preliminary plat shall be granted.

C. Approval of a preliminary plat by the City Council is approval of the proposed subdivision's design, and 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.

#### **19.20.042 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 the standards set by and under the supervision of the Public Works Director.

B. Curbs and gutters shall be installed in accordance with the standards and under the supervision of the Public Works Director.

C. Storm sewers and appurtenances shall be provided and installed in accordance with the standards of Chapter 13.40 LMC and under the supervision of the Public Works Director.

D. Sidewalks shall be constructed 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 and Fire Marshall. Connections shall be provided for each lot.

F. The subdivision shall be provided with a complete sanitary sewer system unless approved otherwise by the Public Works Director and Snohomish County Health District. Such approvals would only occur in cases where an extension of sewer mains by gravity or pumping could not be reasonable made. In all cases, the sanitary system shall be designed and installed in accordance with the standards of LMC Title 14 and under the supervision of the Public Works Director.

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 50 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 18 inches in length.

I. In all dedicated subdivisions, 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.

#### **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 Chapter 19.20.042 LMC 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 Chapter 19.20.042 LMC 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 Chapter 19.40 LMC contained herein and in accordance with the installation requirements and under the supervision of the Public Works Director and furnishing a bond approved by the City Attorney

securing successful operation of the improvements for a period of 24 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; and

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 the Community Development Director.

D. Upon receipt of this notification, the Community Development 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 Chapter 19.25 LMC.

Section 7: Amendment. LMC Chapter 19.25 is revised to read as follows:

**Chapter 19.25 FINAL PLAT APPLICATION PROCEDURE**

**19.25.005 Application .**

A. Submittal to the Community Development Department. After approval of the preliminary plat and the detailed construction plans and within the time limits set forth in LMC 19.20.040, the subdivider shall prepare a final plat and the supplementary materials required by this chapter. The final plat shall be submitted to the Community Development Department along with the supplementary materials as per LMC 19.25.010:

B. Conformance with preliminary plat. The final plat shall 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 Community Development Director and/or Public Works Director determine such deviations are necessary because of unforeseen technical problems;

C. Submittal Requirements: The final plat shall be prepared on mylar or other similar material, 18 inches by 24 inches in size, allowing one-half inch for border, by a registered land surveyor in accordance with the requirements of the Public Works Director surveying standards and shall contain the following information:

1. 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.

2. 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 (s) 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 \_\_\_\_\_, 20\_\_ before me the undersigned, a Notary Public, personally appeared \_\_\_\_\_ to me known to 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., 20\_\_.

\_\_\_\_\_  
Mayor, City of Lynnwood

Examined & Approved this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Community Development Director

Examined & Approved this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Public Works Director

Attest:



\_\_\_\_\_  
Administrative Services Director

Filed for record at the request of the city of Lynnwood this \_\_\_ day of \_\_\_\_, 20\_\_  
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 20\_\_.

\_\_\_\_\_  
Snohomish County Treasurer

3. 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.

4. 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.

5. The final plat shall clearly show the following information:

a. The lines and names of all streets or other public ways, parks, playgrounds, tracts and easements intended to be dedicated for public use, or granted for use of inhabitants of the subdivision;

b. 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;

c. The lengths and bearings of all straight lines, curve radii, arcs and semi-tangents of all curves;

d. 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;

e. 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;

f. The name of all subdivisions immediately adjacent thereof;

g. The date, true north point, scale and date of survey; and

h. 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 5,000.

i. Storm water system maintenance requirements as approved by the Public Works Director.

6. 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.

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).

**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 mylar or other similar material;
- B. A minimum of four paper copies of the final plat and one 11-inch by 17-inch 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 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; and
- I. Payment of the inspection fee required by the Public Works Department for such improvements as have been completed, and payment of related community development fees and costs as set forth in LMC 2.23.120.

**19.25.015 Sequence for obtaining signatures.**

Signatures required by Chapter 19.30 LMC of this title for dedications, acknowledgments, 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 Community Development Director;
- D. The Public Works Director;
- E. The Mayor;
- F. The Administrative Services Director;
- G. The Snohomish County Treasurer; and
- 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; 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 LMC 19.20.045 (A).

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 in writing and forward his/her approval along with the plat and the supplementary material to the Community Development Director for 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 Community Development Director.**

After the inspection by the Public Works Director, the Community Development Director shall review the proposed final plat for conformance with the preliminary plat and conditions approved by the council.

If the Community Development Director finds the final plat to be conforming, the director shall prepare a report and forward a recommendation along with the plat and supplementary material to the City Council for consideration.

**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 Chapter 58.17 RCW and of this title;
- C. Improvements have been completed or properly guaranteed to be completed in accordance with LMC 19.20.045;
- D. The dedications, certifications, acknowledgments and signatures required have been fully stated and obtained;
- E. Proposed covenants are in satisfactory form and ready for recording with the final plat; and
- F. Any other supplementary materials required by this title or by the council have been satisfactorily completed.

