

Process IV Zoning Code and Subdivision Ordinance Amendments
File No. ZON06-00033

KEY TO DRAFT AMENDMENTS

SUBDIVISION ORDINANCE

<u>Code Section(s)</u>	<u>Purpose of Amendment</u>
22.04.020	Revise <u>lot line adjustment</u> criteria to address recent court decision in "City of Seattle v. Crispin"
22.04.040, 22.04.045 and 22.08.030	Reduce <u>binding site plan</u> review process.
22.12.020	Delete list of <u>application requirements for preliminary plats</u> and authorize Planning Department to establish same.
22.12.100 through 22.12.140 and 22.12.370	Eliminate references to <u>Houghton Community Council</u> review for preliminary plats. Preliminary plat review process is IIA.
22.16.030 and 22.16.040	Delete list of <u>application requirements for final plats</u> and authorize Planning Department to establish same.
22.16.125, 22.20.025 and 22.26.020	Provide alternative means of modifying dedicated easements and/or making minor <u>alterations to recorded plats</u> .
22.20.050	Delete list of <u>application requirements for short plats</u> and authorize Planning Department to establish same.
22.20.245	Add <u>short plat appeal to City Council</u> when an existing right-of-way is opened with a project.
22.26.050, 22.26.460, 22.26.470, 22.26.680 and 22.26.690	Delete list of <u>application requirements for plat alterations and vacations</u> and authorize Planning Department to establish same.
22.28.050	Clarify that <u>lot width requirement</u> is not applicable in multifamily zones.
22.28.080	Modify rule so that easements across flag lots must be excluded from the computation of the <u>lot area</u> of the flag lot.
22.32.030	Change reference for <u>stormwater control requirements</u> to Municipal Code.

ZONING CODE

Code Section(s)

Purpose of Amendment

5.10.043,
45.10.020,

Eliminate automotive service center definition and replace with "Retail establishment providing vehicle service or repair," including development standards, as appropriate.

5.10.045 and
115.59

Amend average building elevation calculation to include partially above-grade walls that enclose interior space; eliminate use of historic grades and establish that existing elevation is used; and simplify calculation.

5.10.298,
5.10.299 and
117.15

Move common definitions from Chapter 117, Personal Wireless Service Facilities, to Chapter 5.

5.10.302 and
115.10

Revise family day-care home regulations consistent with current state law.

5.10.305,
5.10.790,
25.10.050,
35.30.020,
35.30.050,
45.10.030,
45.10.040, and
60.172.070

Eliminate fast food restaurant definition and amend "Restaurant" definition and requirements to address drive-in and drive-through facilities.

5.10.323 and
115.90

Exclude from lot coverage any easement that is not included in the calculation of lot area AND amend lot coverage exception for driveways as it should not apply to flag lots.

5.10.326.5,
15.10.010 and
115.43

Revise garage setback requirements for detached dwelling units in low density zones

5.10.507

Clarify measurement of maximum horizontal façade when building is at an angle to property line or zone boundary.

15.08

Clarify that general regulation regarding maximum horizontal façade applies when adjoining detached dwelling units in low density zones.

**15.10.040 and
code sections in
multiple zones**

Amend special regulation for mini-school or mini-daycare uses consistent with current state law.

**20.10.010 and
code sections in
multiple zones**

Allow detached dwelling units in multifamily and commercial zones to have a minimum side yard of 5'.

**20.10.020 and
code sections in
multiple zones**

Amend detached, attached, or stacked dwelling units to allow detached units to have a minimum side yard of 5'.

20.10.020

Exempt low density uses in medium density zones from buffering other detached units in low density zones.

**30.15.020 and
code sections in
multiple zones**

Allow zero lot line development for attached units in WDI, WDIII and PLA15A zones.

95.40.6

Clarify tree spacing requirements in landscape buffers.

95.52

Add new section to prohibit nuisance ivy and other invasive plants in landscaping.

105.18

Require easements for pedestrian connections.

115.30

For exceptions to distance between structures, replace "and may be located within 10 feet of one another" with "if they are separated by at least 10 feet."

115.115.3.d.

Codify Interpretation No. 06-3 regarding structures in required yards.

115.115.3.p.

In addition to HVAC units, allow other equipment in setbacks per same standards.

115.115.5

Remove requirement for 5' driveway setback in flag lot driveways next to interior lot that is part of the same plat.

115.120

Clarify that replacement rooftop appurtenances are also subject to screening.

115.150

Add boats to over-size vehicle regulation in residential zones. Clarify time limits for loading/unloading over-size vehicles.

