

ARTICLE IX SUBDIVISIONS

SECTION 31: GENERAL PROVISIONS

31.01 Purpose and Intent

The purpose and intent of this Ordinance is to regulate the division of land and to promote the public health, safety, and general welfare in accordance with standards established by the town to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on the streets; to provide for adequate light and air; to facilitate adequate provision of water, sewerage, parks and recreation requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivision which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the town; and to require uniform monumenting of land divisions and conveying by accurate legal description.

31.02 Exemptions

Pursuant to RCW Section 58.17.040, the provisions of this Ordinance shall not apply to:

1. Cemeteries and other burial plots, while used for that purpose.
2. Divisions of land, in accordance with the applicable zoning density or lot size requirements, into lots or tracts each of which is one thirty-second (1/32) of a section of land or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a section of land, unless the town of Coulee Dam adopts a subdivision ordinance requiring plat approval of such divisions: PROVIDED, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.
3. Any division made by testamentary provisions or the laws of descent. Lots formed in this fashion must meet the requirements of all other ordinances and may or may not be buildable lots.
4. 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 lot area and dimensions to meet minimum requirements for width and lot area for a building site as contained in Article V, as it now exists or is hereafter amended. For procedure on performing boundary line adjustments see Subsection 31.03.

5. Divisions of land into lots or tracts classified for industrial or commercial use when the town has approved a binding site plan for the use of the land in accordance with local regulations
6. A division for the purpose of lease when no residential structure other than manufactured homes or recreational vehicles are permitted to be placed upon the land when the town has approved a binding site plan for the use of the land in accordance with local regulations.
7. Divisions of land into lots or tracts if:
 - A. Such division is the result of subjecting a portion of a parcel or tract of land to either RCW Chapter 64.32 or 64.34 subsequent to the recording of a binding site plan for all such land.
 - B. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to 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.
 - C. The town has approved the binding site plan for all such land.
 - D. Such approved binding site plan is recorded in the appropriate county assessor's office.
 - E. The binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the town of Coulee Dam, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. 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 thereon or their owners' associations have a membership or other legal interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein. The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either RCW Chapter 64.32 or 64.34. A site plan shall be deemed to have been approved if the site plan was approved by the town:

- i. In connection with the final approval of a long plat or planned unit development with respect to all of such land, or
 - ii. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
 - iii. If not approved pursuant to Subsection 31.02,7 E (1)and (2), then pursuant to such other procedures as the town may have established for the approval of a binding site plan.
 - F. A division for municipal purposes when approved by the town council.
- 8. Qualified exemptions. The administrator may exempt the following actions from the requirements of this Ordinance as not constituting divisions of land for the purpose of sale or lease, when satisfied that the conditions set forth in this section have been met.
 - A. A division provided for by law not for the purpose of sale or lease including, in the absence of the administrator finding circumstances to the contrary, the following:
 - i. Financial segregations which do not involve a division of land through transfer of fee simple ordinance. This exemption is limited to mortgages or deeds of trust executed solely for the purpose of securing financial obligations that are conducted in all respects in compliance with the laws governing same.
 - ii. A division by court order limited to the following and not including voluntary transfers of land in lieu of compliance with the applicable judicial procedures governing them: mortgage or deed of trust foreclosures, and property distributions between spouses pursuant to separation or dissolution proceedings.
 - B. A prior division of land as defined in Article II.
 - C. Qualified exemption applications. Applications for qualified exemptions shall be submitted to the town on forms provided by the administrator and shall be accompanied by a non-refundable application fee as set forth in the adopted town fee resolution. The administrator may require submittal of pertinent instruments, court orders, affidavits and the like sufficient to determine whether specific actions may be exempt.
- 9. Exemptions may be granted by the administrator for only those actions which do not contravene the spirit and intent of this ordinance and the applicable state statutes.

31.03 Boundary Line Adjustment - Procedure

Applications for a boundary line adjustment, which shall be accompanied by an application fee, shall adhere to the requirements of Article X and the following procedure:

1. Boundary line adjustments may be performed between owners of contiguous lots which are legally separate, as allowed by Subsection 31.02 4, provided;
 - A. The administrator certifies the following:
 - i. No new lots are created. If you start with two parcels you must end up with two parcels.
 - ii. The character of the parcels are not substantially altered. If a lot has access to a body of water, a boundary line adjustment may not be performed if the lot loses its access to the water.
 - iii. The new parcel configurations contain sufficient area and dimension to meet minimum requirements for width, area and zoning for a building site. A boundary line adjustment between existing non-conforming lots shall not result in lots of greater non-conformity with the exception of lot area. Lot reduction shall be the minimum necessary to accomplish the objective of the boundary line adjustment.
 - iv. The new parcel configuration does not result in the loss of access to any public or private road. Access may be provided by easement noted on parcel deeds.
 - B. All boundary line adjustments will be reviewed on a case by case basis following submittal of a completed application form. Approval of boundary line adjustments may be conditioned and such conditions can vary greatly. An application form available from the administrator shall be completed including the following information:
 - i. A legal description of the parcels involved in the boundary line adjustment.
 - ii. A legal description and appropriate drawing of sufficient accuracy and legibility to be recorded in the office of the Okanogan, Douglas or Grant County Auditor. Said drawing must indicate the proposed new parcel boundaries.
 - iii. A signature of all fee owners or authorized agents having authority to sign for properties involved in the boundary line adjustment.
 - iv. The signature and stamp of a professional land surveyor, unless alternative method is approved by the administrator.

- v. Conveying document.
 - C. The boundary line adjustment will not take effect until recorded in the office of the appropriate county auditor.
 - 2. A reconfiguration of the boundaries of property may be performed provided the administrator certifies the following for each procedure:
 - A. A parcel consolidation of contiguous lots of the same ownership may be joined for tax purposes only PROVIDED the owner files a written request to be acknowledged by the administrator and filed with and approved by the applicable county assessor's office.
 - B. A parcel consolidation of contiguous lots of the same ownership may be joined and be considered one piece of property for development purposes PROVIDED the owner files a written request to be acknowledged by the administrator and filed with and approved by the Okanogan, Douglas or Grant county assessor's office. Said consolidation parcels shall remain joined so long as the development exists.
 - C. Previously platted property that has been consolidated for tax purposes and/ or planning purposes may have property lines recognized along said plat lines PROVIDED the development on each lot or groups of lots can be supported by the existing zoning, building, fire, and access codes at the time of reconfiguration. Said pieces of property may be considered as separate developable units.
 - D. Open acreage parcels that have been joined under one tax parcel number may be separated and considered separate distinct parcels provided the owner can demonstrate:
 - i. The property was joined for tax purposes only.
 - ii. Separate legal descriptions have been recorded for each parcel that is less than minimum acreage platting exemption in existence of the time of the reconfiguration.
 - iii. The development on each proposed parcel can be supported by the existing zoning, building, fire, and access codes at the time of reconfiguration. Said pieces of property may be considered as separate developable units.
 - 3. Recognition - The town may not recognize the property line adjustments for permitting purposes until such time as the owner furnishes a copy of the recorded action.

31.04 Flood Plain Land

In accordance with Section 58.17.120 RCW, no plat shall be approved by the town covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the Washington State Department of Ecology.

31.05 Contiguous parcels

Contiguous parcels of land in the same ownership, if previously platted or under a separate deed from one another, may be sold separately without constituting a land division, provided each lot sold separately meets the dimensional requirements of the zoning regulations. Where such contiguous parcels in the same ownership are further divided or divided differently, the entire ownership shall be included in the proposed land division.

31.06 Improvement Requirements

1. Street, utility, lighting, and pedestrian way improvements in accordance with Article IX, Section 38 are required for each short and long subdivision and shall be consistent with the size, nature and availability of existing improvements which serve adjacent lots and lots in the immediate vicinity of the proposed land division.
2. Improvement requirements for each short and long subdivision shall be established by the administrator in conformance with 31.07 below. The administrator shall provide a written determination of improvements which will be required pursuant to the provisions of this section. Appeal of the administrator's determination of required improvements may be had in the same manner as provided for by Article X.
3. In the event the required improvements for a short subdivision are of a lesser size, quality or availability than those improvements which would be required of a long subdivision pursuant to Article IX Section 38, then each lot in the short subdivision shall be committed on the face of the short plat, as an obligation or covenant running with the land, to participate in future local improvement districts for the construction of improvements, in compliance with Article IX, Sections 31 and 38 as they exist at the time the local improvement district is formed.
4. Proposed subdivision and dedication shall not be approved unless the town legislative body makes written findings pursuant to RCW 58.17.110 that there are adequate facilities.

31.07 Payment of Services

When deemed necessary, the town may retain outside consultants to evaluate any phase of plat review and construction. The cost of such services shall be borne by the developer who shall be billed for the actual cost to the town. Billings shall be tendered and payable within thirty days. If the developer (sub-divider) believes the costs to be unreasonable, an appeal may be made to the town council for their review and determination.