If the council affirmatively makes the above determinations, the Mayor along with the Public Works Director, Community Development Director, and the Administrative Services Director shall inscribe and execute the council's will on the face of the original mylar 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 original signed mylar and 2 paper copies of the recorded final plat shall be furnished to the Public Works Director.

**19.25.040 Expiration.**

Any final plat not filed for recording within 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 RCW 58.17.170, 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 RCW 58.17.150(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 RCW 58.17.180.

Section 8: Repealer. LMC Chapter 19.30 is repealed in its entirety and is recodified into LMC Chapter 19.25

**Chapter 19.30 PLAT REQUIREMENTS**

Section 9: Amendment. LMC Chapter 19.35 is amended to read as follows:

**Chapter 19.35 SUBDIVISION DESIGN STANDARDS**

**19.35.005 Purpose**

The purpose of this chapter is to provide design principles, standards and specifications regarding the subdivision, modification or resubdivision of property in accordance with the regulations within this title.

**19.35.007 General Requirements.**

The following requirements apply to all activities regulated by this title unless specifically stated as exempt:

A. Standards and Specifications. In addition to compliance with the provisions of this title, all subdivision, short subdivisions, binding site plans and lot line adjustments shall comply with the following requirements:

- 1 Lynnwood Comprehensive Plan;
- 2 LMC 21, Zoning;
- 3 LMC 17, Environmental;

4 Other applicable provisions of the Lynnwood Municipal Code including LMC Title 12, Streets and Sidewalks, LMC Title 13, Water, LMC Title 14, Sewers, LMC Title 9, Fire; and PMC Title 16, Building; and

5 Any other applicable federal, state or local regulations.

B. Surveying and Monumentation. In order to ensure the establishment and preservation of land surveys, and ensure accurate and consistent standards and procedures for surveying and monumentation, all surveying and monumentation shall be performed in accordance with the requirements of the Public Works Director.

#### **19.35.010 Lot and block design.**

In order to ensure a functional and efficient design, reduce conflicts with transportation facilities, and create desirable lots for development, all activities regulated under this title shall comply with the following requirements:

##### **A. Lot design.**

1. All lots shall meet the minimum requirements of the Zoning Ordinance, LMC Title 21, 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..

2. All lots shall be provided direct access from a dedicated public street by means of minimum frontage on a public street right-of-way or by a private road as specified by LMC 19.50.050.A Private Road .

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. Where driveway access from a principal, minor, or collector arterial may be necessary for two or more adjoining lots, said lots may be required to be served by a common driveway in order to limit possible traffic hazards;

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. In general, 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. Lots having frontage on two streets shall be avoided wherever possible.

9. The area within the private roads, or access areas such as "panhandles and "flag lots" shall not be included in the computation of the lot area or be used to meet any dimensional requirement of the lot.

##### **B. Blocks shall meet the following requirements:**

1. The length of blocks shall not exceed 1,320;

2. In any block exceeding 500 feet in length, walks or pedestrian ways at a mid-block point shall be required in order to encourage walking in between residential subdivisions. Pedestrian walkways may be required to provide circulation or access to schools, playgrounds, shopping centers, etc.: The walks or pedestrian ways shall be provided in a public easement of

which shall be at least 10 feet in width and designed to the specifications of the Public Works Director.; and

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 City 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.

4. The City Council may grant an exception to the requirements of this subsection if it finds that complying with these requirements would result in improved traffic calming and/or pedestrian circulation.

### **19.35.015 Easements.**

In order to ensure the provision of adequate utilities as determined by the Public Works Director in a timely manner consistent with the city's Comprehensive Plan, and protect the health, safety and welfare of the city and its residents, all activities regulated under this title shall comply with the following requirements:

A. Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The widths of the public easements shall be a minimum of 20 feet unless the City determine a smaller or larger width is appropriate based on site conditions. Whenever possible, public easement shall be combined with driveways, pedestrian accessways and other utility easements.

B. Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be a minimum of 10 feet unless the City determines a larger width is appropriate based on the site conditions.

C. Native growth and protection easements (NGPE) shall be required for the protection of sensitive areas pursuant to Title 17 and as deemed appropriate by the City where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE shall impose upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public by the City of Lynnwood, to leave undisturbed all trees and other vegetation within the easement. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the City of Lynnwood.

D. Easements for utility mains or lines shall be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the City. Nor shall it prohibit the use of an easement for more than one utility or vehicle and pedestrian access provided the City finds the multi-use appropriate. Restoration shall be required of the site following any excavation or other disturbance permitted by the easement.

E. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument.

