

Title 16

SUBDIVISIONS

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Chapter 16.04

TITLE, PURPOSE AND DEFINITIONS

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16.04.010 Title and purpose.

A. This title shall be known as the “Subdivision Ordinance of the City of Mount Vernon, Washington.”

B. The purpose of this title is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with the standards established by the state to prevent the overcrowding of land; to provide for orderly growth and development; to preserve and enhance property values; to lessen congestion in the streets and on the highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper traffic circulation and to require uniform monumenting of land

subdivisions and conveyancing by accurate legal description.

C. The provisions of this title shall apply to all division of land within the corporate limits of the city.

D. Division of land into nine or fewer lots shall be in compliance with the regulations and standards governing “short subdivision” in Chapter 16.32 MVMC. Division of land into 10 or more lots shall comply with regulations and standards contained in Chapters 16.04 through 16.28 MVMC, and must follow the preliminary and final platting procedures hereafter set forth.

E. Sale of land is prohibited unless it is a duly platted parcel of land or lot or is a tract of record at time of passage of the ordinance codified in this chapter or is a parcel of land approved under the binding site plan provisions.

F. *Superseded by Ord. 3428.* (Ord. 3172 § 1, 2004; Ord. 3026 § 2, 2000; Ord. 2372 § 6, 1990; Ord. 1950 § 1(1), 1979).

16.04.020 Exceptions.

The provisions of Chapters 16.04 through 16.28 MVMC shall not apply to:

1. Cemeteries and other burial plats while used for that purpose;
2. Division of land into lots or tracts where the smallest lot is 20 acres or more and not containing a dedication of a public right-of-way;
3. Divisions made by testamentary provision and the laws of descent;
4. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with the provisions of Chapter 16.40 MVMC;
5. A division made pursuant to the boundary line adjustment procedures of Chapter 16.36 MVMC;
6. Divisions of lands into lots or tracts if:
 - a. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW 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 city has approved a subdivision with respect to the land covered by such binding site plan or has issued building permits or final cer-

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tificates of occupancy with respect to all of such land and the binding site plan is consistent with such subdivision, building permit or certificate of occupancy;

d. The binding site plan is recorded in Skagit County; and

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 city, town, or county having jurisdiction over the development of such land, 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 therein or their owners' associations have a membership or other legal or beneficial 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 Chapter 64.32 or 64.34 RCW. Prior to recording, the binding site plan shall be reviewed for verification that the binding site plan contains the above-required statement and that the binding site plan is consistent with the subdivision, building permits or certificates of occupancy approved by the city with respect to such land. Such verification shall constitute city approval of and authorization to record the binding site plan. (Ord. 3428 § 2, 2008).

16.04.030 Standards applicable to all land divisions and lots.

A. Every lot shall abut on a dedicated street or access easement except as provided for in MVMC 17.15.060(A).

B. The ratio of the depth of a lot to its width shall not be greater than three to one unless unusual site circumstances preclude adherence to this standard, and in which case the community and economic development director can administratively waive this requirement.

C. Side lot lines shall be within 20 percent of perpendicular to the front property line with which it intersects.

D. Side and rear lot lines shall be straight, or composed of straight line elements.

E. Lots shall be subdivided in conformity to requirements of the zoning ordinance and comprehensive plan designations in effect at time of subdividing.

F. Utilities required to be installed prior to final plat approval shall be extended to each building site and the boundary of the subject plat as directed by the public works director.

G. Unless the CEDD director makes an administrative determination otherwise, all critical areas, critical area buffers, stormwater drainage facilities and easements, landscaping areas such as forested buffers, and landscaping required between a lot and a street shall be located within separate tracts and shall not be part of lots. (Ord. 3428 § 3, 2008).

16.04.040 Administration.

The city's public works and community and economic development directors are delegated and assigned the administrative and coordinating responsibilities contained in this title pursuant to Chapter 58.17 RCW. (Ord. 3428 § 4, 2008).

16.04.050 Definitions generally.

A. Words used in the present tense shall include the future tense; the future tense shall include the present tense. The singular number shall include the plural number; the plural number shall include the singular number. The word "may" is permissive; "shall" is mandatory. "Lot" includes the words "plot," "parcel," "tract," and "site"; and "building" includes the word "structure." "City" shall mean the city of Mount Vernon, Washington, and "county" shall mean Skagit County, Washington.

B. The definitions found within Chapters 14.05 and 17.06 MVMC are hereby adopted by reference in their entirety as they are currently written or amended in the future. (Ord. 3428 § 5, 2008).

16.04.060 Block.

"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries. (Ord. 3428 § 6, 2008).

16.04.070 City engineer.

"City engineer" means the duly appointed engineer for the city of Mount Vernon, is also known as the public works director, or his/her designee. (Ord. 3428 § 7, 2008).

16.04.080 City treasurer.

“City treasurer” means the duly appointed clerk-treasurer for the city of Mount Vernon. (Ord. 3428 § 8, 2008).

16.04.090 Comprehensive plan.

“Comprehensive plan” means the coordinated plan that has been prepared for the physical development of the municipality; or any plan included in the comprehensive plan that has been prepared for the physical development of such municipality, and that designates among other things, plans and programs to encourage the most appropriate use of land and to lessen congestion throughout the municipality in the interest of public health, safety and welfare. All actions taken pursuant to this chapter shall be in compliance with the city comprehensive plan. (Ord. 3428 § 9, 2008).

16.04.100 Condominium unit.

“Condominium unit” is defined pursuant to RCW 64.34.216(1)(d). (Ord. 3428 § 10, 2008).

16.04.110 Council.

“Council” means the city council of Mount Vernon. (Ord. 3428 § 11, 2008).

16.04.120 County assessor.

“County assessor” means the duly elected county assessor. (Ord. 3428 § 12, 2008).

16.04.130 County auditor.

“County auditor” means the duly elected county auditor of Skagit County. (Ord. 3428 § 13, 2008).

16.04.140 County treasurer.

“County treasurer” means the duly elected Skagit County treasurer. (Ord. 3428 § 14, 2008).

16.04.150 Covenant.

“Covenant” means a binding and solemn agreement made by two or more individuals, parties, etc., to do or keep from doing a specified thing or things. (Ord. 3428 § 15, 2008).

16.04.160 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a short plat showing the dedication thereon and the acceptance by the public

shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. (Ord. 3428 § 16, 2008).

16.04.170 Existing street.

“Existing street” means a presently traveled way with a minimum width of 15 feet of hard surfacing, irrespective of whether it has been accepted by the city for maintenance. A hard-surfaced street shall be a street consisting of either portland cement or asphaltic concrete as a wearing surface. (Ord. 3428 § 17, 2008).

16.04.180 Health department.

“Health department” means the Skagit County Department of Health. (Ord. 3428 § 18, 2008).

16.04.190 Lot.

“Lot” means a fractional part of subdivided land having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels of land. Lots shall be certified by the city according to the process outlined within Chapter 14.05 MVMC. (Ord. 3428 § 19, 2008).

16.04.200 Metes and bounds.

“Metes and bounds” means a description of real property that starts at a known point of beginning and describes the bearings and distances of the lines forming the boundaries of the property and is completed when the description returns to the point of beginning. (Ord. 3428 § 20, 2008).

16.04.210 Monument.

“Monument” means an object used to permanently mark a surveyed location. The size, shape and design of the monument are to be in accordance with standards specified by the city public works department. (Ord. 3428 § 21, 2008).

16.04.220 Pavement width.

“Pavement width” means the actual paved surface measured between faces of curbs of streets or from edge to edge of alley road surface. (Ord. 3428 § 22, 2008).

16.04.230 Plat.

A. “Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.

B. “Preliminary plat” is a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be appli-

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cable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

C. "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title.

D. "Short plat" is the map of representation of a short subdivision. A short plat consists of nine or fewer lots. (Ord. 3428 § 23, 2008).

16.04.240 Right-of-way.

"Right-of-way" or "R/W" or "R-O-W" means a strip of land dedicated to the city for street and utility purposes and on a portion of which a street is built or utilities are installed. (Ord. 3428 § 24, 2008).

16.04.250 Street.

A. "Street" means a dedicated and accepted public or private right-of-way for vehicular traffic. The word "street" includes the words "road," "drive," "boulevard" or "way."

B. "Arterial street" means an existing or proposed roadway designated an arterial by resolution of the city, or a roadway carrying or designed to carry more than 1,500 vehicles per day.

C. "Collector street" means a roadway designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.

D. "Local or minor access street" means a street providing vehicular access to abutting properties.

E. "Cul-de-sac" means a street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other end.

F. "Marginal access street" means a street that is parallel to and adjacent to a major arterial, that provides access to the properties abutting it and which separates the abutting properties from high-speed vehicular traffic.

G. "Accepted street" means a street that has been accepted for maintenance by the city. Usually any street that has or had been improved to the prevailing minimum city standard is regarded as an accepted street.

H. "Private street" means a privately owned and maintained access provided for by a tract, easement or other legal means.

I. "Alley" means a public thoroughfare which affords access to abutting property and is usually not intended for general traffic circulation. (Ord. 3428 § 25, 2008).

16.04.260 Street and utility standards of the city.

"Street and utility standards of the city" shall consist of requirements contained in the following: The latest edition of the Standard Specifications for Road, Bridge, and Municipal Construction prepared by the Washington State Chapter of APWA; city of Mount Vernon engineering standards approved by the city engineer; Criteria for Sewage Works Design prepared by Washington State Department of Ecology; and the design standards for streets of the city outlined in MVMC Title 16. (Ord. 3428 § 26, 2008).

16.04.270 Subdivider.

"Subdivider" means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision and is also referred to as the "applicant." (Ord. 3428 § 27, 2008).

16.04.280 Subdivision, short.

"Short subdivision" means the division of an area into nine or fewer lots, tracts or parcels. (Ord. 3428 § 28, 2008).

16.04.290 Subdivision, standard.

"Subdivision" means the division of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all re-subdivision of land. (Ord. 3428 § 29, 2008).

16.04.300 Plat.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(27), 1979).

16.04.310 Plat certificate.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(28), 1979).

16.04.320 Right-of-way.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(29), 1979).

16.04.330 Street.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(30), 1979).

16.04.340 Street and utility standards of the city.

Repealed by Ord. 3428. (Ord. 2632 § 1, 1994; Ord. 1950 § 1(3)(31), 1979).

16.04.350 Subdivider.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(32), 1979).

16.04.360 Subdivision.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(33), 1979).

Chapter 16.08

PRELIMINARY PLAT

Sections:

- 16.08.010 Purpose.
- 16.08.020 Authority to approve and procedure.
- 16.08.030 Submittal requirements.
- 16.08.040 Hearing examiner approval criteria.
- 16.08.050 Modifications to an approved preliminary plat.
- 16.08.060 Effective period of preliminary approval.
- 16.08.070 –
- 16.08.080 *Repealed.*

16.08.010 Purpose.

The procedures regulating preliminary plats are established to promote orderly and efficient division of land into 10 or more lots and to comply with the provisions of Chapter 58.17 RCW and all applicable codes and ordinances, as adopted by the city of Mount Vernon. (Ord. 3428 § 31, 2008).

16.08.020 Authority to approve and procedure.

A. The public works and community and economic development directors together are delegated and assigned the administrative and coordinating responsibilities contained in this chapter. Preliminary plats are processed as a Type IV permit pursuant to Chapter 14.05 MVMC, with a final decision made by the city council following an open record predecision hearing before the hearing examiner with the hearing examiner making a recommendation to the city council.

B. Following are the procedural steps required for the city to process a preliminary plat:

1. A pre-application meeting is required per MVMC 14.05.110(B).
2. After the pre-application requirement is satisfied, an applicant must submit all of the items listed within MVMC 16.08.030 to the community and economic development department.
3. The community and economic development department will initiate and complete the project review procedures and noticing requirements within 14.05.060 through 14.05.150 and the SEPA process outlined within Chapter 15.06 MVMC.
4. After the project review, noticing and SEPA requirements have been satisfied; and after the applicant has shown that after receiving preliminary plat approval the final plat will be able to meet all applicable federal, state and local require-

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ments, the community and economic development department shall forward the application to the hearing examiner along with a departmental recommendation.

5. The hearing examiner shall hold an open record predecision hearing on the application and he/she will make a recommendation on the preliminary plat application that the community and economic development department shall forward to the city council. The hearing examiner's recommendation shall outline the minimum street and utility improvements and all other conditions found to be applicable for the subdivision proposal under review.

6. Approval of the preliminary plat by resolution of the city council shall constitute approval for the applicant to develop construction plans and specifications for facilities and improvements, as required, in strict conformance with the approved preliminary plat, street and utility standards and any special conditions required by the council, and to begin preparation of a final plat. Permission shall not be granted for installation of required improvements until the preliminary plat has been approved by the city council and all construction plans and specifications have been approved in writing by the community and economic development and public works directors.

7. The final plat procedures that must be complied with following preliminary plat approval are outlined within Chapter 16.12 MVMC. (Ord. 3428 § 32, 2008).