117.40

Allow building-mounted wireless in a park as a Planning Official decision.

117.40

Do not require Process IIA for antennas on residential buildings in nonresidential zones.

117.65.6

Allow antennas on a Seattle City Light transmission tower to be up to 15' above the top of the tower.

117.70.3

Provide exception to maximum height of ground-mounted equipment structures located in right-of-way if required by the electrical utility.

- Chapter 130 Revise rezone process to clarify that private amendment requests are legislative and to bring rezone rules into conformance with state law as clarified in recent court cases.
- 142.35 Add language that if an applicant does not submit a complete application for a Design Response Conference within 6 months of the Conceptual Design Conference (CDC), the CDC expires.
- 142.40 Add language to Design Review Chapter, as in other process chapters, about petitioners not having appeal standing.
- 150.90 and
150.95 Clarify process for testimony and oral arguments at City Council Process IIA appeals.
- 160.25 Clarify threshold review for Process IV.
- 161.25 Clarify use of Process IVA for Zoning Map amendments.

Subdivision Ordinance Amendments
File No. ZON06-00033

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Subdivision Ordinance, proposed to be deleted.
- Text that is underlined (underlined), with the exception of section headings, is new text that is proposed.

22.04.020 Lot line alterations exempt

(a) 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, is exempt from the provisions of this title unless the planning director certifies in writing that the division will create a lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for width and area for a building site as established by the zoning district in which the property is located as identified on the zoning map of the zoning code.

(b) Any person proposing to make a lot line alteration for the purpose of adjusting boundary lines between platted or unplatted lots, or both, shall file with the planning director, on a form provided by the city, information concerning such proposal sufficient to show that the proposed alteration is exempt under subsection (a) of this section from the provisions of Title 22 of the Kirkland Municipal Code and Chapter 58.17 RCW (regulation of subdivision of land).

(c) The proposed lot line alteration shall meet the criteria referenced in subsection (a) of this section and the following requirements:

- (1) All requirements of the zoning code for the zoning district in which the property is located as identified on the zoning map, such as lot size and required yards, shall be complied with.
- (2) All lots shall be adjacent to, or have a legally created means of access compliant with Chapter 105 of the Zoning Code to, a street providing access to the lot or parcel.

~~(2)~~ (3) The applicant shall provide a current title report identifying all persons and entities having any interest in the real property which is the subject of the proposed lot line alteration. The approval of the proposed lot line alteration by signature of the persons or entities having an interest in the real property shall be provided as required by the planning director.

~~(d) Lot line alterations shall not be considered where the proposed boundary line adjustment would cause a major change in the nature of the real property, including change of access, substantial change in the degree of lot line orientation, changes inconsistent with the platting pattern, and where a structure straddles an existing boundary line and the proposed lot line alteration would move the boundary line and create a separate building site. (Ord. 3705 § 2 (part), 1999).~~

22.04.040 Binding site plan approval – Criteria

A division of land is a binding site plan under this section if it meets all of the following criteria:

- (a) The division is for the purposes outlined in RCW 58.17.035;
- ~~(a)(b)~~ The city council approves the a site plan as part of a discretionary zoning or ~~other similar building~~ land use permit that involves a public hearing before either the planning commission or hearing examiner;
- ~~(b)(c)~~ The site plan is shown to a scale of one inch equals twenty feet;
- ~~(c)(d)~~ The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces;
- ~~(d)(e)~~ The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by the city council;
- ~~(e)(f)~~ The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan;
- ~~(g)~~ The Planning Director verifies that the site plan conforms to the requirements of this section; and
- ~~(f)(h)~~ The site plan is recorded in the King County department of elections and records to run with the subject property.

22.04.045 Binding site plan approval – Alterations and vacations.

Proposals for Aalterations and vacations of binding site plans shall be reviewed by the Planning Director using the criteria in Section 22.04.040 follow the procedural requirements outlined in Chapter 22.26 of this code.