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 be 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 rights-of-way shall meet the following design criteria:

1. Cul-de-sacs shall be no longer than 500 feet;
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; use of curvilinear streets and U-shaped streets shall be encouraged in residential subdivisions;
3. All streets shall be platted and constructed at the full width as required in this chapter, Chapter 19.40 LMC and all other city ordinances;
4. Neighborhood residential streets within the proposed subdivision shall be located, designed and improved to provide adequate access for emergency services as determined by the Fire Marshal;
5. Where adequate emergency access has been provided, neighborhood residential streets should be located, designed and improved to prevent or discourage their use as shortcuts for through traffic and to mitigate the effects of through traffic. The subdivider shall be required to install improvements within existing or new rights-of-way in order to mitigate impacts of traffic from the subdivision on existing residences, to mitigate impacts or to improve livability in new subdivisions, and may be required to install other traffic calming measures as required by the Public Works Director;
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 make improvements to said streets pursuant to this Title and as approved by the Public Works Director and shall dedicate necessary right-of-way to the city in the filing of the final recorded documents; and
7. Where residential subdivisions abut a major arterial, the subdivider shall provide a landscape buffer strip a minimum of 10 feet in width along the plat boundary abutting the arterial. The buffer strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10-feet on center. Minimum tree height shall be six feet. The remainder of the buffer strip shall be promptly planted with low evergreen plantings that will mature to a total groundcover within five years. A permanent six-foot site-screening fence shall be placed at the property line. The buffer strip may become a separate lot or lots in which owners of all lots within the plat have an undivided interest or may be held as a separately held tract inseparable from the adjacent lot for ownership purposes. The buffer strip shall be the property owners' responsibility to maintain. Care shall be taken to alleviate sight 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."
8. The City Council may grant an exception to the requirements of this subsection only if it finds that complying with these requirements would result in a neighborhood street functioning as a collector arterial.

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:

**Maximum Standards for Street  
Right-of-Way Improvements\***

Street Class	Right-of-Way	Curb-to-Curb Pavement	Utility Planting Strip	Maximum Grades	Minimum Curve Radii at Centerline	Sidewalk Sides
Principal Arterial	60'	44'	Variable	10%	200'**	Yes
Minor Arterial	60'	40'	Variable	10%	200'**	Yes
Collector Arterial	60'	40'	Variable	15%	100'	Yes
Neighborhood Streets	50'	36'	Variable	15%	100'	Yes
Alleys (if required)	20'	16'	Variable	15%	100'	No

*\*Note: The Public Works Director shall have the authority to modify these standards in this table if documented conditions so warrant*

*\*\* A tangent of at least 150 feet in length between curves in principal and minor arterials is required.*

**C. Cul-de-Sacs.**

1. Permanent dead-end streets shall terminate with a turning circle, and shall meet the following minimum standards:

- a. Right-of-way width: 50 feet in residential areas and 60 feet in commercial and industrial areas;
- b. Radius right-of-way in the turning circle: 52 feet in residential, commercial and industrial areas; and
- c. Radius of pavement surface in the turning circle: 45 feet in residential, 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 subsections (C)(1)(b) and (C)(1)(c) of this section. The final plat may 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. 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. Curbs at intersections shall be constructed with a minimum 25' radii dependent upon the geometrics of the intersection and the classification or use of the intersecting streets.

**E. Street Trees.** Street trees selected from a City approved tree species list shall be planted along all public and private streets in a subdivision according to the location approved during review of the engineer drawings.



**19.35.025 Connections to existing streets.**

The design and location of connections between existing streets and new subdivisions shall meet the following criteria:

A. A proposed subdivision shall provide street connections to all street stub-ends that abut the boundary of the subdivision. New streets shall not extend existing streets at less than the width of the existing street.

B. A proposed subdivision shall provide street stub-ends at the boundary of the subdivision to allow for future connection(s) to possible adjoining subdivisions.

C. The number of intersections of neighborhood and collector streets with minor and principal arterials shall be minimized.

D. Where a subdivision provides a stub-end of a street that is intended to be extended into land that may be subdivided, the subdivider shall install a permanent sign at the stub-end of the street indicating that the street may be extended into the adjoining land when that land is subdivided. The text, design and method of installation shall be subject to approval by the Public Works Director.

E. Where a subdivision provides a stub-end of a street that is intended to be extended into land that may be subdivided, the subdivider shall record a notice of the planned extension of the street as part of the record of the subdivision.

F. The City Council may grant an exception to the requirements of this subsection only if it finds that complying with these requirements would result in a neighborhood street functioning as a collector arterial.

**19.35.090 Severability.**

If any section, subsection sentence, clause, phrase or word of this chapter 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 chapter.

Section 10: Repealer. LMC Chapter 19.40 is repealed in its entirety.

**Chapter 19.40 Required Improvements**

Section 11: Amendment. LMC Chapter 19.45 is amended to read as follows:

**Chapter 19.45 PLAT VARIANCES**

**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 title. 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 19.45.010. The Hearing Examiner shall develop separate recommendations on plat variance applications and forward them to the City Council along with the recommendation on the preliminary plat. The Hearing Examiner'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 title.

**19.45.010 Criteria for granting variances.**

In order for a plat variance to be recommended by the Hearing Examiner 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 title;

C. A variance complies with the spirit and intent of this title 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; and

E. In the case of a variance to sidewalk standards, adequate provision nevertheless will be made for pedestrian movement and safety.