16.08.030 Submittal requirements.

The subdivider's engineer and registered land surveyor shall prepare the preliminary plat as directed by the community and economic development department and in accordance with the following minimum requirements:

A. A map prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.020 and Chapter 58.17 RCW, and Chapter 332-130 WAC, fully dimensioned, drawn at a horizontal scale of no less than 100 feet to the inch; or other scale specifically approved by the director and including the following:

1. Name of the proposed preliminary plat (and space for the future city land use numbers);
2. Names, addresses, and telephone number of the engineer and licensed land surveyor, and names and addresses of all property owners;
3. An accurate and complete legal description of the property to be subdivided written or verified by a licensed land surveyor;

4. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;

5. Vicinity sketch at a scale of not more than 1,000 feet to the inch showing the proposed plat in relation to surrounding land. All platted rights-of-way for a distance of at least one-quarter mile shall be shown, and additional area shall be illustrated, if necessary, to show connecting streets or arterials;

6. Drawing of the subject property with all existing and proposed property lines dimensioned. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Indicate the required yards (setbacks) with dashed lines;

7. All parcels of land intended to be dedicated or temporarily reserved for public use and the conditions attached thereto shall be accurately indicated;

8. Monuments found and established during the preliminary survey;

9. Copy of any deed restrictions or covenants existing or proposed;

10. Horizontal control datum shall be that which is stipulated by WAC 332-130-060;

11. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way; and the names, addresses, and tax identification numbers of the owners of record of property contiguous to the proposed plat;

12. Names, locations, types, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;

13. Location, distances from existing and new lot lines, and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing, or retaining walls, freestanding signs, and easements;

14. Location of existing conditions (such as wetlands, steep slopes, watercourses, floodplains) and their associated buffers on or adjacent to the site which could hinder development;

15. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area;

16. Site data on the first sheet listing:

- a. Total area in acres;
- b. Proposed number of lots;
- c. Zoning and comprehensive plan designations of the subject site and the land adjacent and contiguous;

d. Proposed square footage and acreage in each lot; and

e. Square feet and percentage of land in streets and open space;

17. Access and Utilities. Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines;

18. The location of all wells and septic systems located on or near the project site;

19. Contours and elevations at two-foot vertical intervals minimum to the extent necessary to accurately predict drainage characteristics of the property and extending at least 100 feet beyond the boundaries of the proposed plat. The off site surveying requirement can be satisfied with topographic mapping from the city or other mapping resources that are approved by the director. In addition, where slopes are in excess of 20 percent five-foot contours or greater can be approved by the director.

B. All other materials required to process a preliminary plat shall be submitted as outlined within MVMC 14.05.210(B).

C. Each preliminary plat application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. The fee for the environmental checklist review is not included in the application fee. No action shall be taken upon the application until the fee has been paid. (Ord. 3428 § 33, 2008).

16.08.040 Hearing examiner approval criteria.

At the open record predecision hearing, the hearing examiner shall inquire into the public interest to be served by the establishment of the subdivision and dedication. The hearing examiner shall determine if appropriate provisions have been included in the preliminary plat for, but not limited to, the public health, safety and general welfare, open spaces, drainage ways, critical areas, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools.

A. If the hearing examiner finds that the public use and interest will be served by the platting of such subdivision, then the hearing examiner shall recommend approval. If the hearing examiner finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the hearing examiner may recommend disapproval of the preliminary plat.

B. Dedication of land to any public body; and/or dedication of easements to abutting property owners may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The hearing examiner shall not require, as a condition of the approval of any plat, that a release of liability be procured from other property owners. (Ord. 3428 § 34, 2008).

16.08.050 Modifications to an approved preliminary plat.

A. Minor modifications to a previously approved preliminary plat may be requested by the applicant and approved by the community and economic development director subject to the provisions for Process II decisions in Chapter 14.05 MVMC. Minor modifications are those that involve only insignificant revisions to the exact location and configuration of buildings, roadways, open space or other features and do not involve any increase in density, intensity, or significant change in architectural style, housing type or other significant characteristics.

The city may only approve a minor modification if:

1. The change will not reduce by 10 percent or more any area of landscaping, open space, natural area or parking, so long as the minimum code requirements for these amenities are still met; and
2. The change will not have the effect of increasing the density; and
3. The change will not increase the total amount of floor area of a development by 10 percent or more; and
4. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
5. The change will not reduce any setback approved as part of the preliminary plan by more than 10 percent so long as the required minimum setback is met; and
6. The change will not result in a significant increase in the height of any structure as approved in the preliminary plan so long as the code requirements are still met; and
7. The change will not move or change the type of access; and
8. The change will not remove trees or modify other natural features that were to be preserved under the previous action; and
9. The change will not increase or create any adverse impacts or undesirable effects on the surrounding neighborhood.

B. Before approving a minor modification, the director of community and economic development

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shall make written findings and conclusions that the following exist:

1. The modification will not violate the terms and agreements of the preliminary plat approval and the intent of the original conditions of approval is not altered;

2. The modification will not cause the preliminary plat to violate any applicable city policy or regulation; and

3. The modification will not be inconsistent or cause the preliminary plat to be inconsistent with the decision of the city preliminarily approving the application.

C. Modifications that do not comply with any of the actions listed in subsections (A)(1) through (9) of this section, or which fail to satisfy the required findings contained in subsection B of this section, shall be processed as a new preliminary plat application. (Ord. 3428 § 35, 2008).

16.08.060 Effective period of preliminary approval.

The approval of a preliminary plat shall be effective for five years from the date of preliminary plat approval granted by the city council. If the developer fails to receive approval within this period, the preliminary plat approval shall expire. Any applicant who files a written request with the community and economic development department, at least 30 days before the expiration date may be granted a one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the five-year period. There shall be allowed only one such extension, and any such extensions shall be conditioned upon the plat meeting all subdivision requirements which are in effect at the time the extension is granted (or any additional requirements which may be recommended by the community and economic development department at the time the extension is granted by the city council). (Ord. 3428 § 36, 2008).

16.08.070 City council decision – Procedure.
Repealed by Ord. 3428. (Ord. 3326 § 10, 2006).

16.08.075 Modifications to an approved preliminary plat.
Repealed by Ord. 3428. (Ord. 3326 § 11, 2006).

16.08.080 Effective period of preliminary approval.
Repealed by Ord. 3428. (Ord. 3326 § 12, 2006).

Chapter 16.10

MODEL HOMES

Sections:

- 16.10.010 Purpose.
- 16.10.020 Number of model home permits authorized.
- 16.10.030 Eligibility for a model home permit.
- 16.10.040 Application requirements.
- 16.10.050 Model homes – Occupancy.
- 16.10.060 Model homes as built – Submittal.
- 16.10.070 Removal.
- 16.10.080 Permitted.
- 16.10.090 Appeals.

16.10.010 Purpose.

Permit a limited number of model homes to be constructed in an approved preliminary subdivision prior to final subdivision approval and recording in accordance with Chapters 16.08 and 16.12 MVMC. This chapter shall not be construed to supersede or amend the purpose and intent of the city of Mount Vernon Municipal Code regarding the requirements for subdivision approval. (Ord. 3247 § 1, 2005).

16.10.020 Number of model home permits authorized.

Building permit applications for model homes may be accepted for a maximum of nine lots. The number of homes permitted for each subdivision shall be no greater than 20 percent of the approved lots within the preliminary plat, not to exceed a total of nine homes. In the event that calculation of the number of lots equal to 20 percent of the total number of preliminary lots creates a fractional lot, the number of permitted lots for model homes shall be rounded up, not to exceed the maximum allowed. (Ord. 3247 § 2, 2005).

16.10.030 Eligibility for a model home permit.

Any applicant who has received preliminary plat approval may apply for a building permit or building permits for model homes, up to nine lots authorized under MVMC 16.10.020, if the following criteria are met:

A. The applicant for the model home building permit, if different than the owners and applicant for the approved preliminary plat, shall provide a signed and notarized document by the owner demonstrating that the applicant has real or possessory interest in the property described in the legal description of the approved preliminary plat;

B. The applicant has submitted and received approval of construction plans required pursuant to MVMC 16.12.010;

C. Retention/detention facilities that serve the model home lots shall be in place or approved for recording;

D. Any road improvement required as a condition of preliminary plat approval which is designed to provide access to the model home from an existing public right-of-way shall be approved for final alignment and subgrade, and the driveway(s) for the model home(s) shall be approved in accordance with the adopted standards and specifications established by Chapter 16.16 MVMC. Lot corners shall be staked by a professional registered land surveyor;

E. All areas of the subdivision serving the model home(s) have installed frontage improvements as required by the preliminary plat approval or MVMC, unless waived by the development services director. Said improvements shall meet all ADA requirements;

F. Water and sewer are installed to each lot proposed for model homes, as directed by the development services department;

G. All proposed streets serving the model homes are adequately marked with street signs, to the satisfaction of the community and economic development department and fire department;

H. All impact fees which are required to be fulfilled prior to building permit issuance, shall have been paid prior to the issuance of a building permit application for the model home(s). Half of the impact fees that are typically collected at final subdivision approval and recording for the entire plat and half of the fees collected at the building permit issuance for the number of model homes requested;

I. The approved preliminary plat shall not expire within 60 days from the date of building permit application for the model home(s);

J. Fire protection must be available to any lot proposed for construction of a model home; and

K. An instrument recorded against the parcels containing the model home(s) stating, "Model home(s) are subject to removal should the preliminary plat not receive final plat approval or the approval period has expired, consistent with MVMC 16.10.070." This instrument shall remain in effect until the plat is recorded or the home(s) are removed. (Ord. 3428 § 38, 2008).

16.10.040 Application requirements.

Each residential building permit application for a model home shall include the following submittals:

A. Title certificate demonstrating ownership interest in the legal description of the approved preliminary plat;

B. Copy of adopting resolution approving the preliminary plat approval;

C. Building plot plan(s) showing the location(s) of the proposed model home(s) with distances indicated from the proposed final plat lot lines;

D. Overall site plan showing the location of proposed temporary improvements specific to the model home(s) uses such as the location of signage, flags, banners, fencing, landscaping, and impervious surfaces such as parking areas and sidewalks;

E. One dark line print of the proposed final plat;

F. A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the city of Mount Vernon, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction or occupancy of the model home(s) prior to recording the final plat;

G. Submittal of financial securities at 150 percent of a contractor's cost estimate, approved by the city, necessary to restore the site to conditions existing prior to the construction of the model home(s) and all associated structures and improvements; and

H. In addition to the residential building permit fees for plan check, permit and building permit, a model home base fee of \$300.00 per model home shall be required. All other applicable fees shall be paid for the proposed plat improvements and building permit fees prior to individual model home building permit issuance. (Ord. 3247 § 4, 2005).

16.10.050 Model homes – Occupancy.

The applicant may request final inspection and occupancy for only one model home prior to final subdivision approval and recording. Additional model homes constructed in the same preliminary subdivision in compliance with this chapter shall be used for display and marketing purposes only and shall not be occupied prior to final subdivision approval and recording. Occupancy as a model house/sales office prior to final plat recording is subject to meeting the life/safety requirements and approval of the development services director. Water and sewer services are required prior to occupancy. (Ord. 3247 § 5, 2005).

16.10.060 Model homes as built – Submittal.

Prior to final subdivision approval, the applicant shall submit two copies of a plot plan delineating the as-built location of the model home on the lot.

16.10.070

The corners of the lot shall be set by a registered professional land surveyor prior to commencement of construction. The plot plan shall be included in both the building permit record and the subdivision file record. (Ord. 3247 § 6, 2005).

16.10.070 Removal.

The model home(s) and all associated improvements, including parking lot shall be removed within six months of the following occurrences:

A. Preliminary plat approval has expired and no extension has been granted.

B. The subdivision was denied final plat approval and/or required substantial improvements not consistent with the design of the preliminary approved plat in the opinion of the development services department.

C. The approval period has expired, consistent with MVMC 16.08.080. (Ord. 3247 § 7, 2005).

16.10.080 Permitted.

The model home(s) may be used for no longer than the expiration of the preliminary plat approval. Upon final plat approval, model homes may be used until the sale of all homes within the approved subdivision. (Ord. 3247 § 8, 2005).

16.10.090 Appeals.

Administrative approvals may be appealed in accordance with the requirements set forth in Chapter 14.05 MVMC. (Ord. 3247 § 9, 2005).

Chapter 16.12

FINAL PLAT

Sections:

- 16.12.010 Purpose.
- 16.12.020 Authority to approve and procedure.
- 16.12.030 Submittal requirements.
- 16.12.040 Filing.
- 16.12.050 Modifications to an approved final plat.

16.12.010 Purpose.

A final plat process is necessary to finalize and record a plat that is creating 10 or more lots that has already completed the preliminary plat process per Chapter 16.08 MVMC. (Ord. 3428 § 39, 2008).

16.12.020 Authority to approve and procedure.

A. Final plat applications are processed as a Type V permit pursuant to Chapter 14.05 MVMC, with the city council making a final decision without a public hearing.