31.08 Abandoned Orchard Removal Prerequisite

Before final approval is given to any plat, removal of an abandoned fruit orchard within the plat may be required by the Okanogan, Douglas or Grant County pest and disease control board as a condition of approval in order to protect existing orchards from pest and disease associated with abandoned orchards; provided that the recommendation may allow designated trees to remain standing on individual lots for the use and enjoyment of homeowners; provided, further, that an effective program of pest and disease control is carried out by the property owners on the remaining trees pursuant to RCW Chapter 15.08, as it now exists or is hereafter amended.

31.09 Vested Use Limitation

Any lots in a short or long subdivision filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of two years from the date of filing. A land division shall be governed by the terms of approval of the short plat or final plat, and the statutes, ordinances and regulations in effect at the time of approval for a period of two years after final plat approval unless the town council finds that a change in conditions creates a serious threat to the public health and safety in the subdivision.

31.10 Variances

The procedures and criteria relating to variances in Article VIII, Section 28, and any future revisions thereto are adopted for the request of variances from the requirements of this Ordinance. Any applicant for a subdivision or short subdivision may make application for a variance for any portion of Sections 31 through 35 and 38; provided the request is received concurrently with the application for the proposed short subdivision or subdivision

31.11 Transfer or Construction Prior to Final Plat Approval

An agreement to sell or otherwise transfer a lot prior to recording of the final plat is subject to RCW 58.17.205. Construction or placing of a structure on a lot may be started prior to recording of the final plat, and is subject to all applicable codes and regulations of the town, provided that no occupancy permit may be issued prior to the recording of the final plat.

31.12 Statutory Authority

This Ordinance is adopted pursuant to the authority of RCW 58.17.

SECTION 32: SHORT SUBDIVISIONS**32.01 Short Subdivision Defined**

A short subdivision is defined as a division of land into four or fewer lots, and which shall comply with the provisions of this Section in addition to all other applicable provisions of the Unified Development Code.

32.02 Re-divisions

Once property is subdivided into four lots in accordance with the provisions of this code, no further division creating in any manner a greater number of lots, tracts, parcels, sites, or divisions than contained in the short plat shall be made for a period of five years from the date of recording of the short plat, unless a long subdivision has been approved and filed for record pursuant to this code.

In the case of a proposed re-division of land within a short or long plat, either the short subdivision or long subdivision provisions of this ordinance and RCW Chapter 58.17 shall be complied with dependent upon the number of divisions proposed within the property and/or the period of time that has elapsed since the recording of a prior short plat.

32.03 Application Procedure - Generally

Applications for short subdivisions shall be processed in accordance with Article X.

32.04 Application Contents

Applications for short subdivisions shall contain the following information in addition to that required elsewhere in Article X. Upon determination by the administrator that the application is complete, the administrator shall request payment of the application fee and submittal of 10 copies of the complete application. No application shall be processed until the application has been deemed complete and the application fee paid.

1. Applications for a short subdivision shall be submitted to the administrator on an application form provided by the administrator including a legibly drawn representation with dimensions of the parcel to be divided and the lot lines to be created in carrying out the short subdivision. Said application form shall contain, but not be limited to the following information: name, address and phone number

of land owner(s) and surveyor; comprehensive plan and zoning for the subject property; resource land or critical area designation, if appropriate, source of water and method of sewage disposal. A copy of any existing or proposed covenants for the property shall also be included with the application information. If necessary to clearly show the required information, a larger drawing may be attached and referenced in the application form. The submitted drawing shall include:

- A. The entire lot, tract, parcel, site, or division constituting the parent parcel and its legal descriptions.
- B. The parcel number or numbers as assigned to applicant's land by the Okanogan, Douglas or Grant county assessor, together with their legal descriptions and the names or recording numbers of any contiguous long or short subdivisions.
- C. Lines marking the division of the property into the proposed four or fewer lots, tracts, parcels, sites, or divisions along with the name of the subdivision, dimensions of each lot, designation of each lot by numbers or letters, proposed street addresses for each lot and an arrow pointing north.
- D. Location of existing roads or streets, or existing deeds or easements with their auditor's file numbers, together with designation of "public" or "private" regarding the road and the beneficiary of the easement.
- E. Location of any roads, rights-of-way or easements proposed to serve the short plat with a clear designation of their purpose and nature, including whether they will be private or dedicated public roads, rights-of-way or easements.
 - i. Right-of-way for public roads of a width to be determined by Article IX, Section 38 and the public works director, but not to exceed that required for long plats, shall be dedicated if the short subdivision contains two or more lots which are contiguous to:
 - (a) An existing subdivision where a partial street right-of-way has been dedicated.
 - (b) An existing partial right-of-way deeded for public road purposes.
 - (c) A location where an ordinance, a long range road program, or the comprehensive plan, indicates the need for a future road or street.