Section 12: Amendment. Chapter 19.50 is amended to read as follows:

**Chapter 19.50 SHORT SUBDIVISIONS**

**19.50.005 Applicability.**

Every division of land into four or less lots, tracts, parcels, sites of 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 Community Development 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 Community Development Director shall prepare and require the use of such forms as needed essential to the implementation of this title.

**19.50.015 Exemptions.**

The provisions of this chapter shall not apply to those cases as per LMC 19.05.017(B).

**19.50.020 Preliminary Short Subdivision Application.**

Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into four or fewer lots shall submit an application for short subdivision approval to the Community Development Director together with payment of related fees and costs as noted in LMC 2.23.120.

A. Applications for a preliminary short plat subdivisions shall be submitted on forms prescribed by the Community Development Director. All applications submitted to the Community Development Director shall be complete and contain the following material:

1. The name, address and telephone number of the owner(s);
2. A written statement 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 Community Development 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 subsection (A)(7) of this section, 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 8-1/2 inches by 14 inches, and containing the following information:

1. 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 dimensions, square footage and number assigned to each proposed lot;
5. All existing structures;
6. All setback dimensions for existing structures; and
7. The location of any Sensitive Areas as defined by Title 17 as known to the applicant at time of submittal.

#### **19.50.022 Review Procedure**

A. Procedure of a Short Plat Application. When the Community Development 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; and
3. Federal, state or local agency which may have an interest in the short plat as determined by the Community Development Director.

B. Review by agencies shall be completed within 10 working days from the date of referral. If any agency cannot complete the review within 10 days they shall so notify the Community Development Director with reasons for the need for more time and an estimate of when the review can be completed.

I. C. All city departments and other agencies shall notify the Community Development 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.

**19.50.025 Community Development Director's review and recommendation of short subdivisions.**

Within 90 days of filing of a valid short plat application or a longer period as agreed to by the applicant or as required by Chapter 43.21C RCW, the Community Development Director shall review the reports and comments received. The director shall include in his recommendation to the Mayor a determination that the short subdivision is or is not in conformance with the following as they now exist or as they may be amended:

- A. The goals, policies and objectives of the Lynnwood comprehensive plan;
- B. The Lynnwood comprehensive parks and recreation plan;
- C. The Lynnwood zoning code;
- D. The standards of this title and Chapter 58.17 RCW;
- E. The Lynnwood comprehensive street and arterial plan;
- F. The standards of Lynnwood Municipal Code Title 17: Environment;
- G. The Lynnwood water system comprehensive plan;
- H. The Lynnwood comprehensive trunk storm drainage plan, and Chapter 13.40 LMC, Drainage Plans;
- I. The compatibility of the plat to the existing neighborhoods;
- J. Other plans and programs as the city of Lynnwood may adopt.

**19.50.027 Mayor's review and determination of short plats.**

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

- A. Approve the short subdivision (preliminary or final) as per LMC 19.50.030 and 19.50.035; or
- B. 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
- C. Disapprove the short subdivision and the short plat thereof with written findings.

**19.50.028 Mayor to make written findings.**

A proposed short plat and short subdivision shall not be approved unless the Mayor makes written findings that:

- A. Appropriate provisions are made for, but not limited to:
  - 1. The public health, safety, and general welfare;
  - 2. Open spaces, drainage ways, streets, roads, alleys, other public ways and transit stops;
  - 3. Potable water supplies, and sanitary wastes;
  - 4. Parks and recreation, playgrounds, schools and school grounds;
  - 5. All other relevant facts, including sidewalks and other planning features that assure safe walking conditions.
- B. The public use and interest will be served by the platting of such short subdivision.
- C. The proposed short subdivision is in conformity with the Lynnwood zoning code and land use controls.

**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 12 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 the applicant one additional 12-month time extension 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 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 Final Short Plat Application.**

A. The final short plat application shall contain the following information:

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.;

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of 18 inches X 24 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 feet 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,

easements, tracts, 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 five years unless a final plat is filed pursuant to Chapter 19.25 LMC and Chapter 58.17 RCW;

9. Signature block for approval by the Mayor;

10. Storm water system maintenance requirements as approved by the Public Works Director.

11. A certificate as per RCW 58.17.165.

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

1. A vicinity map clearly identifying the location of the property being short subdivided, having a scale of not more than 400 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.

#### **19.50.045 General standards.**

A. 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.

B. Easements. Easements shall be provided where necessary for road utility installation and maintenance, public or private access, drainage, and buffer strip or protective easements.

C. 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 Community Development 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 title.

D. 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.**

In addition to the Design Standards of Chapter 19.35 the following are applicable to all short subdivisions:

##### **A. Private Roads.**

1. Any road surface not open to general public use, shall be retained permanently as a privately owned and privately maintained road. This may be accomplished by creating a private tract or easement for ingress and egress purposes.

2. The covenants 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 (emergency and utility access) as determined by the City of Lynnwood.

4. Private roads shall meet the following:

a. The driving surface shall be a minimum of 20 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.

5. All roads within a short plat shall meet city construction standards for private roads.

6. Private roads shall serve no more than four lots and not exceed 300 feet in length unless approved by the Public Works Director and Fire Marshal. 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 regardless of whether the private road is within a separate tract or access easement for single-family zoned parcel.