B. Following are the procedural steps required for the city to process a final plat application:

1. Following approval of the preliminary plat by the city council, the applicant, if they wish to proceed with the subdivision, shall submit to the community and economic development department complete sets of construction plans and specifications showing all improvements as required by the city council in granting the preliminary plat. The construction plans and specifications shall be submitted to the community and economic development department accompanied by a construction plan check fee in the amount specified within the city's current fee schedule. All construction plans and specifications shall be in conformance with the city's street and utility standards.

2. Before the construction plans receive final approval, the community and economic development department shall complete and/or receive a construction inspection.

3. After the community and economic development department has approved the construction plans and specifications, the subdivider may then proceed as follows:

a. Prior to the submission of a final plat for approval, the applicant shall schedule a pre-application meeting with the community and economic development department per MVMC 14.05.110(B). At this meeting a checklist of information required for the submission of a final plat will be prepared and provided to the applicant.

Prior to the submission of a final plat for approval all streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, trees, other landscaping, park improvements, critical area mitigation, and any other improvements specified within the preliminary plat approval shall be installed and completed by the subdivider to the satisfaction of the community and economic development and public works directors. Such improvements shall meet the standards specified in the Mount Vernon Municipal Code, the adopted engineering and community and economic development and city standards and policies. The subdivider's engineer shall be responsible for inspection and "as-built" drawings of all city-maintained utility improvements related to the subdivision.

b. A performance bond or cash security in the amount of 150 percent of the cost to construct required but uninstalled improvements may be posted in lieu of installation of improvements; provided, that such bond is recommended by the community and economic development and public works directors and approved by the city council. Bonding or providing a cash security in lieu of installing improvements will be approved only if circumstances exist that restrict installation such as extreme weather conditions, construction conflicts with other required improvements, etc.

The performance bond or cash security shall specify exactly what improvements are included and the community and economic development director shall specify the timeline for installing the improvements.

c. Prior to council acceptance of public improvements, the applicant shall submit to the community and economic development department the original mylar construction drawings corrected to as-built information and a maintenance bond in the amount determined by the community and economic development department and approved by the city council. In no case shall such bond be less than 10 percent of the total cost of the public improvements.

d. The subdivider shall promptly proceed with the completion of the bonded improvements. If, in the opinion of the community and economic development director, the subdivider has not proceeded toward the prompt completion of the bonded improvements, he/she may cause the bond to be updated with new estimates of cost on all incomplete improvements and all increased cost estimates shall be passed on to the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond. If all improve-

ments are not completed promptly, the bond shall be forfeited and the city will undertake the installation and completion of all improvements with the forfeited bond money. (Ord. 3428 § 40, 2008).

16.12.030 Submittal requirements.

When the subdivider has completed and has received approval of the construction and installation of all improvements or has submitted an approved performance bond in lieu thereof, they may then make application with the community and economic development department for approval of the final plat. The application for final plat shall be accompanied by the following:

A. Final plat maps shall be prepared by a state of Washington registered land surveyor, fully dimensioned, drawn at a scale approved by the director. The size of the map shall be 18 inches by 24 inches with a minimum two-inch border on the left edge and one-half-inch border on all other sides. Before recording the original shall be in black ink on stabilized drafting film. The desired scale shall be one inch equals 50 feet unless otherwise approved by the director. The map shall contain all of the items stipulated within WAC 332-130-050 and Chapter 58.17 RCW as it is currently written or as it may be amended in the future; along with the following information:

1. A title block located in the lower right corner containing the following:

- a. Name of the final subdivision including the city's land use number;
- b. Section, township, range, quarter quarter section;
- c. Name, address and telephone number of surveyor/engineer;
- d. Name and address of developer; and
- e. Date;

2. A north arrow and a scale, both graphic and written. Linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth;

3. An accurate and complete legal description of the area to be platted written or verified by a licensed land surveyor;

4. Survey information, as determined by a field survey made by a registered and qualified land surveyor of the state in conformance with Chapter 332-130 WAC, including:

- a. The lengths, bearings, curve radii, curve delta, arcs, semi-tangents, etc., of the area to be platted, dedications, existing and proposed rights-of-way, section and township lines. This shall be accompanied by survey calculations showing the closure of each lot and the entire parcel;

16.12.040

- b. Location of all permanent monuments;
 - c. Identification of the coordinates used for permanent control monuments; and
 - d. Date of survey;
5. A vicinity sketch map of approximately 1,000 feet to the inch;
6. Lot and tract information including:
- a. Lot number;
 - b. Area (acres and square feet);
 - c. Dimensions, bearings, and curve data;
- and
- d. Address;
7. Existing municipal boundaries, zoning boundaries and names of adjacent subdivisions;
8. Location, width, and names of all existing streets, platted streets or other public or private ways within or adjacent to the proposed development, together with all public and private easements, and parks and open spaces. Utility easements stipulated by the CEDD must be shown adjacent to all streets;
9. All parcels of land intended to be dedicated or temporarily reserved for public use or reserved in deeds for the common use of property owners of the subdivision, along with clear indication of the purpose, condition or limitations of such reservation;
10. Source of all utilities;
11. The location of all wells and septic systems located on or near the project site;
12. Location, dimensions, and square footage of any existing structures to remain within or abutting the plat;
13. Location of existing conditions (such as wetlands, steep slopes, watercourses, floodplains) and their associated buffers on or adjacent to the site that could hinder development;
14. Reservations, restrictive covenants, easements (including easement language), and any areas to be dedicated for public use, with notes stating their purpose and any limitations. If a new easement is created on the plat, it must show the grantee of the easement rights. If the grantee is the city, a statement of easement provisions reserving, granting and conveying the easement, with a description of the rights and purposes need to be made on the plat;
15. Data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on-site. Maps shall include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes, and seconds;

16. Interior permanent control monuments located per state surveying standards;

17. Certificates, approvals and dedications, the exact wording of which shall be approved by the CEDD and may be obtained at said office, for the following:

- a. County auditor certificate;
- b. Owner(s) dedication, including signature space for all legal owners, mortgage or lien holders;
- c. Acknowledgements for all owner(s) signatures;
- d. CEDD and public works directors approvals;
- e. Mayoral approval to sign on behalf of the city council with attest from finance director;
- f. City finance director certificate;
- g. County treasurer certificate;
- h. Surveyor certificate;
- i. Easement dedication; and
- j. Certification showing that streets, rights-of-way and all sites for public use have been dedicated;

18. If the plat constitutes a replat, the lots, streets, etc., of the original plat shall be shown by dotted lines in their proper positions relative to the new arrangement of the plat; and

19. The surveyor's seal shall appear on every page.

B. All other materials required to process a final plat shall be submitted as outlined within MVMC 14.05.210(B).

C. Each final plat application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. No action shall be taken upon the application until the fee has been paid. (Ord. 3428 § 41, 2008).

16.12.040 Filing.

Prior to approval of the final plat by the city council, the subdivider, all owners of record and all persons with an interest in the property shall sign the original mylar of the plat. The community and economic development department shall then obtain the proper signatures from the county treasurer. After city council approval, the community and economic development department shall be responsible for obtaining the remaining signatures and will file the map with the county auditor. The applicant shall be responsible for paying all fees associated with recording of the plat. (Ord. 3428 § 42, 2008).

16.12.050 Modifications to an approved final plat.

A. Minor modifications to a previously approved final plat may be requested by the applicant and approved by the community and economic development director subject to the provisions for Process II decisions in Chapter 14.05 MVMC. Minor modifications are those that involve only insignificant revisions to the exact location and configuration of buildings, roadways, open space or other features and do not involve any increase in density, intensity, or significant change in architectural style, housing type or other significant characteristics. The director may require that maps be re-recorded to reflect the changes to a plat due to a minor modification.

The city may only approve a minor modification if:

1. The change will not reduce by 10 percent or more any area of landscaping, open space, natural area or parking, so long as the minimum code requirements for these amenities is still met; and
2. The change will not have the effect of increasing the density; and
3. The change will not increase the total amount of floor area of a development by 10 percent or more; and
4. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
5. The change will not reduce any setback approved as part of the preliminary plan by more than 10 percent so long as the required minimum setback is met; and
6. The change will not result in a significant increase in the height of any structure as approved in the preliminary plan so long as the code requirements are still met; and
7. The change will not move or change the type of access; and
8. The change will not remove trees or modify other natural features that were to be preserved under the previous action; and
9. The change will not increase or create any adverse impacts or undesirable effects on the surrounding neighborhood.

B. Before approving a minor modification, the director of community and economic development shall make written findings and conclusions that the following exist:

1. The modification will not violate the terms and agreements of the preliminary plat approval and the intent of the original conditions of approval is not altered;

2. The modification will not cause the final plat to violate any applicable city policy or regulation; and

3. The modification will not be inconsistent or cause the final plat to be inconsistent with the decision of the city preliminarily approving the application.

C. Modifications that do not comply with any of the actions listed in subsections (A)(1) through (A)(9) of this section, or which fail to satisfy the required findings contained in subsection (B) of this section, shall be processed as a new plat application. (Ord. 3428 § 43, 2008).

Chapter 16.16

DESIGN STANDARDS FOR NONARTERIAL STREETS

Sections:

- 16.16.010 General statements.
- 16.16.020 Street and block layout.
- 16.16.030 Street design standards for nonarterial streets.
- 16.16.035 *Repealed.*
- 16.16.040 Private streets.
- 16.16.050 Partial streets.
- 16.16.060 Fire/safety access.
- 16.16.070 Arterial street standards.
- 16.16.080 Street design standard modification process.

16.16.010 General statements.

A. Land which the community and economic development department, hearing examiner or city council finds unsuitable or inappropriate for development due to flooding, inadequate drainage, inadequate sanitary sewer service, excessive slope, rock formations, high ground water, or other features likely to be harmful to the safety and general health and welfare of the future residents shall not be subdivided, unless adequate corrective measures can be provided and are approved by the community and economic development and public works directors.

B. Before any land disturbing work is begun, the subdivider shall submit to the community and economic development department, plans and profiles of all proposed streets, drainage plans and profiles, sewer plans and profiles, and right-of-way section drawings, including utility line placement for approval. All design drawings shall be prepared under the supervision of, and stamped by a Washington State licensed professional civil engineer. (Ord. 3428 § 44, 2008).

16.16.020 Street and block layout.

A. The street layout of all subdivisions shall provide for the following:

- 1. Continuity of adjoining streets and arterials.
- 2. Access shall be extended to the boundaries of the tract unless extenuating circumstances exist that make this impossible; and in which case the applicant shall be solely responsible for presenting indisputable evidence to support not extending the access, that shall be accepted by the community and economic development department.

3. Streets intersecting at right angles, or as nearly as possible and "T" intersection design shall be utilized insofar as practical.

4. All street dedicated rights-of-way shall be full width except along the boundary lines of the plat. Partial-width streets may be accepted where the community and economic development and public works directors approve the street location and boundaries of the subdivision.

5. Roads within a residential development shall not extend more than 600 feet without an intersection except if constrained by critical area limitations and/or significant topographic variation. In the absence of a functional intersection, an open space area of similar dimension to a right-of-way shall be provided.

B. Lots shall back onto arterials and front onto a parallel residential street; unless extenuating circumstances exist that make this impossible; and in which case the applicant shall be solely responsible for presenting indisputable evidence to support being allowed to front onto an arterial that shall be accepted by the community and economic development department.

C. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street. Reserve strips shall also not be permitted to deny the extension of utilities to a neighboring property. (Ord. 3428 § 45, 2008).

16.16.030 Street design standards for nonarterial streets.

A. For all nonarterial streets within any zone, street standards shall be determined on the basis of the average p.m. peak hour vehicular trips to be expected on the applicable street, due to all potential traffic, as set forth in Table 1 and according to the following requirements:

- 1. P.M. peak hour vehicular trips shall be determined by a registered engineer licensed to provide traffic engineering study and design services.
- 2. Residential developments may calculate one vehicular peak hour trip for each residential unit.
- 3. Nonarterial street design standard selection shall be approved by the community and economic development and public works departments.
- 4. Developments shall be required to complete a concurrency review by the city.
- 5. Traffic study information as required by the city of Mount Vernon concurrency management code (Chapter 14.10 MVMC), shall require

approval by the public works and community and economic development directors.

B. The following table contains minimum street design standards for nonarterial streets. The pavement width for each street type is the typical width of the street. Each street type, except alleys,

requires a landscaped planter strip between the curb and sidewalk. The community and economic development director may require additional width as deemed necessary to facilitate additional parking, traffic calming features, bike lanes, etc.

Table 1:

P.M. Peak Hour Traffic Volume =	<20	21 to 60	61 to 100	101 to 250	>250
Residential Zones	2	2	2	3	4
Professional Office	2	3	3	4	4
Public Zones	2	3	3	4	4
Central Business District	2	3	3	4	4
Commercial	3	3	4	4	4
Industrial	3	3	4	4	4
Manufacturing	3	3	4	4	4

C. Following are the dimensional requirements for the road types described within Table 1:

1. Street Type 2: A 47-foot right-of-way with a 28-foot paved travel width, one-half-foot concrete curbs, four-foot planter strips and five-foot wide concrete sidewalks on both sides. Bulb-outs or other similar design features shall be installed on the side of the road that allows parking and the parking restricted side of the road shall have “No Parking” signage or other means of clearly restricting the parking such as painting of curbs completed at the discretion of the community and economic development department and fire chief.

a. A 37-foot right-of-way may be approved by the community and economic development department through a street design standard modification process on a case-by-case basis where sidewalks are located in public easements; however, this excludes cul-de-sacs.

b. A seven-foot minimum slope and utility easement is required abutting all right-of-way lines, and shall be 12 feet if a sidewalk is included.

c. No parking shall be allowed on one side of this street type or on turnarounds.