- ii. Right-of-way for all private roads, whether existing or proposed serving residences, business or other primary usage of lots, shall be of a width specified in Article IX, Section 38.
- F. Certification by a professional land surveyor licensed to practice in the state of Washington, except as enumerated in Article IX, Section 32.05.
- G. The name of the proposed short subdivision.
- H. Existing and proposed utilities serving the short subdivision including water and sewer.
- I. Location of any resource lands and/or critical areas.
- J. Location and square footage of open space areas, existing and planned buffers, screens and landscaped areas as applicable.
- K. The application shall also include:
 - i. Title report: A preliminary title report, indicating any taxes or assessments against the property;
 - ii. Ownership: Ownerships of the property, covenants, restrictions, and collective maintenance agreements, if applicable;
 - iii. SEPA Checklist (if applicable).

32.05 Land Survey Requirements

1. A proposed short subdivision of land not previously platted or short platted shall be prepared by or under the supervision of a registered land surveyor of the state of Washington as a result of a land survey.
2. A land survey need not be performed for proposed short plats of land previously platted or short platted PROVIDED the land surveyor of record can demonstrate and the administrator concurs that all property lines and boundaries can clearly be established in accordance with applicable state laws. All proposed plat maps shall be prepared by or under the direct supervision of a registered land surveyor of the state of Washington.
3. A short plat involving a dedication, public easement or right-of-way shall be prepared as a result of a land survey.

4. All proposed short plats requiring a land survey shall be referenced from two (2) monumented section or quarter section corners or to two (2) other suitable permanent control monuments.
5. All lot corners determined as a result of a land survey shall be established by the placement of permanent survey monuments.

32.07 Short Plat Recording Form Contents

1. The short plat recording form shall be completed by or under the supervision of a professional land surveyor of the state of Washington and shall be based on a survey of the property. Said survey shall be in compliance with the requirements of the Survey Recording Act, RCW Chapter 58.09 as it now exists or is hereafter amended, including the establishment of monuments such that short plats must show all existing or established section corners and quarter section corners pertaining to the location of all lot corners of the short plat.
2. The short plat submitted for filing shall be in accordance with the conditions specified in the notice of decision prepared in accordance with Article X, Section 44 at the conclusion of the administrator's review of the short plat submittal.

3. In the event private roads are used to serve the proposed short plat, whether exterior or interior, the following statement shall appear on the face of the short plat:

"The town of Coulee Dam has no responsibility to build, improve, maintain, or otherwise serve any private road for this short plat."

4. Utility easements shall serve each interior lot. Utility easements may be included within the access easement and may serve as a joint use easement with the access easement.
5. An ordinance certificate consisting of a report showing all parties having any interest in the land subdivided.
6. The short plat recording form shall consist of a legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or equivalent and shall be eighteen by twenty-four (18 x 24) inches in size. Certification signature blocks need to be included on the face of the plat for (1) the Okanogan, Douglas or Grant county treasurer and (2) town of Coulee Dam administrator for the certification of compliance with applicable town of Coulee Dam ordinance number.

7. The short plat filing form shall be signed by all parties having ownership interest in the land being divided and their signatures shall be notarized.
8. Any easements previously filed shall have their auditor's file numbers.

32.08 Filing of Short Plats

Filing of short plats shall be done with the Okanogan, Douglas or Grant county auditor following certification by the appropriate county treasurer that applicable property taxes have been paid. The filing of the short plat, including payment of the filing fees, is the responsibility of the applicant. Said signed plat shall be filed and recorded with the Okanogan, Douglas or Grant county auditor and a copy of such recordation provided to the town within one (1) year of authorized signature.

32.09 Short Plat Amendment

Once a short subdivision has been recorded with the Okanogan, Douglas or Grant county auditor, it can be amended or vacated in whole or part in a manner not involving a re-division into more than four lots from the original short plat. All proposed alterations or vacations, whether a public dedication is involved or not, shall be processed in accordance with RCW Chapter 58.17. The provisions of RCW Chapter 58.17 as they relate to plat vacations and alterations are hereby adopted by reference. If the proposed alteration or vacation does not involve a public dedication, the altered short plat shall be processed in accordance with the following provisions:

1. The amended short plat must comply with the procedures and requirements of this section for original short plat approval. A new survey shall not be required except for new lines created by the amended short plat.
2. The ordinance of the altered short plat shall be:

Short Plat No. Amending Short Plat No.