7. A workable turnaround shall be provided in conformance to the standards of the Fire Department and Public Works Department.

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, LMC Title 21.

2. The Community Development Director shall 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. In determining setbacks, under no circumstance shall a house be allowed to be constructed within 15-feet of a private road whether held in a separate tract or access easement. The determined setbacks shall be indicated on the final short plat map.

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 the right-of-way required from the centerline 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 reasonably 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 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/her property and the Public Works Director so finds, direct access may be permitted.

F. 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.**

Wherever 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 title 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 title. 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 title.

**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: New Chapter. LMC Chapter 19.55 is added to read as follows:

**Chapter 19.55 BOUNDARY LINE ADJUSTMENT**

**19.55.010 Purpose**

The purpose of this chapter is to delineate procedures and criteria used to review boundary line adjustments for minor or insignificant changes in property lines. A boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a boundary line, to remedy adverse topographical features. A boundary line adjustment does not apply to boundary changes that would directly result in increase development or density otherwise regulated by applicable land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat or short subdivision. The adjustment must be consistent with any applicable health, building or similar regulations. This chapter is also intended to insure compliance with the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC.

**19.55.020 Scope**

The boundary lines separating two or more contiguous lots of record may be adjusted under the provisions of this chapter except as provided under RCW 58.17.040. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the subdivision regulations.

#### **19.55.030 Approval authority**

The Community Development Director or designee shall approve a proposed boundary line adjustment only upon finding that the standards of this chapter have been satisfied. A boundary line adjustment shall not:

1. Create any additional lot, tract, parcel, site or division;
2. Result in a lot, tract, parcel, site or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimensions as set forth in the zoning code and building codes and regulations. This provision shall not be construed to require correction or remedy of pre-existing nonconformities or substandard conditions;
3. Diminish or impaired drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division;
4. Create or diminish any easement or deprive any parcel of access or utilities;
5. Increase the nonconforming aspects of any existing nonconforming lot relative to the zoning and land use regulations;
6. Replat, amend, or vacate a plat or short subdivision; or
7. Amend the conditions of approval for previously platted property.

#### **19.55.040 Survey and preparation of boundary line adjustment**

Applications for boundary line adjustments shall be submitted on forms provided by the city of Lynnwood Community Development Department, and include a map prepared by a licensed surveyor with the the following information:

1. All existing and proposed property lines.
2. Existing structures and setbacks from proposed property lines.
3. Legals descriptions of existing lots and proposed lots.
4. Existing easements
5. Survey Calculations.
6. and any other information as may be required by the Snohomish County Auditor as condition of recording.

#### **19.55.050 Application**

Applications for boundary line adjustments shall be made on forms provided by and submitted to the Community Development Department.

#### **19.55.060 Review procedure**

A. A complete application for a boundary line adjustment shall be reviewed and action taken on within 90 working days of complete application submittal. The Department shall not be considered to be in receipt of a complete application unless and until such time as the applicant meets the requirements of LMC 19.55.040.

B. Prior to approval, a proposed boundary line adjustment shall be reviewed by the Public Works Director and the Community Development Director or their designees.

C. The Community Development Director or designee shall approve a proposed boundary line adjustment only upon finding that the standards of this chapter have been satisfied.

D. The approval of a boundary line adjustment shall not be a guarantee that future permits will be granted for any structure or development within a lot affected by the boundary line adjustment.

**19.55.070 Recording**

All approved boundary line adjustments shall be recorded with the Snohomish County Auditor upon approval by the Snohomish County Treasurer Office and the City of Lynnwood Community Development Director or designee.

**19.55.080 Expiration**

If the record of survey and required deeds of conveyance have not been recorded with 60 days of approval, the boundary line adjustment shall be null and void.

**Section 14: New Chapter. LMC Chapter 19.60 is added to read as follows:**

**Chapter 19.60 LOT COMBINATION**

**19.60.010 Purpose**

The purpose of this chapter is to specify the circumstances, conditions and the process by which contiguous parcels may be combined or consolidated into larger parcels for ownership, development or redevelopment.

**19.60.020 Scope**

The combination of two or more contiguous parcels can only be accomplished under the provisions of this chapter except as provided under RCW 58.17.040. Contiguous parcels may be combined for purposes of ownership, development or redevelopment. These provisions do not apply to combination or consolidation of tax parcels for taxing purposes only as approved by the county assessor. Parcel combinations are distinguished from boundary line adjustments which retain portions of the original parcels as separate lots or tracts, or short plats, subdivisions or replats, which result in the creations of more than one parcel, lot or tract.