2. Street Type 3: A 51-foot right-of-way with a 32-foot paved travel width, one-half-foot concrete curbs, four-foot planter strips and five-foot wide concrete sidewalks on both sides.

a. A 41-foot right-of-way may be approved by the community and economic development department through a street design standard modification process on a case-by-case basis if sidewalks are located in public easements; however, this excludes cul-de-sacs.

b. A seven-foot minimum slope and utility easement is required abutting all right-of-way lines; and shall be 12 feet if a sidewalk is included.

c. No parking shall be allowed on turnarounds for this street type.

3. Street Type 4: A 55-foot right-of-way with a 36-foot paved travel width, one-half-foot concrete curbs, four-foot planter strips and five-foot wide concrete sidewalks on both sides.

a. A 45-foot right-of-way may be approved by the community and economic development department through a street design standard modification process on a case-by-case basis if sidewalks are located in public easements; however, this excludes cul-de-sacs.

b. A seven-foot minimum slope and utility easement is required abutting all right-of-way lines, and shall be 12 feet if a sidewalk is included.

c. No parking shall be allowed on turnarounds for this street type.

4. Alleys: A 24-foot right-of-way with a 20-foot paved travel surface. Alleys may be required in residential areas and properties abutting arterials. Alleys may be required in all commercial areas and industrial areas. No parking is allowed within the right-of-way of alleys. No parking signs shall be required.

D. Residential streets serving 30 or more residential units and intersecting an arterial street shall be at least 36 feet wide at the intersection with the arterial and be tapered to the standard street width as required by the public works director. (Ord. 3428 § 46, 2008).

16.16.035

16.16.035 Street design standard modification process.

Repealed by Ord. 3428. (Ord. 3235 § 4, 2005).

16.16.040 Private streets.

A. The purpose of private street standards is to provide an option that reduces the cost of serving “infill” lots, and provide flexibility when public streets are not needed for public circulation. Following are the minimum requirements for private streets:

1. A private access easement that is at a minimum of 26 feet wide with a 20-foot wide paved surface can be approved when three to nine lots are being accessed.

2. Private streets shall be constructed of a minimum of two inches of asphalt pavement, three inches of crushed rock, and six inches of gravel base.

3. Curbs, gutters, and sidewalks are required when more than four lots are being accessed, or when deemed necessary by the community and economic development director.

4. Streets providing fire hydrant access shall provide an all-weather driving surface no less than 26 feet in width.

No parking shall be allowed within the 26-foot easement; however, parking may be allowed in portions of easements exceeding 26 feet in width.

5. Private streets shall be no longer than 150 feet, or serve more than four lots without an approved turn-around.

6. All lots accessing the private street shall be equally liable for its maintenance.

7. The grade shall not be more than 10 percent unless approved by the fire chief.

8. Internal traffic calming devices or traffic circles may be required at the discretion of the community and economic development department and fire chief.

9. Private streets within planned unit developments (PUDs) serving more than nine single-family residential lots require review and approval by the community and economic development director, fire chief and public works director.

B. Approval Criteria – General. The community and economic development director in consultation with the public works director shall determine when private streets are appropriate based on the following approval criteria.

Private streets are not allowed:

1. When they conflict with the comprehensive plan; or

2. When they are needed for public circulation; or

3. When they connect two public roads, except for commercial or industrial uses; or when they serve more than nine potential residential lots; provided, that where expansion of a public street is not presently feasible, the limitations of this subsection shall not apply if the affected internal and frontage streets are improved to public standards and dedicated to the city, with the acceptance of such dedication(s) being deferred until extension of a public street allows connection.

4. When lots that are 9,000 square feet or less are being created unless the applicant is able to demonstrate that additional parking spaces in excess of the zoning code requirements are being provided to mitigate the lack of on-street parking.

C. The following statement is required on the face of any plat, short plat, site plan, or binding site plan containing a private street:

The City of Mount Vernon has no responsibility to improve or maintain private streets contained within or, providing access to the property described in this document. Any private street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners. No private street will be accepted as a City street until such time that it meets current City standards to the satisfaction of the City Engineer and Fire Chief.

(Ord. 3428 § 47, 2008).

16.16.050 Partial streets.

A partial street shall be implemented to allow existing streets to be adjusted to current requirements and may be allowed to facilitate roadway construction along unimproved project boundaries (the adjacent off-site property must be reasonably able to support completion of the ultimate street design). The street system shall consist of sidewalk, curb, gutter, all utilities, and appurtenances, one-half of the ultimate pavement width on the development side of the right-of-way, and a two-foot gravel shoulder, on the opposite side of the street. However, the minimum pavement width shall be 20 feet. The constructed improvements may be offset from the ultimate right-of-way centerline. Other utilities and appurtenances shall be constructed to meet standards and comprehensive plans concurrent with the street construction as stated in the project requirements. Each partial street shall meet minimum access requirements

and be approved by the community and economic development department. (Ord. 3428 § 48, 2008).

16.16.060 Fire/safety access.

A. Residential streets serving 30 or more residential units shall provide at least two vehicular access routes. An “emergency only” route may suffice for one route.

B. Access roads shall provide a driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

C. Access roads with fire hydrants shall be at least 26 feet wide to an approved turn around. This condition applies to all street types including partial streets and private streets.

D. Fire apparatus access roads may not exceed 10 percent in grade. Grades steeper than 10 percent shall require approval by the fire chief.

E. Access road minimum turning radii shall be determined by the fire chief.

F. Parking restrictions along access roads shall be determined by the fire chief.

G. Access road turn around facilities shall comply with the following table.

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
150-500	20	120-foot “Hammerhead,” 60-foot “Y” or 90-foot diameter cul-de-sac
501-750	26	120-foot “Hammerhead,” 60-foot “Y” or 90-foot diameter cul-de-sac
Over 750		Special approval required

(Ord. 3428 § 49, 2008).

16.16.070 Arterial street standards.

The minimum requirements for right-of-way, curb to curb pavement widths, curve radii, curve tangent lengths, sidewalk widths, sight distance and maximum grades of all right-of-way improvements shall be determined by the following table, unless otherwise approved by the city engineer.

16.16.080

Conditions and Capacity	Traffic Lanes	Parking	Bike Lane	Street Width	Minimum Right-of-Way	Minimum Curvature (ft. radius)	Minimum Tangent (Btwn. Curves Length Ft.)	Sidewalk Width	Sight Distance (Stopping)	Maximum Grades
PRINCIPAL ARTERIAL										
5-Lane w/ Bike Lane ADT 43,530 Peak Hr 3,480	2-12 ft., 2-11 ft., 1-12 ft.	N/A	2-5 ft.	68 ft.	80 ft.	300 ft.	200 ft.	6 ft.	500 ft.	6%
5-Lane ADT 37,040 Peak Hr 2,960	2-14 ft., 2-11 ft., 1-12 ft.	N/A	Shared Lane	62 ft.	80 ft.	300 ft.	200 ft.	6 ft.	500 ft.	6%
3-Lane w/ Bike Lane ADT 28,050 Peak Hr 2,240	2-14 ft., 1-12 ft.	N/A	2-5 ft.	50 ft.	80 ft.	300 ft.	200 ft.	6 ft.	500 ft.	6%
2-Lane w/ Parking ADT 20,730 Peak Hr 1,660	2-14 ft.	2-8 ft.	Shared Lane	44 ft.	60 ft.	300 ft.	200 ft.	6 ft.	500 ft.	6%
MINOR ARTERIAL										
3-Lane w/ Bike Lane ADT 22,590 Peak Hr 1,810	1-12 ft., 2-11 ft.	N/A	2-5 ft.	44 ft.	60 ft.	200 ft.	150 ft.	5 ft.	400 ft.	8%
2-Lane w/ Parking ADT 20,730 Peak Hr 1,660	2-14 ft.	2-8 ft.	Shared Lane	44 ft.	60 ft.	200 ft.	150 ft.	5 ft.	400 ft.	8%
URBAN COLLECTOR										
3-Lane w/ Bike Lane ADT 15,870 Peak Hr 1,270	1-12 ft., 2-11 ft.	N/A	2-5 ft.	44 ft.	60 ft.	200 ft.	150 ft.	5 ft.	400 ft.	8%
3-Lane ADT 14,540 Peak Hr 1,160	1-12 ft., 2-14 ft.	N/A	Shared Lane	40 ft.	60 ft.	200 ft.	150 ft.	5 ft.	400 ft.	8%
2-Lane w/ Parking ADT 14,540 Peak Hr 1,160	2-14 ft.	2-8 ft.	Shared Lane	44 ft.	60 ft.	200 ft.	150 ft.	5 ft.	400 ft.	8%
2-Lane w/ Parking ADT 12,900 Peak Hr 1,030	2-12 ft.	2-8 ft.	None	40 ft.	60 ft.	200 ft.	150 ft.	5 ft.	400 ft.	8%

Note: Shared bike lane pavement width is included in 14-foot traffic lane. (Ord. 3428 § 50, 2008).

16.16.080 Street design standard modification process.

A. There are two types of administrative street design standards modifications:

1. Planning level modifications that are approved by the community and economic development director; and

2. Engineering level modifications that are approved by the community and economic development director in consultation with the public works director.

B. Planning level modifications may address the suitability of a particular street type or feature, for a particular purpose, including but not limited to:

1. Sidewalk location or deletion, location or deletion of planter strips and landscape features;

2. Adjusted driveway locations, widths, and provisions for joint use driveways;

3. Adjusted right-of-way width of a street type, when appropriate, and required provisions are made for pedestrians, utilities and emergency services;

4. The community and economic development director may allow an applicant to use current approved standards and codes rather than those with which the project may have been vested.

C. Planning level modifications shall be proposed in conjunction with an underlying development proposal. Developer requested modification applications are to be filed with the community and economic development department, and shall:

1. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;

2. Be accompanied by a map or drawing showing the applicable existing conditions and proposed construction features such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and proposed traffic patterns, and any unusual or unique conditions not generally found in other developments;

3. Include sufficient technical analysis to enable a reasoned decision. The community and economic development department shall provide a written decision on the application. No fee is applicable to the planning level administrative modification.

D. The community and economic development director may pre-approve planning modifications and provide documentation to accompany, and be filed with, a specific application.

E. Engineering level modifications address revisions to design and construction requirements. Procedures for applying for a deviation from standard are contained in the city's engineering standards. Developers may request pre-approval of a deviation from engineering standards to assess project viability. Deviations from engineering standards are approved by the community and economic development director, with concurrence of the public works director. Documentation of pre-approval shall accompany and be filed with a specific application. Deviations affecting emergency service access shall be approved by the fire chief.

F. Engineering level modifications may involve, but are not limited to, the following:

1. Surfacing for roads or pedestrian facilities within road rights-of-way;
2. Asphalt and/or base rock thickness;
3. Channelization;
4. Maximum street grade (grades in excess of 10 percent require concurrence of the fire chief);
5. Design speed;
6. Sight distances;

7. Type and/or location of signage. Signage for fire and emergency services shall require concurrence of the fire chief;

8. Vertical and horizontal geometry;

9. Intersection interior angles and curb radii;

10. Access related modifications onto arterial and state routes;

11. The community and economic development director, with concurrence of the public works director, may approve alternate designs that will provide an improvement equal or superior to a standard design.

G. Engineering level modification requests may be requested at any time by filing a written application with the community and economic development department. The application shall include sufficient technical analysis to enable a reasoned decision. The community and economic development director, or his/her designee, shall provide a written decision on the application. No fee is applicable to the administrative modification. (Ord. 3428 § 51, 2008).

Chapter 16.20

IMPROVEMENTS

Sections:

- 16.20.010 General improvements.
- 16.20.020 Waiver of requirements – Procedure.