22.08.030 Binding site plan.

“Binding site plan” means a drawing to the scale of one inch equals twenty feet which:

- (a) Is for the purposes outlined in RCW 58.17.035;
- ~~(a)(b)~~ Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
- ~~(b)(c)~~ Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established through a discretionary zoning or building permit approval review process and approved by city council; and
- ~~(c)(d)~~ Contains provisions making any development be in conformity with the site plan. (Ord. 3705 § 2 (part), 1999)

22.12 Preliminary Plat Procedure

22.12.020 Application—Contents.

The applicant may apply for a subdivision by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

- (a) the requirements of state law regarding subdivisions A boundary survey of ~~the proposed plat certified by a registered land surveyor together with five prints~~

~~of the proposed preliminary plat drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:~~

- ~~(1) Proposed name of the plat;~~
 - ~~(2) Location by section, township, range, and/or by other legal description;~~
 - ~~(3) Name, address and phone number of the applicant and agent, if any;~~
 - ~~(4) Name, address and phone number of the registered land surveyor preparing the plat;~~
 - ~~(5) Scale of plat, date and north arrow;~~
 - ~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~
 - ~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property. A report from a certified arborist may be required as part of the application to certify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such a report later in the processing of the application;~~
 - ~~(8) Zoning classification of the property and adjoining properties;~~
 - ~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~
 - ~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed plat;~~
 - ~~(11) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~
 - ~~(12) Layout of proposed rights-of-way and easements;~~
 - ~~(13) Layout, number and dimensions of proposed lots;~~
 - ~~(14) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~
 - ~~(15) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~
- ~~(b) Exterior boundary corners shall be indicated on the ground. Staking of proposed interior lot corners may also be required;~~
- ~~(c) Address labels obtained from King County containing the names and addresses of the owners of all property, including the subject property, and all other property within three hundred feet of any boundary of the proposed subdivision and any adjoining property owned by the owner of the land proposed to be subdivided. These labels shall be no more than six months old;~~
- ~~(d) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed subdivision. These labels may be prepared by the subdivision applicant;~~
- ~~(e) A copy of the King County assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~
- ~~(f) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name of all persons and entities holding any ownership interest in the property;~~
- ~~(g) The written certification of availability from the agency other than the city furnishing or reviewing sewage disposal and water supply;~~
- ~~(h) Any additional information required by the planning official;~~
- ~~(i) (b) The filing fee as established by ordinance;~~

~~(j) (c) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)~~

~~(d) Any additional pertinent information required at the discretion of the public works or planning directors.~~

~~22.12.100 Staff report—Distribution to Houghton community council.~~

~~If the Houghton community council holds a hearing on the matter, the planning official shall, prior to the community council hearing, distribute the staff report as follows:~~

~~(a) A copy will be sent to each member of the community council.~~

~~(b) A copy will be sent to the applicant. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.110 Houghton community council hearing—When.~~

~~If the application is within the jurisdiction of the Houghton community council, that community council may hold a public hearing prior to the hearing examiner hearing on the matter. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.120 Houghton community council hearing—Notice.~~

~~The planning official shall give public notice of the hearing as set forth in Section 22.12.070. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.130 Houghton community council hearing—Recommendation.~~

~~Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the hearing examiner before the hearing examiner makes his/her recommendation to the city council. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.140 Houghton community council hearing—Electronic sound recording.~~

~~The community council shall make a complete electronic sound recording of each public hearing. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.370 Preliminary plat approval within Houghton community council jurisdiction.~~

~~If the city council approves a preliminary plat within the disapproval jurisdiction of the Houghton community council, that approval is not effective until:~~

~~(a) A majority of the entire membership of the Houghton community council vote by resolution to approve it; or~~

~~(b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution approving the preliminary plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council. (Ord. 3705 § 2 (part), 1999)~~

22.16 Final Plat

~~22.16.030 Final plat—Contents.~~

~~The applicant shall submit a final plat containing the following information specified by the Planning Department. The Planning Department is hereby~~

authorized to maintain a list of the content requirements. The list shall incorporate, at a minimum:

~~(a) the requirements of state law regarding subdivisions Proposed name of the plat;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~

~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed $0.005/n$, where n equals number of sides and/or curves of a lot;~~

~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~

~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~

~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~

~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners;~~

~~(p) A full and correct legal description of the property;~~

~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the hearing examiner and the city council;~~

~~(r) The signatures on the final plat document of all persons and entities having an ownership interest in the property which shall be in reproducible black ink;~~

- ~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~
- ~~(t) (b) The filing fee as established by ordinance;~~
- ~~(c) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)~~

~~22.16.040 Final plat—Additional information.~~

- ~~(a) The applicant must submit the following information with the final plat:
 - ~~(1) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~
 - ~~(2) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~
 - ~~(3) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (5) have been paid, satisfied or discharged;~~
 - ~~(4) A certificate stating that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated. Such certificate and separate dedication instrument, if applicable, shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided.~~
 - ~~(5) A title company certification which is not more than thirty calendar days old containing:
 - ~~(A) A legal description of the total parcel sought to be subdivided; and~~
 - ~~(B) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~
 - ~~(C) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~
 - ~~(D) Any encumbrances on the property; and~~
 - ~~(E) Any delinquent taxes or assessments on the property;~~~~
 - ~~(6) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Section 22.32.080;~~~~
- ~~(b) If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required. (Ord. 3705 § 2 (part), 1999)~~

22.16.125 Final Plat – Note on Mylar

The face of the final plat mylar shall contain a statement describing the process for making alterations to recorded plats, as described in Section 22.26.