A. Circumstances under which contiguous parcels would be required to be combined as a condition of city development plan approval are as follows;

1. When an existing or proposed structure extends over a property line;
2. When contiguous parcels share common facilities including but not limited to access, parking, utilities, open space, landscaping, signage, etc., for which no easements or other legal instruments exist to ensure continuous ownership, use and maintenance of such facilities;
3. When a parcel proposed for development contains insufficient area dimensions or frontage on a public street, to meet the minimum area, dimensions or other city requirements, and is contiguous to one or more parcels of the same ownership, and cannot be made to comply with city requirements by application of a boundary line adjustment;

B. Nothing in this chapter shall prohibit a property owner from combining multiple contiguous parcels under single ownership provided the combination is performed in accordance with the provisions of this chapter.

**19.60.030 Procedure**

The Community Development Director or designee shall approve a proposed lot combination only upon finding that the standards of this chapter have been satisfied.

#### **19.60.040 Approval Criteria**

Lot combinations shall not be approved, if approval would result in one or more of the following:

A. Result in a lot, tract, parcel, site or division which contains increase density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the land use code and regulations.

B. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division;

C. Diminish any easement or deprive any parcel of access of utilities, unless alternate easements, access or utilities can be satisfactorily provided;

D. Replat or vacate a plat or short subdivision;

E. Amend the conditions of approval for previously platted property;

F. Includes property currently not annexed to the city; or

G. Extend or increase the use of city utilities previously granted under an approved pre-annexation utility extension agreement.

#### **19.60.050 Application.**

Applications for lot combinations shall be submitted on forms provided by the City of Lynnwood Community Development Department. The completed application shall be submitted to the Community Development Department, and shall include the information specified in LMC 19.55.040 and any other information as may be required by the Snohomish County Auditor as a condition of recording.

#### **19.60.060 Review procedures.**

The Community Development Department shall not be considered to be in receipt of a complete application unless and until the applicant meets the requirements of 19.55.050 and shall be subject to the following:

A. Prior to approval, a proposed lot combination or consolidation shall be reviewed by the Public Works Director and Community Development Director or their designees;

B. The Community Development Director or designee, with the concurrence of the Public Works Director or designee, shall approve the proposed lot combination or consolidation only upon finding that the standards of this chapter have been satisfied; and

C. The approval of the lot combination or consolidation shall not be a guarantee that future permits will be granted for any structure or development within a lot affected by the combination or consolidation.

#### **19.60.070 Requirements for recording.**

All approved lot combinations or consolidations shall be recorded with the Snohomish County Auditor following approval by the city.

#### **19.60.080 Expiration.**

An approved lot combination or consolidation shall be recorded within 60 days of city approval, or the lot combination or consolidation shall be invalid.

Section 15: Amendment. LMC Chapter 19.75 is amended to read as follows:

**Chapter 19.75 BINDING SITE PLANS**

**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 Chapters 19.05 and 19.50 LMC.

**19.75.005 Applicability.**

Any person, firm, corporation, or other entity which does not divide their property in accordance with Chapter 19.05 LMC and seeks to divide business-, commercial-, or industrial-zoned property or multiple-family-zoned property subjected to state and city condominium laws 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 chapter.

**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 RCW 58.17.205 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 19.75.115.

**19.75.025 Administrator – Powers and duties.**

The Community Development 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 Community Development 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. Community Development Department. The Community Development 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 Community Development 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 Community Development 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 Community Development Department on an informal basis in order to become familiar with the requirements of this title. The Public Works, Fire Departments and Building Official 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 Community Development Department. The applicant shall then submit to the Community Development 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. Eight 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(ies) 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 Native Growth Protection Areas, 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 Community Development 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;
  - 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: fees and costs are set forth in LMC 2.23.120.

D. Referrals. The Community Development Department shall distribute a copy of the binding site plan to the Public Works Department; one copy to the Building Official ; 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.

#### **19.75.037 Processing procedures.**

The city will process an application for a binding site plan in conformance with LMC 1.35.001 through 1.35.099.

#### **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 10 working days from the date sent in which to submit written comment to the Community Development Department.

#### **19.75.045 Community Development Director recommendation on preliminary binding site plan.**

The Community Development 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 Community Development 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 Community Development Director makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. The recommendation of the Community Development 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 Community Development Director, the Mayor within two weeks shall:

- A. Adopt the recommendation of the planning director; or
- B. 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.**

Community Development 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, LMC Title 21;
3. The standards of this title and Chapter 58.17 RCW;
4. The Lynnwood six-year transportation and improvement plan;
5. The standards of Lynnwood Municipal Code Tile 17: Environment, as may be amended;
6. The Lynnwood water system comprehensive plan;
7. The Lynnwood Comprehensive Flood and Drainage Management Plan, as may be amended, and Chapter 13.40 LMC, as may be amended;
8. The compatibility of the binding site plan to the existing adjacent developments;
9. The land clearing code, Chapter 21.08 LMC;
10. The federal flood hazard area map and criteria, Chapter 16.46 LMC; and
11. Other plans and programs as the city of Lynnwood may adopt.

B. The Community Development 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 community development 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 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 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 90-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 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 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 LMC 19.75.105 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 LMC 19.75.060 herein and in accordance with city specifications within one year;

B. By actual installation of improvements in accordance with the provisions of LMC 19.75.060 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 24 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 Community Development Director.