16.20.010 General improvements.

The following improvements shall be constructed and/or installed prior to final plat, short plat or binding site plan approval:

A. Watermains.

1. A water distribution system, including fire hydrants, to provide domestic water service and fire protection to each lot. Said system shall conform to the Skagit County Public Utility District No. One’s Master Distribution Plan and requirements;

2. Fire hydrant type and location shall be subject to the review and approval of the fire department.

B. Sanitary Sewers.

1. Sewer mains shall be installed by the subdivider or his contractor as shown on drawings approved by the city engineer. When required, sewer mains, manholes, lift stations and force mains shall be installed in all subdivisions prior to any water service being connected to any improvements;

2. Each and every building in which people live, congregate or are employed, shall have a separate connection to the public sewer;

3. Side sewers shall be extended 10 feet into the lot, plugged and marked;

4. Sewer lines shall be extended to the boundary of the plat at the direction of the public works director.

C. Drainage.

1. All drainage in and through the subdivision shall be the responsibility of the subdivider;

2. The subdivider may divert or enclose the natural drainage in his subdivision after providing a drainage system approved by the city engineer, so long as the natural drainage is not subject to the city’s critical areas ordinance. The subdivider shall bear all costs associated with diverting or closing natural drainage;

3. All drainage in rights-of-way must be in underground pipes and culverts except where permitted in gutters;

4. Drainage design and construction shall be similar to sewer requirements;

5. Where required, the subdivider shall design and install storm drain retention or detention systems and water quality facilities;

6. Positive drainage shall be provided to each lot. Where three-inch diameter sidewalk lot drains cannot be provided, a service drain from the storm drain shall be extended to the lot;

7. Drainage lines shall be extended to the boundary of the plat at the direction of the public works director.

D. Streets.

1. All streets and alleys shall have all trees and brush removed from the right-of-way;

2. All streets and alleys shall be grubbed by the removal of all large rocks, roots, snags, logs, brush, etc., upon the surface of the ground and refilling all excavations and holes left by the removal within the confines of the street;

3. Paved streets, curbs, gutters and sidewalks shall be required on all dedicated street rights-of-way in all subdivisions. All improvements shall be constructed in conformance with the street and utility standards and shall be made from intersection to intersection, intersection to subdivision boundary, or from subdivision boundary to subdivision boundary;

4. On streets where a proposed subdivision adjoins an existing subdivision or existing street dedication in midblock and the existing subdivision or existing street dedication is unpaved, the subdivider shall, at a minimum, be responsible for installing curbs, gutters and sidewalks on that portion of the street right-of-way within the proposed subdivision;

5. Monuments with cases shall be placed at all street intersections, boundary angle points or curves in streets, and at such intermediate points as required by the city engineer.

E. Alleys. Alleys adjacent to properties zoned for all uses shall be paved.

F. Sidewalks.

1. Sidewalks shall be installed on both sides of each street. Sidewalks shall be required along dead-end streets and around cul-de-sacs. These requirements can be waived through a modification process per MVMC 16.16.035;

2. The subdivider and/or developer shall determine the location of all driveway entrances prior to approval of construction plans. Driveway entrances shall be placed in a manner such that on-street parking, if allowed, is maximized. Driveway indentations shall be made at the same time the sidewalks are constructed;

3. Sidewalks shall be constructed so as to avoid physical obstructions such as poles, vaults

and fire hydrants. Sidewalks shall be constructed so as to avoid placement over water, gas, sewer and other utility lines;

4. All sidewalks shall be completed prior to an occupancy permit being granted for any new building;

5. When sidewalks are approved as integral with the curb, the sidewalk shall be a minimum of five and one-half feet wide (not including curb width).

G. Other Utilities.

1. Street light standards and/or fixtures shall be provided to supply adequate lighting for the safety and convenience of the public;

2. Other utilities shall be installed to provide electricity, natural gas, telephone, television cable and other services to the platted area;

Said utilities shall be restricted to underground installation unless otherwise approved by the city engineer;

3. All utilities (water, sewer, electrical, gas and cable) shall be installed to the property line prior to acceptance of the public improvements.

H. Traffic-Control Devices. The subdivider shall install street name signs and traffic-control signs and/or improvements and devices to the satisfaction of the city engineer. The city may install such signs and devices at the expense of the subdivider. (Ord. 3428 § 53, 2008).

16.20.020 Waiver of requirements – Procedure.

A. Any subdivider can make application to the community and economic development department for a waiver of any provision contained in this title provided the request is received concurrently with the proposed subdivision or dedication for plats in which the hearing examiner makes a recommendation and the city council makes a final decision. Such application shall include any and all details necessary to support the application. All waiver requests must be forwarded to the city council with the preliminary plat and the hearing examiner's recommendation. The council may establish a fee for submitting such a request. A favorable recommendation for the granting of such waivers is discretionary on the part of the hearing examiner.

B. The hearing examiner shall not recommend approval of a waiver of the subdivision regulations unless he/she shall find that the following conditions exist in each case of a request: where, because of the size of the tract to be subdivided, unusual shapes, topography, unusual topographic conditions, unusual geological conditions, the condition

or nature of adjoining areas, or the existence of unusual physical conditions, strict compliance with the provisions of this title would cause unusual and unnecessary hardship on the subdivider, or would result in an undesirable plat, the hearing examiner may vary the requirements set forth in this title.

C. In recommending or supporting waivers, the hearing examiner may require such conditions as will achieve, insofar as practicable, the objectives of the requirement waived. Any waiver authorized shall be entered as a finding of fact in the hearing examiner's recommendation together with the circumstances that justify the waiver granted. (Ord. 3428 § 54, 2008).

Chapter 16.24

SYSTEMS DEVELOPMENT CHARGES

(Repealed by Ord. 2632)

Chapter 16.28

VIOLATIONS – PENALTY

Sections:

16.28.010 Violations – Penalties.

16.28.010 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this title shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. (Ord. 3440 § 21, 2008).

Chapter 16.32

SHORT PLATS AND SUBDIVISIONS

Sections:

- 16.32.005 *Repealed.*
- 16.32.010 Purpose.
- 16.32.020 Authority to approve and procedure.
- 16.32.030 Submittal requirements.
- 16.32.032 *Repealed.*
- 16.32.034 *Repealed.*
- 16.32.040 Design of short plats – Standards.
- 16.32.050 Community and economic development and public works directors approval criteria.
- 16.32.060 Minimum improvements required.
- 16.32.065 *Repealed.*
- 16.32.070 Effective period of preliminary approval.
- 16.32.080 Filing.
- 16.32.090 Modifications to an approved preliminary or final short plat.
- 16.32.100 Restrictions on further divisions.
- 16.32.110 Violations – Penalties.

16.32.005 Purpose.

Repealed by Ord. 3428. (Ord. 1912 § 1, 1978).

16.32.010 Purpose.

The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare; to lessen congestion in the streets and highways; to provide for adequate light and air; to enhance the aesthetic qualities of life; to facilitate adequate provision for water, sewage and other public requirements; to provide for proper ingress and egress; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description. (Ord. 3428 § 53, 2008).

16.32.020 Authority to approve and procedure.

A. The community and economic development and public works departments are delegated and assigned the administrative and coordinating responsibilities contained in this chapter and, pursuant to Chapter 58.17 RCW, shall have authority to approve, disapprove or modify any short plat. Preliminary short plats are processed as a Type II permit pursuant to Chapter 14.05 MVMC, with community and economic development and public works directors making a final decision after public notice but without a public hearing.

Following are the procedural steps required for the city to process a preliminary short plat:

1. A pre-application meeting is required per MVMC 14.05.110(B).

2. After the pre-application requirement is satisfied an applicant must submit all of the items listed within MVMC 16.32.030 to the community and economic development department.

3. The community and economic development department will initiate and complete the project review procedures and noticing requirements within MVMC 14.05.060 through 14.05.150 and the SEPA process outlined within Chapter 15.06 MVMC.

4. After the project review, noticing and SEPA requirements have been satisfied; and after the applicant has shown that after receiving preliminary short plat approval the final short plat will be able to meet all applicable federal, state and local requirements, the community and economic development and public works directors shall either approve, disapprove or approve with conditions the short plat.

5. Approval of the preliminary short plat shall constitute approval for the applicant to develop construction plans and specifications for facilities and improvements, as required, in strict conformance with the approved preliminary short plat, street and utility standards and any special conditions required by the directors; and to begin preparation of a final short plat. Permission shall not be granted for installation of required improvements until the short plat has been approved by the directors and all construction plans and specifications have been approved in writing by the directors.

B. After the preliminary short plat is approved through the process outlined in subsection A of this section, an applicant can proceed with completing the final short plat process. The community and economic development and public works departments shall have authority to approve, disapprove or modify any final short plats. Final short plats are processed as a Type I permit pursuant to Chapter 14.05 MVMC, with community and economic development and public works directors making a final decision without public notice or a public hearing.

1. Following approval of the preliminary short plat, the applicant, if they wish to proceed with the subdivision, shall submit to the community and economic development department complete sets of construction plans and specifications showing all improvements as required by the community and economic development and public

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works directors in granting the preliminary short plat. The construction plans and specifications shall be submitted to the community and economic development department accompanied by a construction plan check fee in the amount specified within the city's current fee schedule. All construction plans and specifications shall be in conformance with the city's street and utility standards.

2. Before the construction plans receive final approval, the community and economic development department shall complete and/or receive a construction inspection.

3. After the community and economic development department has approved the construction plans and specifications, the subdivider may then proceed to construct and/or install all of the improvements they were required to per the preliminary short plat approval. After the required improvements are constructed and/or installed the applicant may proceed as follows:

a. Prior to the submission of a final short plat for approval the applicant shall schedule a pre-application meeting with the community and economic development department per MVMC 14.05.110(B). At this meeting a checklist of information required for the submission of a final short plat will be prepared and provided to the applicant. Prior to the submission of a final plat for approval all streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, trees, other landscaping, park improvements, critical area mitigation, and any other improvements specified within the preliminary plat approval shall be installed and completed by the subdivider to the satisfaction of the community and economic development and public works directors. Such improvements shall meet the standards specified in the Mount Vernon Municipal Code, the adopted engineering and community and economic development and city standards and policies. The applicant's engineer shall be responsible for inspection and "as-built" drawings of all city-maintained utility improvements related to the subdivision.

b. A performance bond or cash security in the amount of 150 percent of the cost to construct required but uninstalled improvements may be posted in lieu of installation of improvements; provided, that such bond is recommended by the community and economic development and public works directors. Bonding or providing a cash security is approved only in circumstances that restrict the installation of improvements such as extreme weather or construction conflicts with other required improvements, etc.

c. The performance bond or cash security shall specify exactly what improvements are included and the community and economic development director will establish the timeline in which the improvements will have to be completed.

d. Prior to acceptance of public improvements, the applicant shall submit to the community and economic development department the original mylar construction drawings corrected to as-built information and a maintenance bond in the amount determined by the community and economic development department. In no case shall such bond be less than 10 percent of the total cost of the public improvements.

e. The subdivider shall promptly proceed with the completion of the bonded improvements. If, in the opinion of the community and economic development director, the subdivider has not proceeded toward the prompt completion of the bonded improvements, he/she may cause the bond to be updated with new estimates of cost on all incomplete improvements and all increased cost estimates shall be passed on to the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond. If all improvements are not completed promptly, the bond shall be forfeited and the city will undertake the installation and completion of all improvements with the forfeited bond money. (Ord. 3428 § 56, 2008).

16.32.030 Submittal requirements.

A. Maps for preliminary short plats shall include the following:

1. A map prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.020 and Chapter 58.17 RCW, and Chapter 332-130 WAC, fully dimensioned, drawn at a horizontal scale of no less than 100 feet to the inch; or other scale specifically approved by the director and including the following:

a. Name of the proposed short plat (and space for the future city land use number);

b. Names, addresses and telephone numbers of the engineer and licensed land surveyor, and the names and addresses of all property owners;

c. An accurate and complete legal description of the property written or verified by a licensed land surveyor;

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;

e. Vicinity sketch at a scale of not more than 1,000 feet to the inch showing the proposed plat in relation to surrounding land. All platted rights-of-way for a distance of at least one-quarter

mile shall be shown, and additional area shall be illustrated, if necessary, to show connecting streets or arterials;

f. A drawing of the subject property with all existing and proposed property lines dimensioned, indicating the required yards (setbacks) with dashed lines;

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way, showing how access will be provided to all lots, and the names, addresses, and tax identification numbers of the owners of record of property contiguous to the proposed short plat;

h. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;

i. Contours and elevations at minimum two-foot vertical intervals to the extent necessary to predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least 100 feet beyond the boundaries of the proposed short plat. The off site surveying requirement can be satisfied with topographic mapping from the city or other mapping resources that are approved by the director. In addition, where slopes are in excess of 20 percent, five-foot contours or greater can be approved by the director;

j. Horizontal control datum shall be that which is stipulated by WAC 332-130-060;

k. Location and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements;

l. Location of existing conditions (such as wetlands, steep slopes, watercourses) and their associated buffers on or adjacent to the site which could hinder development;

m. The location of all wells and septic systems located on or near the project site;

n. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area;

o. A legend listing the following included on the first sheet of the short plat plan:

i. Short plat;

ii. Proposed number of lots;

iii. Zoning and comprehensive plan designations of the subject site and the land adjacent and contiguous;

iv. Proposed square footage and acreage in each lot; and

v. Square feet and percentage of land in streets and open space; and

p. Access and Utilities. Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines.

2. In addition to the mapping requirements listed above, an applicant must submit all of the application materials listed within MVMC 14.05.210(B).

3. Each preliminary short plat application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. The fee for the environmental checklist review is not included in the application fee. No action shall be taken upon the application until the fee has been paid.