3. The amended short plat shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots, tracts, parcels, sites, or divisions within the original short plat as shown by a current ordinance certificate.
4. Minor errors not involving a change in lines may be corrected by the survey or upon approval of the administrator by recording an affidavit with the Okanogan, Douglas or Grant county auditor specifically referencing the short plat by number and the correction.

5. If the proposed alteration or vacation involves a public dedication, the altered short plat shall be processed as a Type IVA application in accordance with Article X.

SECTION 33: SUBDIVISIONS

33.01 Subdivision - Defined

Subdivisions are divisions of land which contain five or more lots and shall be known as "subdivisions", and are governed by this code.

33.02 Application Procedure - Generally

Applications for subdivisions shall be processed in accordance with Article X. Upon determination by the administrator that the application is complete, the administrator shall request payment of the application fee and submittal of 10 copies of the complete application. No application shall be processed until the application has been deemed complete and the application fee paid.

SECTION 34 PRELIMINARY PLATS

34.01 Application

Any person desiring to subdivide land shall cause to be prepared a preliminary plat of the proposed subdivision. Prior to the preparation, the applicant shall schedule and attend a pre-application conference in accordance with Article X, Section 41.

The preliminary plat of the proposed subdivision shall be at a scale of at least one (1) inch equals two hundred (200) feet, unless the administrator requests or authorizes a different scale, and which shall include the following information which shall be shown on the plat, if practicable, but if not, by separate accompanying statements:

1. General information:
 - A. Proposed name of the subdivision. This name shall not duplicate any name used on a recorded short subdivision or subdivision in the Town of Coulee Dam.
 - B. Location of the subdivision by section, township and range.
 - C. Names and addresses of the owners, subdivider, designer of the subdivision, and the licensed surveyor and engineer, if appropriate.

- D. Scale, north arrow and date.
 - E. A full and correct legal description of the entire lot, tract, parcel, site, or division constituting the applicant's property, as recorded in the Okanogan, Douglas or Grant county auditor's office.
 - F. A vicinity sketch at a scale between four hundred (400) and eight hundred (800) feet to the inch shall accompany the preliminary plat. The vicinity sketch shall show all adjacent subdivisions, streets, and tract lines of adjacent parcels, with the names of owners of record of such parcels when described by metes and bounds. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in all adjacent territory so that an advantageous development of the entire area can be achieved.
2. Existing conditions:
- A. Boundary lines of the proposed subdivision including monuments and markers, approximate distance and area enclosed.
 - B. Existing restrictive covenants.
 - C. Elevations shall be shown by contour lines at a minimum of five (5) foot intervals, if determined by the administrator to be needed in the preliminary review.
 - D. The location, name, designation as to public or private, present improvements and right-of-way width, and type of surfacing of all streets, alleys and rights-of-way on and adjacent to the tract; location of any existing walks, curbs, gutters; the location, pipe size and grades of all existing sewers, water mains, culverts, buried electrical or telephone conduits, and surface and subsurface drains, railroad lines or other private improvements, and utilities including storm drains.
 - E. Approximate width, location and purpose of all existing easements.
 - F. The approximate location of all designated floodways and 100-year floodplain areas and the location, width, name, and direction of flow of all watercourses.
 - G. Existing uses of the property, including the location and use of all existing structures and those structures which will remain on the property after platting.

3. Proposed subdivision:
 - A. The location, name, intention to make public or private right-of-way or easement width, approximate radii of curves and grades and gradients of all proposed streets, alleys or roads within or on the boundary of the proposed subdivision.
 - B. Location, width and purpose of all easements other than for roadway purposes.
 - C. Proposed uses of the property.
 - D. Approximate dimensions of all lots with proposed lot and block numbers. Lot sizes shall be in compliance with the applicable zoning laws.
 - E. The location, size and existing use of all existing and contemplated public areas within the proposed subdivision. Areas designated for public use as recommended by the planning commission shall be dedicated for such use by easement to the town of Coulee Dam, if approved by council, and indicated on the final plat before recording.
 - F. A brief statement and preliminary layout of proposed facilities regarding the contemplated sewage disposal, water supply and drainage improvements for the proposed subdivision. The administrator, after consulting with the public works superintendent, may require the installation of water, sewer, and storm drainage lines in streets within the subdivision, or easements therefore in accordance Article IX, Section 38 and with the recommendations of the town's consulting engineer.
 - G. Minimum building setback lines according to applicable zoning laws. A typical lot may show setbacks for all regular-shaped interior lots. All setback lines must be shown on irregularly shaped lots and corner lots.
 - H. If the subdivider desires to develop the plat in phases, the phases shall be shown on the preliminary plat.
 - I. Location of resource lands and critical areas.
 - J. Location and square footage of open space areas, existing and planned buffers, screens and landscaped areas as applicable.
4. A copy, in concept, of all proposed restrictive covenants and/or documents describing ownership of the plat shall be provided.