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

Upon receipt of this notification, the Community Development 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 LMC 19.75.070.

**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 LMC 19.75.060, 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 Community Development Department along with the supplementary materials as per LMC 19.75.075, and shall:

A. Be drawn to the specifications and contain the information required by LMC 19.75.105;

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 Community Development 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 LMC 19.75.105, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements and certifications required by LMC 19.75.100.

**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 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 19.75.065;

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 LMC 19.75.065.

When the Public Works Director is satisfied with the detail and computations of the binding 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 Community Development Director. After the inspection by the Public Works Director, the Community Development 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 Community Development 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 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 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 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, 18 inches by 24 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., 20\_\_ before me the undersigned, a Notary Public, personally appeared \_\_\_\_\_ to me known to 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., 20 \_\_\_\_.

\_\_\_\_\_  
Public Works Director

Examined & Approved this \_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_.

\_\_\_\_\_  
Community Development Director

Examined & Approved this \_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_.

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., 20\_\_ 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 20\_\_.

\_\_\_\_\_  
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 names 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;
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 5,000; and
9. Storm water system maintenance requirements as approved by the Public Works Director.

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 topsoil, 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 standards of this title and zoning code requirements. However, if the structures are nonconforming, the applicant shall bring the project into compliance with Chapter 21.12 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 Chapter 16.46 LMC 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 LMC Title 21, 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 screened 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 LMC 19.75.105(B)(1), (B)(2), and (B)(5) through (B)(11), Design and Development Standards, 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 LMC 19.75.070(B) shall be accomplished by application as set forth in LMC 19.75.035 and shall be subject to all procedures and requirements established in this chapter.

Section 16: Amendment. Chapter 19.90 is amended to read as follows:

**Chapter 19.90 ENFORCEMENT**

**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 title 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 title 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 title 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 17: Amendment. LMC Chapter 1.35 is amended to read as follows:

**1.35.400 Process IV: public hearing and decision by the city council – Scope.**

LMC 1.35.400 through 1.35.480 contain the procedures that the city will use in implementing Process IV. This process includes a public hearing and decision by the city council. An informal hearing may apply to action taken under this process.

**1.35.405 Applicability.**

LMC 1.35.400 through 1.35.480 apply each time a provision of the Lynnwood Municipal Code requires a decision using Process IV.

**1.35.410 State Environmental Policy Act.**

The State Environmental Policy Act may apply to an action taken under this process. See LMC Title 17.

**1.35.415 Authority.**

The City Council shall conduct a public hearing and, following completion of the hearing, shall make the final decision of the city to approve, approve with modifications or conditions, or deny an application reviewed under this process. For applications for quasi-judicial permits the planning commission or hearing examiner may hold an informal public meeting and make a recommendation to the City Council. For legislative actions, the Planning Commission shall conduct a public hearing and make a recommendation to the City Council.

**1.35.425 Referral to city departments and other agencies.**



Concurrent with issuing notice of application, staff of the applicable department shall refer the application to all other city departments and to local, regional, state or federal agencies who may provide service(s) to the proposal or who may have special expertise for reviewing the application.

**1.35.430 Threshold determination.**

A. Early Notice. Unless the application is exempt from review under the State Environmental Policy Act (SEPA), staff of the applicable department shall provide notice of the application to the city official(s) responsible for compliance with SEPA concurrent with issuing the notice of application.

B. Issue Determination. Staff of the applicable department shall send copies of the application, along with copies of all comments received from the public (ref. LMC 1.35.020(C)) and from other city departments and agencies to the city official(s) responsible for compliance with the SEPA. The SEPA official(s) shall complete and issue a threshold determination for the application following transmittal of the application and the comments on the application.

**1.35.434 Quasi-judicial permits – Informal public meeting.**

A. Reclassification of Property (Rezone). The planning commission shall hold an informal public meeting on a proposed rezone. This meeting shall be held at a regularly scheduled meeting of the planning commission, and the planning commission may receive public comment on the application. Following any public comments, the planning commission shall make a recommendation to the city council regarding the proposal and may recommend modifications to the proposal or conditions of approval that the planning commission believes are necessary to fulfill city requirements or other adopted policies regarding reclassifications of property. Notice of this informal public meeting may be provided in the notice of application (see LMC 1.35.020).

B. Subdivisions. The Hearing Examiner shall hold an informal public meeting on the proposal. This meeting shall be held at a regularly scheduled meeting of the hearing examiner, and the hearing examiner may receive public comment on the application. Following the informal public meeting, the Hearing Examiner shall issue a written recommendation to the City Council regarding the proposal and may recommend modifications to the proposal or conditions of approval that the Hearing Examiner believes are necessary to fulfill city requirements or other adopted policies regarding subdivisions. Notice of this informal public meeting may be provided in the notice of application (see LMC 1.35.020). When a planned unit development is submitted for consolidated processing with a subdivision (see LMC 1.35.080), the informal meeting shall also consider the proposed planned unit development. (Ord. 2071 § 4, 1996)

**1.35.436 Legislative actions – Public hearing.**

For area-wide rezonings, amendments to the comprehensive plan, zoning code, or subdivision code, or for other legislative actions processed through this procedure, the Planning Commission shall hold a public hearing and make a recommendation to the city council. Notice of this public hearing shall be distributed following issuance of the threshold determination for the action, and shall be provided at least 20 calendar days prior to the hearing. The conduct of the hearing shall be as set forth in LMC 1.35.445 and 1.35.448. Notice shall include publishing in the official newspaper of the city, posting the notice at official posting place(s) of the city. After the close of the public hearing, the Planning Commission shall make a recommendation to the city council regarding the proposed action.