B. When the subdivider has completed and has received approval of the construction and installation of all improvements; or has submitted an approved performance bond in lieu thereof, they may then make application with the community and economic development department for approval of the final short plat. The application for final short plat shall be accompanied by the following:

1. Final short plat maps shall be prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.010 and Chapter 58.17 RCW, fully dimensioned, drawn at a scale approved by the director. The size of the map shall be 18-inches by 24-inches with a minimum two-inch border on the left edge and one-half-inch border on all other sides. Before recording the original shall be in black ink on stabilized drafting film. The desired scale shall be one inch equals 50 feet unless otherwise approved by the director. The map shall contain all of the items stipulated within WAC 332-130-050 as it is currently written or as it may be amended in the future; along with the following information:

a. A title block shall be located in the lower right corner of the map;

b. The name of the proposed short plat, city land use number, and the location of the short plat shall be shown in the title block;

c. All plans shall show the name, address and telephone number of the surveyor/engineer, and the name and address of the applicant;

d. An accurate and complete legal description of the area to be incorporated within the short plat, written or verified by a licensed land surveyor;

e. Date, graphic scale, and north arrow;

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f. Vicinity sketch at a scale of not more than 1,000 feet to the inch showing the proposed plat in relation to surrounding land. All platted rights-of-way for a distance of at least one-quarter mile shall be shown, and additional area shall be illustrated, if necessary, to show connecting streets or arterials;

g. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations. Shall show all utilities, streets, existing and new easements and associated covenants within or abutting the short plat. If a new easement is created on the plat, it must show grantee of easement rights. If the grantee is the city, a statement of easement provisions reserving and conveying the easement, with a description of the rights and purposes, needs to be made on the short plat;

h. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Lot lines with all property lines dimensioned and square footage of each lot and tract;

i. Lot numbers;

j. Addresses for each lot and new street names determined by the CEDD;

k. Reservations, restrictive covenants, easements and any areas to be dedicated to public use with notes stating their purpose, and any limitations, and identifying the grantee. If the grantee is the city, a statement of provisions reserving, granting and/or conveying the area with a description of the rights and purposes must be shown;

l. All interior permanent control monuments located per state surveying standards;

m. Verification that permanent markers are set at corners of the proposed lots;

n. Statement of discrepancies, if any, between bearing and distances of record and those measured or calculated;

o. Location, dimensions, and square footage of any existing structures to remain within or abutting the plat;

p. Location of existing conditions (such as wetlands, steep slopes, watercourses) and their associated buffers on or adjacent to the site which could hinder development;

q. The location of all wells and septic systems located on or near the project site;

r. Reference to all agreements or covenants required as a condition of approval;

s. The surveyor’s seal shall appear on every page;

t. Certificates, approvals and dedications, the exact wording of which shall be approved by the CEDD and may be obtained at said office, for the following:

i. County auditor certificate;

ii. Owner(s) dedication, including signature space for all legal owners, mortgage or lien holders;

iii. Acknowledgements for all owner(s) signatures;

iv. CEDD and public works directors approvals;

v. Mayoral approval with attest from finance director;

vi. City finance director approval;

vii. County treasurer certificate;

viii. Surveyor certificate;

ix. Easement dedication; and

x. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.

2. All other materials required to process a final plat shall be submitted as outlined within MVMC 14.05.210(B).

3. Each final short plat application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. No action shall be taken upon the application until the fee has been paid. (Ord. 3428 § 57, 2008).

16.32.032 Design of short plats – Standards.

Repealed by Ord. 3428. (Ord. 3326 § 21, 2006).

16.32.034 Minimum improvements required.

Repealed by Ord. 3428. (Ord. 3326 § 22, 2006).

16.32.040 Design of short plats – Standards.

A. Lots shall adhere to the dimensional and area standards of the zoning ordinance (Title 17 MVMC);

B. The subdivision shall be in compliance with the city’s comprehensive plan;

C. Except as provided in subsection I of this section, each lot shall abut a public or private street by no less than the frontage required by the zoning district in which it is located;

D. Except as provided in subsection I of this section, all lots created by a short subdivision shall abut and have access from a dedicated or deeded street and such street shall have the right-of-way width specified by the community and economic development department;

1. In the event an existing abutting street does not meet minimum width standards, additional right-of-way shall be required prior to approval of a short subdivision; provided, that this requirement may be waived if, in the opinion of the city engineer, such additional right-of-way will not be necessary for the future traffic circulation of the city;

2. Where other lands are required or proposed for dedication, such as the development of internal access roads, the subdivider shall provide a dedication statement and acknowledgment on the short plat;

E. Short subdivisions that contain a dedication of land to the public shall have been surveyed and monumented and recorded with the county auditor. The monumentation requirement may be waived if the centerline of the right-of-way is already monumented;

F. Where approval of a short plat is conditioned upon construction of improvements, the construction plans shall be submitted to the city engineer accompanied by a fee as outlined within the city's current fee schedule;

G. Land which the community and economic development director has found to be unsuitable due to flooding, bad drainage or swamp conditions, and which the community and economic development director considers inappropriate for development, shall not be subdivided unless adequate means of control or abatement have been formulated by the subdivider and approved by the community and economic development department;

H. In the event the land to be subdivided has a slope or slopes of more than 20 percent and/or rock or unstable soil conditions, the subdivider shall furnish soil data to the city engineer. If conditions warrant control measures to correct slide, erosion or other similar problems, the subdivider shall be responsible for the design, installation and expense of any device or corrective measure, subject to approval by the community and economic development department;

I. Detached single-family residential short plats may be accessed by private roadway easements; provided that the following requirements are met:

1. The requirements of Chapter 16.16 MVMC are met;

2. All lots within the short plat shall have an undivided interest in the ownership of the easement tract and shall record on the face of the plat that the owners will maintain the easement and a sign where the easement joins the public road identifying it as a private road;

3. Private roads will not be allowed where the public works director feels that public roads are necessary for the future traffic circulation;

4. At the discretion of the community and economic development department, the specific design standards for short plats served by private roads are as follows:

a. Easements as specified by the community and economic development department;

b. Roadways shall be constructed of a minimum of two inches of asphalt pavement, three inches of crushed rock, and six inches of gravel base;

c. The maximum grade shall be 10 percent;

d. Horizontal curvature shall have a minimum radius of 60 feet;

e. Vertical clearance shall be a minimum of 13 feet, six inches;

f. Roadways serving a maximum of two lots shall be 15 feet in width; and roadways serving three to nine lots shall be a minimum of 20 feet in width;

g. Sidewalks, or other pedestrian facilities approved by the community and economic development department, shall be provided when a private road serves, or could serve, more than four lots;

h. When fire hydrants are located on a private street the minimum street width shall be 26 feet;

i. The fire department in consultation with the community and economic development department shall specify the signing and painting of curbs, as necessary, to limit parking on private streets;

j. Roadways that are in excess of 150 feet long shall have a turnaround which meets the fire department standards;

k. Sewer service may be provided by an eight-inch line on the roadway easement or by individual side sewers for each lot. Paved access and easement to the city shall be provided for all eight-inch lines;

l. Hydrants must be installed in accordance with Chapter 15.14 MVMC;

m. Adjoining contiguous easements are not desirable and shall be avoided;

n. Where the specified easement passes through properties not owned by the developer, all necessary easements shall be obtained by the developer and verified by the community and economic development department prior to approval;

o. Storm drainage runoff from the easement road shall be directed away from other prop-

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erties and preferably into a public storm-sewer system;

5. The following note shall be added to the short plat: "All maintenance and construction of private roads shall be the responsibility of the lot owners";

6. No further subdivision shall occur without compliance with this title, the subdivision requirements of the city, without filing a final plat. (Ord. 3428 § 40, 2008).

16.32.050 Community and economic development and public works directors approval criteria.

The community and economic development and public works directors shall determine if appropriate provisions have been included in the preliminary short plat for, but not limited to, the public health, safety and general welfare, open spaces, drainage ways, critical areas, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools.

A. If the community and economic development and public works directors find that the public use and interest will be served by the platting of such subdivision, then the directors shall recommend approval. If the directors find that the proposed short plat does not make such appropriate provisions or that the public use and interest will not be served, then the directors may recommend disapprove the preliminary short plat.

B. Dedication of land to any public body; and/or dedication of easements to abutting property owners may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The directors shall not require, as a condition of the approval of any plat, that a release of liability be procured from other property owners. (Ord. 3428 § 61, 2008).

16.32.060 Minimum improvements required.

Prior to granting final approval for any short subdivisions, the community and economic development department shall ascertain that the following improvements have been made or installed, along with all of the items listed within Chapter 16.20 MVMC, for each parcel created by the division of land:

A. Water supply per recommended state standards; adequate fire protection with review by the city of Mount Vernon fire department;

B. Sanitary sewer;

C. Underground power, telephone, television cable and all other necessary utilities (including undergrounding existing facilities);

D. Appropriate dedications or easements if required;

E. If the principal frontage street providing access to the parcel to be subdivided is below the standard for its classification, installation of an improved street shall be required prior to approval of the short plat. Those improvements shall be constructed on the frontage of the parcel to be subdivided, and may be extended further to connect with existing improvements or to provide adequate pedestrian and traffic safety or assure safe walking conditions for students who walk to and from school, at the discretion of the community and economic development and public works directors. At no time shall the minimum traveled way brought to line and grade be less than 20 feet wide with four-foot shoulders on the unimproved side of the roadway. The road surface shall be at least of asphaltic concrete quality. Provisions shall be made for storm drainage;

F. The requirement for installation of minimum improvements may be waived by community and economic development and public works directors only with concurrence of the city council per MVMC 14.10.110;

G. All improvements shall be designed in accordance with MVMC 16.04.260 and Chapter 16.20 MVMC. As-built mylar construction drawings shall be provided. Electronic media of the necessary documents shall be provided in a format acceptable to the community and economic development department. (Ord. 3428 § 62, 2008).

16.32.065 Authentication.

Repealed by Ord. 3428. (Ord. 3326 § 26, 2006).

16.32.070 Effective period of preliminary approval.

The approval of a preliminary short plat shall be effective for five years from the date of preliminary short plat approval granted by the community and economic development and public works directors. If the developer fails to receive approval within this period, the preliminary plat approval shall expire. Any applicant who files a written request with the community and economic development department, at least 30 days before the expiration date may be granted a one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the five-year period. There shall be allowed only one such extension, and any such extensions shall be conditioned upon the plat meeting all subdivision requirements which are in effect at the time the extension is granted (or any additional requirements which may

be imposed by the community and economic development and public works directors at the time the extension is granted). (Ord. 3428 § 64, 2008).

16.32.080 Filing.

Prior to approval of the final short plat by the community and economic development and public works departments, the subdivider, all owners of record and all persons with an interest in the property shall sign the original mylar of the plat. The community and economic development department shall then obtain the proper signatures from the county treasurer. After approval, the community and economic development department shall be responsible for obtaining the remaining signatures and will file the map with the county auditor. The applicant shall be responsible for paying all fees associated with recording of the plat. (Ord. 3428 § 65, 2008).

16.32.090 Modifications to an approved preliminary or final short plat.

A. Minor modifications to a previously approved preliminary or final short plat may be requested by the applicant and approved by the community and economic development director subject to the provisions for Process II decisions in Chapter 14.05 MVMC. Minor modifications are those that involve only insignificant revisions to the exact location and configuration of buildings, roadways, open space or other features and do not involve any increase in density, intensity, or significant change in architectural style, housing type or other significant characteristics. The director may require that final plat maps be re-recorded to reflect the changes to a plat due to a minor modification.

The city may only approve a minor modification if:

1. The change will not reduce by 10 percent or more any area of landscaping, open space, natural area or parking, so long as the minimum code requirements for these amenities is still met; and
2. The change will not have the effect of increasing the density; and
3. The change will not increase the total amount of floor area of a development by 10 percent or more; and
4. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
5. The change will not reduce any setback approved as part of the preliminary plan by more than 10 percent so long as the required minimum setback is met; and

6. The change will not result in a significant increase in the height of any structure as approved in the preliminary plan so long as the code requirements are still met; and

7. The change will not move or change the type of access; and

8. The change will not remove trees or modify other natural features that were to be preserved under the previous action; and

9. The change will not increase or create any adverse impacts or undesirable effects on the surrounding neighborhood.

B. Before approving a minor modification, the director of community and economic development shall make written findings and conclusions that the following exist:

1. The modification will not violate the terms and agreements of the preliminary or final plat approval and the intent of the original conditions of approval is not altered; and

2. The modification will not cause the preliminary or final plat to violate any applicable city policy or regulation; and

3. The modification will not be inconsistent or cause the preliminary or final plat to be inconsistent with the decision of the city preliminarily approving the application.

C. Modifications that do not meet the criteria listed in subsections (A)(1) through (9) of this section, or which fail to satisfy the required findings contained in subsection (B) of this section, shall be processed as a new plat application. (Ord. 3428 § 66, 2008).

16.32.100 Restrictions on further divisions.

Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of nine lots within the original short plat boundaries. The owner who files the original short plat may transfer this right to the subsequent owners with a statement on the face of the short plat. (Ord. 3428 § 67, 2008).

16.32.110 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this title shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. Furthermore, the city may, in addition to the above penalty, ini-

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tiate an action in the superior court, enjoining the transfer, sale or option to sell any portion of the short subdivision. (Ord. 3440 § 22, 2008).