5. An title certificate consisting of a report showing all parties having any full or partial interest(s) in the property to be subdivided.
6. Environmental checklist prepared in accordance with RCW Chapter 43.21C, State Environmental Policy Act and the town's SEPA ordinance as they now exist or are hereafter amended.

34.02 Approval of Preliminary Plat

The preliminary plat shall be reviewed and approved, approved with conditions or denied in accordance with Article X.

34.03 Relationship of Approved Preliminary Long Plat to Final Long Plat

The approved preliminary plat, together with its conditions of approval, shall constitute a guide to the applicant for the preparation of the final plat and to the town for conditions under which the final plat is to be approved. A final plat meeting all the requirements of this ordinance and RCW Chapter 58.17 and other local regulations shall be submitted to the town for approval within three (3) years from the date of preliminary plat approval by the town.

An applicant who files a written request with the town at least thirty (30) days before the expiration of this three (3) year period shall be granted a one (1) year extension upon the showing that the applicant has attempted in good faith to submit the final long plat within the three (3) year period.

34.04 Agreements to Transfer Land Conditioned on Final Long Plat Approval

If the performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to RCW Sections 58.17.200 or 58.17.300 and does not violate any provisions of the chapter or ordinance. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

SECTION 35: IMPROVEMENTS

35.01 Construction of Improvements

Following approval of the preliminary plat the subdivider shall;

1. Prepare construction plans and specifications for the improvements required, and submit them to the town official for verification that they conform to the requirements herein.
2. The Administrator or his/her designee shall have fifteen (15) days to approve, conditionally approve, or disapprove the submitted plans;
3. Furnish the Town with a performance bond or similar instruments in the amount of one hundred twenty-five percent of the cost as estimated by a Certified Engineer. This performance bond shall be furnished the town to cover all utilities and road improvements proposed for the subdivision;
4. Complete improvements according to the approved plans and specifications within the effective period of preliminary plat approval per Article IX, Section 34 herein. The town building official shall make all inspections necessary to insure that improvements are constructed according to plans and specifications. The town building official has the authority to stop construction and to require immediate correction if the work does not meet specifications. The building official shall notify the town council of completion and compliance. If applicable, the performance bond may then be released;
5. The subdivider shall reimburse the town for any inspection expenses, and upon completion of the improvements shall provide the town with "as-built" plans;
6. A bond shall be provided by the subdivider securing the town the successful operations of the improvements for a period of two years after final approval.

SECTION 36: FINAL PLAT

36.01 Application - Generally

Following the completion of improvements, within the effective time period of preliminary plat approval, application may be made for final plat approval. Per RCW 58.17.140, the town council shall, within thirty days of the application, approve, disapprove or return to the applicant the final plat.

36.02 Application

Application for final approval shall be made in accordance with Article X. The final plat shall conform substantially to the preliminary plat and shall incorporate any conditions or recommendations imposed by the planning commission and approved by the town council. Any required signatures shall be in permanent black ink on the original document to be filed. In addition, the final plat shall show clearly the following information:

1. A complete survey of the section or sections necessary to establish the corner(s) of the quarter section in which the plat is located or as much thereof as may be necessary to properly orient the plat within such section or sections. The survey shall be submitted with copies or complete field notes and computations showing original or re-established corners, with descriptions of and reference ties to all corners and copies of field notes of traverse showing error of closure and method of balancing, with sketch showing all distances, bearings and calculations required to determine corners and traverse distance of the plat. The allowable error of closure shall not exceed one foot in ten thousand feet.
2. Tract boundary lines, property lines of lots, open space, other sites, and other rights-of-way, with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves. If the plat constitutes a re-division, the lots, blocks, streets, and all other improvements of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid any ambiguity.
3. Name and right-of-way width of each street, easement or other right-of-way.
4. Location, dimensions, beneficiary, and purpose of any easements.
5. Number to identify each lot or site and block.
6. Purpose for which sites, other than residential lots, are dedicated or reserved.
7. Location and description of monuments existing or set, permanent control monuments shall be established at each and every controlling corner of the boundaries of the parcel of land being subdivided. The public works director shall determine the number and location of permanent control monuments within the plat.
8. Reference to recorded subdivision plats of adjoining platted land by record name, date and number and the lines and names of all existing or platted streets or other public ways, parks, playgrounds, other public lands, and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines and section lines.
9. A certification by a professional land surveyor in a form acceptable to the town that the plat is a true representation of the lands actually surveyed.
10. Appropriate certificate indicating consent by all those persons having ownership rights in the property in a format acceptable to the town.