**1.35.440 Notice of hearing.**

The applicable department director shall provide notice of the public hearing, as follows:

A. Content.

1. Name of the applicant and the project name;
2. Street address and/or a description of the property in nonlegal terms;
3. Citation of the portion(s) of the Lynnwood Municipal Code requiring the permit(s) for which the application has been submitted;
4. A brief description of the proposed action and the requested permit(s);
5. Date, time and place of the hearing;
6. A statement of the right of any person to participate.

B. Distribution. The applicable department director shall distribute the notice by:

1. Publishing the notice in the official newspaper of the city;
2. Posting the notice at official posting place(s) of the city and at the site (if any);
3. Mailing the notice by regular mail to owners of property within at least 300 feet of the boundary of the subject property (if any) and of any property contiguous thereto in the applicant's ownership. For the purpose of this mailing, the applicable department director shall use the listing of ownership and addresses on the City of Lynnwood utility billing records. If no record for any given lot is shown on those records, then the last owner of record in the office of the County Treasurer shall be deemed proper notice;
4. Mailing the notice by regular mail to each person who has requested such notice in writing for the calendar year and who has paid a fee of \$50.00 for this service to the Administrative Services Director;
5. This noticing requirement shall be satisfied by substantial compliance with this section.

C. Timing. The notice of the public hearing shall be provided at least 20 calendar days before the date of the hearing.

**1.35.445 Conduct of a public hearing.**

Anyone may participate in a public hearing by presenting oral or written testimony. Participation may include submitting written comments before or at a hearing or signing the register of the parties of record. An electronic sound recording of a hearing shall be made. The hearing body may adopt rules and procedures for the conduct of a hearing.

**1.35.448 Parties of record.**

The parties of record for the application shall include:

- A. Persons who speak at public hearing;
- B. Persons who present written testimony either at or before a public hearing;
- C. Persons who sign the register of the parties of record at a public hearing;
- D. The applicant; and
- E. The members of the city council.

**1.33.450 Decision.**

After the close of the public hearing, the city council shall either approve, approve with modifications or conditions, or deny the application. The city council may continue the hearing; provided, that, for applications subject to the time limit in LMC 1.35.025, final action is completed and a notice of decisions is issued in compliance with that time limit.

**1.35.455 Criteria.**

The city council may approve or approve with modifications or condition an application if the city council finds that the applicant has carried the burden of proof and has produced evidence sufficient to support the conclusion that the application merits approval and that the proposal complies with the applicable decision criteria in the comprehensive plan and the municipal code. In all other cases, the city council shall deny the application.

**1.35.460 Findings of fact and conclusions of law.**

For site-specific rezones, planned unit developments, subdivisions, and other quasi-judicial permits, the city council shall adopt findings of fact and conclusions derived from those facts which support the decision of the city council to deny, approve or approve with modifications or conditions. The city council may, by reference, adopt some or all of the findings and conclusions recommended by the planning commission or hearing examiner.

**1.35.465 City council decision – Distribution.**

The applicable department director shall send by regular mail the decision of the city council (including any findings of fact and conclusions of law) to each party of record and shall make a copy of the decision available for public review at the applicable department.

**1.35.470 Administrative Services Director power to correct or clarify.**

Within 21 calendar days of the issuance of the city council's decision, the administrative services director may amend the written decision to correct ministerial errors clearly identifiable from the public record or to clarify any statement in the decision, as long as the clarification does not alter the intent or effect of the action by the city council. Such a correction or clarification does not affect any time limit provided in this process.

**1.35.480 Appeal to superior court.**

Any person's (with "standing," as defined by RCW 36.70C.060) appeal to superior court must be timely filed, or is thereafter barred. The decision must be appealed no more than 21 calendar days from the date on which a land use decision is issued. The date of issue is three calendar days after mailing (see LMC 1.35.465). The cost to produce any record, including a transcript of any public hearing, shall be paid by the appellant.

Section 18. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

Section 19. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED this 22nd day of September, 2003 and signed in authentication of its passage  
this 23rd day of September, 2003.

*Mike McKinnon 10/2/03*

\_\_\_\_\_  
MIKE McKINNON, MAYOR

ATTEST:

*Michael Bailey*  
\_\_\_\_\_  
MICHAEL BAILEY  
Administrative Services Director

APPROVED AS TO FORM:  
*[Signature]*  
\_\_\_\_\_  
GREG A. RUBSTELLO  
Lynnwood City Attorney