Chapter 16.36

BOUNDARY LINE ADJUSTMENT

Sections:

- 16.36.010 Purpose.
- 16.36.020 Definitions.
- 16.36.030 Authority to approve and procedure.
- 16.36.040 Submittal requirements.
- 16.36.050 Restrictions on boundary line adjustments.
- 16.36.060 Responsibility for filing with county.

16.36.010 Purpose.

The purpose of a boundary line adjustment is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of certified lots to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve a building site, to achieve increased setbacks from property lines or critical areas, to correct situations where an established use is located across a lot line, to combine substandard lots or for other similar purposes. (Ord. 3428 § 69, 2008).

16.36.020 Definitions.

A. "Boundary line adjustment" means:

1. A transfer of land between two contiguous legally created, certified lots only within the same zoning district; or
2. A transfer of land resulting in the elimination of a lot and the distribution of the property of the eliminated lot to adjoining lots only within the same zoning district, and in either event where the transfer is designed to correct property line or setback encroachments, to create better lot design or improve access without creating substandard lots or substandard yard or setback requirements and without creating additional lots.

B. "Lots" shall mean a fractional part of a subdivided area having fixed boundaries and being of sufficient area and dimensions to meet minimum zoning requirements, and also means any identifiable parcel of unsubdivided land with established boundaries set forth in a deed or other form of conveyance. The term shall include tracts or parcels. (Ord. 3428 § 70, 2008).

16.36.030 Authority to approve and procedure.

A. The community and economic development and public works departments are delegated and assigned the administrative and coordinating responsibilities contained in this chapter and shall have authority to approve or disapprove boundary

line adjustments. Boundary line adjustments are processed as a Type I permit pursuant to Chapter 14.05 MVMC, with the public works director making a final decision without public notice or a public hearing.

B. Following are the procedural steps required for the city to process a boundary line adjustment:

1. An applicant must submit all of the items listed within MVMC 16.36.040 to the community and economic development department.

2. The community and economic development department will initiate and complete the project review procedures within MVMC 14.05.110.

3. After the project review procedures have been satisfied; and after the applicant has shown that the boundary line adjustment meets all applicable federal, state and local requirements, the public works director in consultation with the community and economic development department shall either approve or disapprove the boundary line adjustment. (Ord. 3428 § 71, 2008).

16.36.040 Submittal requirements.

Boundary line adjustment applications shall be submitted on forms supplied by the community and economic development department and shall include the following. However, the director can modify the mapping requirements outlined below in circumstances where the level of detail that the required mapping will produce will not aid in the review of the boundary line adjustment.

A. A map prepared by a state of Washington registered land surveyor, fully dimensioned, drawn at a scale approved by the director. The size of the map shall be 18 inches by 24 inches with a minimum two-inch border on the left edge and one-half-inch border on all other sides. Before recording the original shall be in black ink on stabilized drafting film. The desired scale shall be one inch equals 50 feet unless otherwise approved by the director. The map shall contain all of the items stipulated within WAC 332-130-050 as it is currently written or as it may be amended in the future; along with the following information:

1. A title block shall be located in the lower right corner of the map;

2. The name of the proposed BLA, city land use number, and the location of the BLA shall be shown in the title block;

3. All plans shall show the name and address of the applicant and the name, address and telephone number of the surveyor/engineer;

4. An accurate and complete legal description of all of the parcels that are part of the BLA, written or verified by a licensed land surveyor;

5. The names, addresses, and tax identification numbers of the owners of record of property contiguous to the proposed BLA; however, the final recorded BLA shall only contain the tax identification numbers of the owners of record of property contiguous to the proposed BLA;

6. Date, scale, and north arrow;

7. Names, locations, widths, types, and dimensions of abutting and on-site streets, alleys, and easements;

8. Lot lines with all property lines dimensioned and square footage of each lot and parcels identified (e.g., Lot 4);

9. "Old" lot line(s) and "new" lot line(s) clearly labeled and differentiated;

10. Addresses for each lot and street names;

11. Total square footage of existing and revised lots and ground floor square footage of all structures;

12. Location, dimensions and square footage of existing structures to remain with dimensioned distances to property lines;

13. Location of existing conditions (such as wetlands, steep slopes) and their associated buffers on or adjacent to the site that could hinder development;

14. Location of all existing utilities;

15. The location of all wells and septic systems located on or near the project site;

16. Reservations, restrictive covenants, easements, description of any areas to be dedicated to public use with notes stating their purpose, and any limitations, and identifying the grantee and if the grantee is the city, a statement of provisions reserving, granting and/or conveying the area with a description of the rights and purposes;

17. Location of all interior permanent control monuments per state surveying standards;

18. Verification that permanent markers are set at corners of the proposed lots;

19. Statement of discrepancies, if any, between bearings and distances of record and those measured or calculated;

20. Surveyor's testament, stamp and signature;

21. Certification by a state of Washington licensed land surveyor that a survey has been made and that monuments and stakes have been set;

22. Notarized signatures of all property owners having an interest in the property, certifying ownership and approval of the proposal; and

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23. Signature and date line(s) for the public works director.

B. All other materials required to process a boundary line adjustment shall be submitted as outlined within MVMC 14.05.210(B).

C. Each boundary line adjustment application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. No action shall be taken upon the application until the fee has been paid. (Ord. 3428 § 72, 2008).

16.36.050 Restrictions on boundary line adjustments.

A. If the proposed boundary line adjustment involves a formal plat it shall not detrimentally affect access, design or preliminary plat approval. The evaluation of detrimental effect may include review by any agency or department with expertise.

B. The proposed boundary line adjustment shall not violate either restrictive covenants contained on the face of the final plat or conditions of preliminary or final plat approval.

C. If the adjustment will add unimproved street frontage to a lot with improved frontage, improvements may be required unless deemed undesirable by the city engineer. The engineer may require an agreement to construct improvements at some time in the future in lieu of construction at the time the adjustment is made.

D. If the adjustment transfers property abutting a street or proposed street with less than recommended right-of-way and/or easements to a parcel already possessing the recommended minimum right-of-way, then the city engineer may require that the additional right-of-way and/or easements be granted to the city to correct the deficiency.

E. A boundary line adjustment may allow a lot to be eliminated and the property of such eliminated lot distributed to adjoining lots.

F. No boundary line adjustment may result in identifiable adverse impacts upon the community.

G. The city engineer shall require a survey or recorded record of survey and the placement of corner stakes to ensure proper identification of newly created boundary line. (Ord. 3428 § 73, 2008).

16.36.060 Responsibility for filing with county.

A. Upon approval of the adjustment it shall be the applicant's responsibility to file a transfer with the county treasurer's office and record all perti-

nent deeds and maps with the county auditor's office.

B. All documents that are to be recorded pertaining to this adjustment shall contain language to this effect:

The above described property will be combined or aggregated with contiguous property owned by the grantee. This boundary line adjustment is hereby approved.

Public Works Director

Dated

C. Prior to recording of said documents, said documents must be submitted to the community and economic development department for their review and approval.

D. A copy of the recorded map and deeds shall be submitted to the community and economic development department. (Ord. 3428 § 74, 2008).

Chapter 16.40**BINDING SITE PLANS**

Sections:

- 16.40.010 Applicability of provisions.
- 16.40.020 Purpose.
- 16.40.030 Authority to approve and procedure.
- 16.40.040 Submittal requirements.
- 16.40.050 Community and economic development and public works directors approval criteria.
- 16.40.060 Design of binding site plans – Standards.
- 16.40.070 Minimum improvements required.
- 16.40.080 Approval effective on filing when.
- 16.40.090 Authentication.
- 16.40.100 Effective period of preliminary binding site plan approval.
- 16.40.110 Modification of a preliminary or final binding site plan.
- 16.40.120 Violations – Penalties.
- 16.40.130 Enforcement.
- 16.40.140 *Repealed.*
- 16.40.150 *Repealed.*

16.40.010 Applicability of provisions.

The following types of development may be subject to the provisions of this chapter for binding site plans:

A. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with the provisions of MVMC 16.40.050. (Ord. 3428 § 75, 2008).

16.40.020 Purpose.

The purpose of this chapter is to regulate the subdivision of land classified to industrial and commercial use through a binding site plan and to promote the public health, safety and general welfare; to lessen congestion in the streets and highways; to provide for adequate light and air; to enhance the aesthetic qualities of life; to facilitate adequate provision for water, sewage and other public requirements; to provide for proper ingress and egress; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description. (Ord. 3428 § 76, 2008).

16.40.030 Authority to approve and procedure.

A. The community and economic development and public works departments are delegated and assigned the administrative and coordinating

responsibilities contained in this chapter and, pursuant to Chapter 58.17 RCW, shall have authority to approve, disapprove or modify any binding site plan. Preliminary binding site plans are processed as a Type II permit pursuant to Chapter 14.05 MVMC, with community and economic development and public works directors making a final decision after public notice but without a public hearing.

Following are the procedural steps required for the city to process a preliminary binding site plan:

1. A pre-application meeting is required per MVMC 14.05.110(B).

2. After the pre-application requirement is satisfied an applicant must submit all of the items listed within MVMC 16.40.040 to the community and economic development department.

3. The community and economic development department will initiate and complete the project review procedures and noticing requirements within MVMC 14.05.060 through 14.05.150; and the SEPA process outlined within Chapter 15.06 MVMC.

4. After the project review, noticing and SEPA requirements have been satisfied; and after the applicant has shown that after receiving preliminary binding site plan approval the final binding site plan will be able to meet all applicable federal, state and local requirements, the community and economic development and public works directors shall either approve, disapprove or approve with conditions the binding site plan.

5. Approval of the preliminary binding site plan shall constitute approval for the applicant to develop construction plans and specifications for facilities and improvements, as required, in strict conformance with the approved preliminary binding site plan, street and utility standards and any special conditions required by the directors; and to begin preparation of a final binding site plan. Permission shall not be granted for installation of required improvements until the binding site plan has been approved by the directors and all construction plans and specifications have been approved in writing by the community and economic development and public works directors.

B. After the community and economic development and public works directors approve the preliminary binding site plan through the process outlined in subsection A of this section, an applicant can proceed with completing the final binding site plan process. The community and economic development and public works departments, shall have authority to approve, disapprove or modify final binding site plans. Final binding site plans are

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processed as a Type I permit pursuant to Chapter 14.05 MVMC, with community and economic development and public works directors making a final decision without public notice or a public hearing.

1. Following approval of the preliminary binding site plan, the applicant, if they wish to proceed with the binding site plan, shall submit to the community and economic development department complete sets of construction plans and specifications showing all improvements as required in the conditions of approval for the binding site plan. The construction plans and specifications shall be submitted to the community and economic development department accompanied by a construction plan check fee in the amount specified within the city's current fee schedule. All construction plans and specifications shall be in conformance with the city's street and utility standards.

2. Before the construction plans receive final approval, the community and economic development department shall complete and/or receive a construction inspection.

3. After the community and economic development department has approved the construction plans and specifications, the subdivider may then proceed to construct and/or install all of the improvements they were required to per the preliminary binding site plan approval. After the required improvements are constructed and/or installed the applicant may proceed as follows:

a. Prior to the submission of a final binding site plan for approval the applicant shall schedule a pre-application meeting with the community and economic development department per MVMC 14.05.110(B). At this meeting a checklist of information required for the submission of a final binding site plan will be prepared and provided to the applicant. Prior to the submission of a final binding site plan for approval all streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, trees, other landscaping, park improvements, critical area mitigation, and any other improvements specified within the preliminary binding site plan approval shall be installed and completed by the subdivider to the satisfaction of the community and economic development and public works directors. Such improvements shall meet the standards specified in the Mount Vernon Municipal Code, the adopted engineering and community and economic development and city standards and policies. The applicant's engineer shall be responsible for inspection and "as-built" drawings of all city-

maintained utility improvements related to the subdivision.

b. A performance bond or cash security in the amount of 150 percent of the cost to construct required but uninstalled improvements may be posted in lieu of installation of improvements; provided, that such bond is recommended by the community and economic development and public works directors. Bonding or providing a cash security is approved only in circumstances that restrict the installation of improvements such as extreme weather or construction conflicts with other required improvements, etc.

c. The performance bond or cash security shall specify exactly what improvements are included and the community and economic development director will establish the timeline in which the improvements will have to be completed.

d. Prior to acceptance of public improvements, the applicant shall submit to the community and economic development department the original mylar construction drawings corrected to as-built information and a maintenance bond in the amount determined by the community and economic development department. In no case shall such bond be less than 10 percent of the total cost of the public improvements.

e. The subdivider shall promptly proceed with the completion of the bonded improvements. If, in the opinion of the community and economic development director, the subdivider has not proceeded toward the prompt completion of the bonded improvements, he/she may cause the bond to be updated with new estimates of cost on all incomplete improvements and all increased cost estimates shall be passed on to the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond. If all improvements are not completed promptly, the bond shall be forfeited and the city will undertake the installation and completion of all improvements with the forfeited bond money. (Ord. 3428 § 77, 2008).