11. A certificate acceptable to the town relating to any resource lands and critical areas.
12. Certification regarding any streets, rights-of-way, easement for private, semi-private or public use.
13. Certificate from the Okanogan, Douglas or Grant county treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification by the treasurer have been fully paid, satisfied or discharged.
14. Certification of approval by the public works superintendent acting on behalf of the town, as to the survey data, layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures.
15. Certification of approval by the mayor.
16. Acknowledgment from the public works director as to the adequacy of the proposed means of sewage disposal and water supply.
17. Ordinance, scale, north arrow, and date.
18. A certification shall be submitted together with the plat certifying that the subdivider has either:
 - A. Completed improvements in accordance with these regulations and with the action of the town council giving approval of the preliminary long plat, or
 - B. Provided acceptable surety such as a bond, certified check, non rescindable letter of credit from a reputable financial institution, property, or other secure methods for such improvements as provided in Section 38.
19. Such other certificates, affidavits or endorsements as may be required by town council in the enforcement of these regulations.

36.03 Supplementary Information

In addition to the requirements of subsection 36.02 of this section the following information shall be submitted with the final long plat is appropriate:

1. A copy of any proposed covenants, conditions and restrictions to be recorded with the proposed subdivision.

2. A list of the conditions required as part of the approval of the preliminary plat by the town council together with annotation of how they have been and/or will be complied with.

36.04 Time Limit for Submission

The original tracing and four copies of the final plat and other exhibits required for approval shall be submitted to the administrator and shall be accompanied by a written request for approval of the final subdivision, and shall be accompanied by the final plat processing fees as specified in the adopted fee resolution. The final plat shall be submitted to the town council within three (3) years of the date of preliminary plat approval. An applicant who files a written request with the administrator at least thirty (30) days before the expiration of this three year period shall be granted a one-year extension upon showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.

36.05 Drawings

The final plat shall be drawn on stable base mylar or equivalent material at such a scale as to make a map a minimum of eighteen (18) inches by twenty-four (24) inches and shall be at a scale of at least one (1) inch equals one hundred (100) feet unless the administrator requests or authorizes a different scale. Where necessary, the plat may be on several sheets, including match lines, accompanied by an index sheet showing the entire subdivision.

36.06 Review and Approval

1. The administrator shall review the final plat for conformance to conditions imposed on the approved preliminary long plat. If the proposed final plat is in conformance with all conditions of preliminary approval, then the administrator shall submit the final plat and required information for approval, approval with conditions or denial to the town council in accordance with Article X.
2. If the final plat contains substantial modifications from the preliminary plat recommended for approval by the planning commission, the administrator shall process it in accordance with Article X.
3. When the town council finds that the final subdivision conforms to all terms of the preliminary subdivision approval and that said subdivision meets the requirements of this ordinance, and RCW Chapter 58.17, as both these regulations were in effect at the time of preliminary approval, the town council shall authorize the mayor to sign the final plat after which the mayor shall suitably inscribe and execute their written approval on the face of the plat. The subdivision shall be governed by the terms of final plat unless the town council finds that a change in conditions creates a serious threat to the public health or

safety in the subdivision at which time the council may take any action needed for correction.

4. If, in the opinion of the administrator, the plat has been substantially altered, it is to be returned to the planning commission and the time requirements start over.
5. Town Council action on final plats shall be at the next regularly scheduled council meeting following the date of filing for a request of final approval.
6. Approval shall be indicated by the signature of the administrator or the administrator's designee on the original tracing.

36.07 Time Limit for Recording

The final plat shall be recorded with the Okanogan, Douglas or Grant county auditor within sixty (60) days following the date of approval of the final subdivision by the town council. If the subdivider fails to file the final plat prior to the expiration of the above time period, he shall resubmit the plat in accordance with this code. A copy of the final plat as recorded will be provided to the Town within one (1) month of the date of filing. All costs for filing, recording and copying the final plat and related documents is the responsibility of the applicant.