22.20 Short Plat Procedure

22.20.025 Minor modifications.

(1) Modifications to short subdivisions after approval and prior to recording shall require a new short subdivision application pursuant to this chapter unless such modifications constitute minor modifications under the following criteria:

(a) The modification complies with all of the requirements of this Chapter; and

~~(a)~~ (b) The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and

~~(b)~~ (c) The planning director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and

~~(c)~~ (d) The modification will not increase the number of lots; and

~~(d)~~ (e) The modification will not significantly alter any condition of approval.

The consideration of the minor modification shall be made upon written request to the planning department. The planning director's decision will be the final decision of the city. (Ord. 3705 § 2 (part), 1999)

(2) If a minor modification is approved, the revised mylar shall meet the standards specified in WAC332-130-050 regarding survey maps.

22.20.050 Application—Contents.*

The applicant may apply for a short subdivision by submitting the following information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding short plats;

~~(b) A boundary survey of~~ (a) A certified boundary survey of the proposed plat, including five prints of the proposed plat drawn on a standard eighteen-inch by twenty-four-inch mylar at a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:

(1) Proposed name of the short plat;

(2) Location by section, township, range, and/or other legal description;

(3) A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;

(4) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070; ~~(5) Mathematical lot closures shall be submitted showing~~

~~error of closures not to exceed $0.005/n$, where n equals the number of sides and/or curves of a lot;~~

~~(6) Name, address and phone number of the applicant and agent, if any;~~

~~(7) Name, address and phone number of the registered land surveyor preparing the short plat;~~

~~(8) Scale of short plat, date and north arrow;~~

~~(9) Existing topography of the property indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed short plat exceeds fifteen percent;~~

~~(10) Location and extent of significant natural features such as streams, wetlands, and water bodies on and immediately adjacent to the property;~~

~~(11) The required information as set forth in Chapter 95 of the zoning code, Tree Management and Required Landscaping;~~

~~(12) Zoning classification of the property and adjoining properties;~~

~~(13) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(14) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed short plat;~~

~~(15) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~

~~(16) Layout, name and dimensions of proposed rights-of-way and easements;~~

~~(17) Layout, number, dimensions and square footage (excluding access easements) of proposed lots;~~

~~(18) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision, including the dimension and square footage of said parcels;~~

~~(19) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines, if they are within twenty feet of existing or proposed lot lines;~~

~~(b) A vicinity map at a scale of one inch equals four hundred feet or larger showing the proposed short subdivision's relation to the area for a distance of at least three hundred feet on which the subject property is outlined with a bold or colored line;~~

~~(c) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the short plat application. The certificate must include the name of all persons holding any ownership interest in the property;~~

~~(d) Any additional information required by the planning official;~~

~~(e) (b) The filing fee as established by ordinance;~~

~~(f) (c) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 4011 § 1, 2005; Ord. 3705 § 2 (part), 1999)~~

(d) Any additional pertinent information required at the discretion of the public works or planning directors.

22.20.245 Appeal to city council—When.

(a) The city council will decide an appeal of the planning director's decision on a short subdivision under the following circumstances:

(1) As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including a right-of-way designed

for future connection) or the opening of an existing but previously unopened right-of-way; or

(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in Sections 145.60 through 145.110 of Title 23 of this code will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted. (Ord. 3705 § 2 (part), 1999)

22.26 Alteration and Vacation of Plats

22.26.020 Alteration—Procedures.

When any person is interested in the alteration of any plat or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the planning department.

(a) The application for the alteration shall be reviewed using Sections 22.26.040 through 22.26.480 of this chapter and process IIA described in Chapter 150 of Title 23 of this code, except as otherwise provided in this chapter. (Ord. 3705 § 2 (part), 1999)

(b) The Planning Director may administratively approve a minor modification to a plat if the change:

(1) Complies with all of the requirements of this Chapter; and

(2) Does not increase the number of lots; and

(3) Does not decrease any lot size by more than ten percent; and

(4) Does not substantially alter the location or nature of any improvements or any other element of the subdivision;

(5) Does not significantly alter the subdivision, and if

(6) A revised mylar meeting the standards specified in WAC332-130-050 regarding survey maps is submitted.