16.40.040 Submittal requirements.

A subdivider seeking approval of a binding site plan shall submit to the community and economic development department the following items:

A. A map prepared by a state of Washington registered land surveyor, fully dimensioned, drawn at a scale approved by the director. The size of the map shall be 18-inches by 24-inches with a minimum two-inch border on the left edge and one-half-inch border on all other sides. Before recording the original shall be in black ink on stabilized drafting film. The desired scale shall be one inch

equals 50 feet unless otherwise approved by the director. The map shall contain all of the items stipulated within WAC 332-130-050 as it is currently written or as it may be amended in the future; along with the following information:

1. A title block shall be located in the lower right corner of the map;
2. The name of the proposed BSP, city land use number, and the location of the BSP shall be shown in the title block;
3. All plans shall show the name, address and telephone number of the surveyor/ engineer and the name and address of the applicant;
4. An accurate and complete legal description of the area to be incorporated within the BSP, written or verified by a licensed land surveyor;
5. The names, addresses, and tax identification numbers of the owners of record of property contiguous to the proposed BSP; however, the final recorded BSP shall only contain the tax identification numbers of the owners or record of property contiguous to the proposed BSP;
6. The number, area (in square feet and acres) and the dimensions of all proposed lots including the bearing of all lines;
7. Date, scale and north arrow;
8. Existing zoning boundary lines, if any, indicating proposed uses of the property;
9. Certificates, approvals and dedications, the exact wording of which shall be approved by the CEDD and may be obtained at said office, for the following:
 - a. County auditor certificate;
 - b. Owner(s) dedication, including signature space for all legal owners, mortgage or lien holders;
 - c. Acknowledgements for all owner(s) signatures;
 - d. CEDD and public works directors approvals;
 - e. Mayoral approval with attest from finance director;
 - f. City finance director certificate;
 - g. County treasurer certificate;
 - h. Surveyor certificate;
 - i. Easement dedication; and
 - j. Certification showing that streets, rights-of-way and all sites for public use have been dedicated;
10. The location, width, and names of all existing or platted streets or other public ways within or adjacent to the proposed development together with all easements both public and private;

11. Contours and elevations at two-foot vertical intervals minimum to the extent necessary to accurately predict drainage characteristics of the property and extending at least 100 feet beyond the boundaries of the proposed BSP. The off site surveying requirement can be satisfied with topographic mapping from the city or other mapping resources that are approved by the director. In addition, where slopes are in excess of 20 percent five-foot contours or greater can be approved by the director;

12. A statement and acknowledgment for dedication for all parcels of land intended to be dedicated or temporarily reserved for public use or reserved in deeds for the common use of property owners of the BSP and clearly indicating the purpose, condition, or limitation of such reservation;

13. The source of water supply and all other utilities;

14. The location of the nearest sewer mains shall be shown or the method of sanitary control indicated;

15. The location of all wells and septic systems located on or near the project site;

16. Location of regulated critical areas and their buffers, such as, wetlands, steep slopes, watercourse or floodplains on or adjacent to the site;

17. The BSP shall contain inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city engineer or city council;

18. The BSP shall contain a provision requiring that any development of the subject property be in conformance with the BSP;

19. All existing buildings on the property must be accurately illustrated on the drawing;

20. Utility easements stipulated by the CEDD adjacent to the right-of-way line fronting on all streets;

21. A statement for dedication of land for the public use and acknowledgment;

22. Interior permanent control monuments located per state surveying standards; and

23. The surveyor's seal shall appear on every page.

B. All other materials required to process a binding site plan shall be submitted as outlined within MVMC 14.05.210(B).

C. The application for a binding site plan shall be accompanied by a fee as outlined within the city's fee schedule found within Chapter 14.15 MVMC. (Ord. 3428 § 78, 2008).

16.40.050 Community and economic development and public works directors approval criteria.

The community and economic development and public works directors shall determine if appropriate provisions have been included in the preliminary binding site plan for, but not limited to, the public health, safety and general welfare, open spaces, drainage ways, critical areas, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools.

A. If the community and economic development and public works directors find that the public use and interest will be served by the binding site plan, then the directors shall recommend approval. If the directors find that the preliminary binding site plan does not make such appropriate provisions or that the public use and interest will not be served, then the directors may recommend disapproval of the preliminary binding site plan.

B. Dedication of land to any public body; and/or dedication of easements to abutting property owners may be required as a condition of approval and shall be clearly shown on the final binding site plan. The directors shall not require, as a condition of the approval of any plat, that a release of liability be procured from other property owners. (Ord. 3428 § 79, 2008).

16.40.060 Design of binding site plans – Standards.

The following minimum standards shall apply to the design of binding site plans:

A. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites or divisions shall not exceed the number of lots allowed by the local zoning ordinances, and lots shall adhere to the dimensional area standards of the zoning ordinance and shall comply with the comprehensive plan.

B. Unless otherwise approved, all lots shall provide ingress and egress over a public street or an easement 30 feet in width.

C. Where dedicated rights-of-way or easements are required for the public health, safety and general welfare, they shall be dedicated and improved by the subdivider.

D. All public streets shall comply with Chapter 16.16 MVMC.

1. In the event an existing abutting street does not meet these minimum width standards, additional right-of-way shall be required prior to approval of a binding site plan, provided, that this requirement may be waived if, in the opinion of the

city engineer, such additional right-of-way will not be necessary for the future traffic circulation of the city.

2. Where other lands are required or proposed for dedication, such as the development of internal access roads, the subdivider shall provide a dedication statement and acknowledgment on the binding site plan.

3. Binding site plans that contain a dedication of land to the public shall have been surveyed and monumented and recorded with the county auditor. The monumentation requirement may be waived if the centerline of the right-of-way is already monumented.

E. Where approval of the binding site plan is conditioned upon construction of improvements, the construction plans shall be submitted to the community and economic development department accompanied by a fee set forth in the city's fee schedule found within Chapter 14.15 MVMC.

F. Land which the community and economic development department has found to be unsuitable due to flooding, bad drainage or swamp conditions, and which it considers inappropriate for development, shall not be subdivided unless adequate means of control or abatement have been formulated by the subdivider and approved by the community and economic development and public works departments.

G. In the event the land to be subdivided has a slope or slopes of more than 20 percent and/or rock or unstable soil conditions, the subdivider shall furnish soil data to the community and economic development department. If conditions warrant control measures to correct slide, erosion or other similar problems, the subdivider shall be responsible for the design, installation and expense of any device or corrective measure, subject to approval by the community and economic development and public works departments.

H. Where approval of the binding site plan is conditioned upon construction of improvements, prior to the construction plans receiving final approval, the engineering department shall receive a construction inspection fee as outlined within the city's fee schedule found within Chapter 14.15 MVMC. (Ord. 3428 § 80, 2008).

16.40.070 Minimum improvements required.

Prior to granting approval for any binding site plans, the community and economic development department shall ascertain that the following improvements have been made or installed along with the requirements outlined within Chapter

16.20 MVMC for each parcel created by the division of land:

A. Water supply per recommended state standards; adequate fire protection with review by the city of Mount Vernon fire department;

B. Sanitary sewer;

C. Underground power, telephone, television cable and all other necessary utilities (including undergrounding existing facilities);

D. If the principal frontage street providing access to the parcel to be subdivided is below the standard for its classification, installation of an improved street shall be required prior to approval of the binding site plan. Those improvements shall be constructed on the frontage of the parcel to be subdivided, and may be extended further to connect with existing improvements or to provide adequate pedestrian and traffic safety or assure safe walking conditions for students who walk to and from school, at the discretion of the city engineer. At no time shall the minimum traveled way brought to line and grade be less than 20 feet wide with four-foot shoulders on the unimproved side of the roadway. The road surface shall be at least of asphaltic concrete quality. Provisions shall be made for storm drainage;

E. Appropriate dedications of easements if required;

F. Performance bonds may be accepted in lieu of installation of the required improvements; provided, that such bond is recommended by the community and economic development and public works departments;

G. The requirement for installation of minimum improvements may be waived by the community and economic development and public works departments only with concurrence of the city council. (Ord. 3428 § 81, 2008).

16.40.080 Approval effective on filing when.

If the community and economic development department or hearing examiner, on appeal, approves the proposed binding site plan, the community and economic development department shall obtain the signature of the county treasurer on the original binding site plan. After the remaining signatures are placed on the map, the community and economic development department shall file the map for record at the office of the county auditor.

The filing of the binding site plan shall constitute an acceptance by the public of the dedication of any street or other proposed public way or space. (Ord. 3428 § 82, 2008).

16.40.090 Authentication.

As a condition to recording a binding site plan approved by the community and economic development department, it shall first be submitted to the mayor for authentication, and to the finance director for attestation. (Ord. 2372 § 16, 1990).

16.40.100 Effective period of preliminary binding site plan approval.

The approval of a preliminary binding site plan shall be effective for five years from the date of preliminary binding site plan approval granted by the community and economic development and public works directors. If the developer fails to receive approval within this period, the preliminary binding site plan approval shall expire. Any applicant who files a written request with the community and economic development department, at least 30 days before the expiration date may be granted a one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the five-year period. There shall be allowed only one such extension, and any such extensions shall be conditioned upon the binding site plan meeting all requirements which are in effect at the time the extension is granted (or any additional requirements which may be imposed by the community and economic development director at the time the extension is granted). (Ord. 3428 § 84, 2008).

16.40.110 Modification of a preliminary or final binding site plan.

A. Modifications to a preliminary or final binding site plan shall be classified as either a minor or major modification. If the modification can be classified as a minor modification according to the criteria outlined below, the modification shall be approved by the community and economic development director subject to the provisions for Process II decisions in Chapter 14.05 MVMC. If the modification to a preliminary or final binding site plan can not be classified as a minor modification and is instead a major modification, the modification shall be processed as a new permit and/or action with one-half of the original permit fees having to be paid again if a notice of application has been routed per MVMC 14.05.150(A)(3).

B. Modifications to a preliminary or final binding site plan can be classified as minor modifications and approved by the community and economic development director subject to the provisions for Process II decisions in Chapter 14.05 MVMC as long as the following requirements are met:

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1. None of the conditions of approval of the original binding site plan are violated;

2. The proposed modification meets all of the current Mount Vernon Municipal Code requirements, i.e., zoning, critical area requirements, etc.;

3. The applicant completes a boundary line adjustment per Chapter 16.36 MVMC if their modification is changing the boundaries of the subject property. In addition, the director may require that maps be re-recorded to reflect the changes to a binding site plan due to a minor modification.

C. Proposed modifications to a preliminary or final binding site plan that can not comply with the conditions outlined above in subsections (B)(1) through (3) of this section shall be processed as a new permit and/or action with new fees according to the fee schedule outlined within Chapter 14.15 MVMC. (Ord. 3428 § 85, 2008).

16.40.120 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this title shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. Furthermore, the city may, in addition to the above penalty, initiate an action in the superior court, enjoining the transfer, sale or option to sell any portion of the binding site plan. (Ord. 3440 § 23, 2008).

16.40.130 Enforcement.

All provisions, conditions, and requirements of the binding site plan shall run with the land and shall be legally enforceable against and binding upon any other person acquiring any interest in the property or any lot, parcel, or tracts created pursuant to the binding site plan. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan or without binding site plan approval shall be considered a violation of Chapter 58.17 RCW and this chapter, and may be restrained by injunctive action as provided in Chapter 58.17 RCW. (Ord. 3428 § 87, 2008).

16.40.140 Violation – Penalty – City actions authorized when.

Repealed by Ord. 3428. (Ord. 2372 § 18, 1990).

16.40.150 Enforcement.

Repealed by Ord. 3428. (Ord. 2372 § 19, 1990).

Chapter 16.44

FEES GENERALLY

Sections:

16.44.010 Applicability of fees to pending proposals.

16.44.010 Applicability of fees to pending proposals.

A. The fees set forth in MVMC 16.08.030 shall not be applicable to any subdivision proposal for which a completed application as required by ordinance and acceptable to the city engineer has been filed. For such proposals, the fees made applicable by prior ordinance shall be payable.

B. The fees set forth in MVMC 16.12.010 shall not be applicable to any plat or preliminary plat for which a complete set of construction plans and specifications as required by ordinance and acceptable to the city engineer have been filed. For such proposals, the fees made applicable by prior ordinance shall be payable.

C. The fees set forth in MVMC 16.32.032 shall not be applicable to any short subdivision or proposed short subdivision for which a complete set of construction plans and specifications as required by ordinance and acceptable to the city engineer have been filed. For such proposals, the fees made applicable by prior ordinance shall be payable.

D. The fees set forth in MVMC 16.32.070 shall not be applicable to any short subdivision proposal for which a completed application as required by ordinance and acceptable to the city engineer has been filed.

E. The fees set forth in MVMC 16.36.030 shall not be applicable to any short subdivision proposal for which a completed application as required by ordinance and acceptable to the city engineer has been filed.

F. The fees set forth in MVMC 16.40.060 shall not be applicable to any binding site plan or proposed binding site plan for which a complete set of construction plans and specifications as required by ordinance and acceptable to the city engineer have been filed. For such proposals, the fees made applicable by prior ordinance shall be payable.

G. The fees set forth in MVMC 16.40.110 shall not be applicable to any binding site plan or proposed binding site plan for which a completed application as required by ordinance and acceptable to the city engineer has been filed. (Ord. 2473 § 13, 1991).