36.08 Final Plat Alteration

1. Application. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided under Section 31.03 that person shall submit an application to request the alteration to the administrator on an application form available from the administrator, including a legibly drawn representation of the plat as it presently exists and of the proposed alteration, both to scale. The submitted application shall be processed in accordance with Article X and be accompanied by the following:
 - A. The signatures of a majority of those persons having ownership interest of lots, tracts, parcels, sites, or divisions in the subject long subdivision or portion to be altered.
 - B. If the subdivision is subject to restrictive covenants which were filed in conjunction with the subdivision, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
2. Assessment district. If any land within the proposed alteration is part of an assessment district, any outstanding taxes, assessments and charges shall be

equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

3. Dedication. If any land within the proposed alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
4. Drawings and filing. After approval of the alteration, the town council shall order the applicant to produce the revised drawing on stable base mylar or equivalent material, stamped by a licensed surveyor which, after signatures of the authorities whose approval appeared on the original plat, shall be filed with the Okanogan, Douglas or Grant county auditor to become the lawful plat of the property.

36.09 Final Plat Vacation

Application. Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall submit an application for vacation to the administrator. The administrator shall process said application in accordance with Article X. The application shall set forth the reasons for vacation and shall be accompanied by the following:

The signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

Procedure relating to roads.

When the vacation application is specifically for a town street or alley right-of-way, the procedures for street vacation in RCW Chapter 35.79 shall be utilized for the road vacation.

When the application is for the vacation of the plat together with the roads, the procedure for vacation in this section shall be used, but vacations of roads may not be made that are prohibited under RCW Section 36.79.035.

Title to vacated land. If any portion of the land contained in the long subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the town or county, shall be deeded to the town or county, unless the town council shall set forth findings that the public use would not be served in retaining ordinance to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public for public use other than a road or street, and the town council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by town council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

SECTION 37: BINDING SITE PLAN

RCW 58.17 allows certain divisions of land by use of a binding site plan, provided there are local regulations that govern. This section is reserved for future inclusion of BSP regulations.

SECTION 38: MINIMUM STANDARDS

38.01 Review

The town shall, with assistance of its consulted parties, review a proposed short subdivision or a proposed subdivision for conformance with the following minimum standards. The Administrator or other appropriate town official shall provide necessary specifications and construction details for the minimum standards to the applicant at his/her request and expense.

38.02 Minimum Standards

Minimum standards applicable to both short subdivisions and subdivisions are as follows:

Conformance to the intent and purpose of the Comprehensive Plan.

Conformance to the zoning ordinance or land development ordinance and health regulations;

Subdivision design which is appropriate to the intended use; the character of the surrounding area; and which gives consideration to flooding potential, fire protection and police protection;

Adequate water supply, electrical supply and sewage disposal;

A fire hydrant within three hundred feet of each lot and with fire flow to the satisfaction of the fire chief;

Storm drainage facilities adequate to drain the short subdivision or subdivision yet cause no impact to other property owners. Storm drains shall be used wherever possible as opposed to open ditches;

Minimum lot frontage as required by the zoning ordinance or land development ordinance

No direct access from lots onto high volume arterials except where no other access is possible; state standards shall apply for access to state maintained rights-of-way.

Utility easements shall be at least five feet wide;

Underground utilities, wherever possible, including, but not limited to electric, telephone, and cable TV lines, water, and sewer.

All lots shall have access to a public right-of-way.

38.03 Minimum Applicable Only to Subdivisions

In addition to the minimum standards of subsection 38.02 above, subdivisions shall also be required to meet the following:

A street system designed for safety, convenience and integration with other streets;

Street intersections shall have adequate sight distance:

Widths of right-of-ways and paving shall meet town specifications;

Cul-de-sacs shall not exceed six hundred sixty feet in length, shall have a right-of-way radius of at least forty-five feet, and shall have paved radius of at least thirty feet;

Alleys shall be at least twenty feet in width, if applicable;

Where an abutting public right-of-way is substandard in width, additional right-of-way shall be deeded to bring it up to standard on that side;

Improvements shall include two-inch thick asphalt paving with adequate ballast, curbs and gutters, and four-foot-wide sidewalks and be constructed to standards of the American Public Works Association;

If a subdivider is required by the town to install water mains and/or sewer mains larger than his subdivision requires to implement the provisions of the comprehensive plan, the town will negotiate the installation of the larger main(s) and reimburse the subdivider for the additional cost of the larger facilities. If bids are required then a percentage of the cost will be determined prior to bid award;

The plat and all streets shall be named, and names shall not be used which duplicate, or which may be confused with, those already in existence.