Plat alterations that do not meet these criteria must be processed as described in subsection (a) of this Section.

22.26.050 Application—Contents.

The applicant may apply for an alteration or vacation of a plat by submitting the following information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding plat alterations and vacations; A boundary survey of the proposed alteration or vacation certified by a licensed land surveyor together with five prints of the proposed plat alteration or vacation drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals containing the following information:

(1) Name of the plat;

(2) Location by section, township, range, and/or by other legal description;

(3) Name, address and phone number of the applicant and agent, if any;

(4) Name, address and phone number of registered land surveyor preparing the plat;

- ~~(5) Scale of plat, date and north arrow;~~
- ~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~
- ~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property; a report from a certified arborist may be required as part of the application to verify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such report later in the processing of the application;~~
- ~~(8) Zoning classification of the property and adjoining properties;~~
- ~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~
- ~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the plat alteration or vacation map;~~
- ~~(11) Existing and proposed water, sewer, power, and drainage systems on, under, or over the property, showing size, grades, and location;~~
- ~~(12) The area to be altered or vacated, using words and illustrations which are depicted on the plat mylar;~~
- ~~(13) Layout of proposed rights-of-way and easements;~~
- ~~(14) Layout, number and dimensions of proposed lots;~~
- ~~(15) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~
- ~~(16) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~
- ~~(17) Exterior boundary corners shall be indicated on the ground;~~
- ~~(b) Address labels obtained from the county containing the names and addresses of the owners of all property within three hundred feet of any boundary of the proposed plat alteration or vacation and any adjoining property owned by the owner of the land proposed to be altered or vacated;~~
- ~~(c) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed plat alteration or vacation. These labels may be prepared by the applicant;~~
- ~~(d) A copy of the county assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~
- ~~(e) (b) If an application is for a plat alteration, the applicant shall submit the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration 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 alteration of the subdivision or portion thereof;~~
- ~~(f) (c) If an application is for a plat vacation, the applicant shall submit the reasons for vacation and shall contain 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;~~

~~(g) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name(s) of all persons holding any ownership interest in the property;~~

~~(h) Any additional information required by the planning official;~~

~~(i) (d) The filing fee as established by ordinance;~~

~~(j) (e) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)~~

~~(f) Any additional pertinent information required at the discretion of the public works or planning directors.~~

~~22.26.460 Documents—Contents.~~

~~The applicant shall submit a plat alteration document containing the following information:~~

~~(a) Name of the plat alteration;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat alteration mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~22.26.470 Documents—Accompanying information.~~

~~The applicant must submit the following information with the plat alteration:~~

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and~~

~~other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (c) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat alteration has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the right-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the dedicated lands;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 through 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.680 Vacation documents—Contents.~~

~~The applicant shall submit a plat vacation document containing the following information:~~

~~(a) Proposed name of the plat;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary, and all interior lot corners, shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat vacation mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~

~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed $0.005/n$, where n equals the number of sides and/or curves of a lot;~~

~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~

~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~

~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~

~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication, and/or any area to be reserved by deed covenant for common uses of all property owners;~~

~~(p) A full and correct legal description of the property;~~

~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the city council;~~

~~(r) The signatures on the final plat mylar of all persons having an ownership interest in the property which shall be in reproducible black ink;~~

~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~

~~(t) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.690 Vacation documents—Accompanying information.~~

~~The applicant must submit the following information with the plat vacation prior to recording:~~

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat vacation has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the rights-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 and 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

22.28.050 Lots—Dimensions.

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to subject lot. For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. (Ord. 3705 § 2 (part), 1999)

22.28.080 Access—Required.

(a) All lots must have direct legal access as required by the zoning code, including Chapter 115.80, Legal Building Site, and Chapter ~~115.10~~ 105.10, Vehicular Access Easement of or Tract Standards. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However, if the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot. (Ord. 3705 § 2 (part), 1999)

22.32.030 Stormwater control system—Requirements.

The applicant shall comply with the construction phase and permanent stormwater control requirements of the ~~zoning code~~ Municipal Code. Generally, permanent stormwater control systems must be designed to accommodate all land within the subdivision. Based on unusual circumstances, the city can require or approve stormwater control systems designed and installed for individual lots or groups of lots within the proposed plat. (Ord. 3705 § 2 (part), 1999)