

**Title 17**

**LAND DIVISIONS**

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**Chapter 17.04****DEFINITIONS\***

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\*Prior history: Ords. 324, 1118, 1179 and 1193.

**17.04.005 Purpose.**

The purpose of this chapter is to carry out the intent of the city's land division regulations. The terms defined in this chapter are the minimum necessary to resolve questions of interpretation. Terms not defined shall hold their common and generally accepted meaning as found in the Second College Edition of the American Heritage Dictionary unless specifically defined otherwise in this code.

The following terms shall be interpreted as follows:

(1) Words used in the present tense include the future;

(2) The plural includes the singular and vice versa;

(3) The words "will" and "shall" are mandatory;

(4) The word "may" indicates that discretion is allowed;

(5) The word "used" includes designed, intended, or arranged to be used;

(6) The masculine gender includes the feminine and vice versa;

(7) The word "person" may be taken for persons;

(8) The word "building" includes a portion of a building or a portion of the lot on which it stands;

(9) Distances shall be measured horizontally unless otherwise specified;

(10) The word "structure" includes buildings;

(11) The word "occupied" includes designed or intended to be used. (Ord. 1520 § 1, 2005; Ord. 1421, 2001)

**17.04.010 Alley/lanes.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.020 Applicant.**

"Applicant" means a person, including a corporate person, who undertakes to divide land, pursuant to this chapter and Chapter 58.17 RCW. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.030 Arterial.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.035 Binding site plan.**

"Binding site plan" means a drawing to a scale specified by local ordinance which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (3) contains provisions making any development be in conformity with the site plan. It is a division of land to lots or tracts for industrial or commercial use, when approved by the city for the use of the land, in accordance with local regulations, RCW 58.17.020 and 58.17.035, and

recorded with Clark County. (Ord. 1520 § 1, 2005; Ord. 1421, 2001)

**17.04.040 Building line/building setback.**

“Building line/building setback” means a line established by the minimum yard requirement as the minimum allowable distance between the wall of a building and the street right-of-way or property line when measured perpendicularly thereto. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.050 City of Washougal department.**

“City of Washougal department” means the department of community development. (Amended during 9/08 supplement; Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.060 Collector street.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.070 Comprehensive plan.**

“Comprehensive plan” means plans, maps, reports or any combination thereof, adopted in December of 1994 by the city council for the guidance of growth and improvement of the city, including modifications which may be made from time to time, in accordance with the State Growth Management Act. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.075 Cul-de-sac (dead end street).**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.080 Director.**

“Director” means the community development director or designated representative. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.090 Easement.**

“Easement” means a grant of the right to use a portion of land for specific purposes, as part of a plat or subdivision or provided between parties for common and mutual benefit and recorded. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.100 Flag stem or access panhandle.**

“Flag stem” or “access panhandle” means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby, and designed for the purpose of providing access to a lot, tract or parcel not having full frontage on a public street. Minimum width of a flag lot access strip shall be 20 feet. Maximum length of a flag lot access strip shall be 100 feet. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.110 Hammerhead street.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.120 Industrial/commercial collector.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001)

**17.04.130 Lot.**

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts and parcels, as created through platting and recorded in accordance with Chapter 58.17 RCW and any and all amendments. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.145 Local residential street.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.150 Pedestrian way.**

“Pedestrian way” means a right-of-way or easement for pedestrian traffic. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.160 Person.**

“Person” means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, including any trustee, receiver, assignee, or other similar representative thereof. See also “applicant.” (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.170 Planning commission.**

“Planning commission” means the city of Washougal planning commission. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.180 Plat.**

“Plat” means a map or representation of a subdivision, or short subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.190 Private road.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.200 Public dedication.**

“Public dedication” means the deliberate granting 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 uses to which the property has been devoted. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.210 Public road.**

“Public road” means an improved and maintained public right-of-way which provides vehicular circulation or a principal means of access to abutting properties, and includes provisions for public utilities, curbs and gutters or alternatives as approved by the director of public works, pedestrian walkways, cut-and-fill slopes, street lights, street trees, and storm drainage. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.220 Right-of-way.**

“Right-of-way” means the area between boundary lines of a street or other easement. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.230 Roadway.**

“Roadway” means the portion of street right-of-way developed for vehicular traffic. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.240 Short subdivision.**

“Short subdivision” means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease, or transfer of ownership. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.250 Sidewalk.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.260 Subdivision.**

“Subdivision” means the division or redivision of land into 10 or more lots, parcels or tracts for the purpose of sale, lease or transfer of ownership. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.04.270 Walkway/pedestrian path.**

As defined within the Washougal Engineering Standards, current edition. (Ord. 1520 § 1, 2005; Ord. 1421, 2001)

## Chapter 17.08

### GENERAL REGULATIONS

#### Sections:

- 17.08.005 Principles of good neighborhood design.
- 17.08.010 Public use areas.
- 17.08.020 Design standards conformance required.
- 17.08.030 Survey monument and plat drawings.

#### **17.08.005 Principles of good neighborhood design.**

(1) Build a network of streets that are sized for pedestrian use. There should be a hierarchy of streets that discourages through traffic in residential areas;

(2) Build a neighborhood that is served by interconnecting neighborhoods, parks, schools, and commercial areas;

(3) Build a neighborhood that emphasizes public safety, with sidewalks on all residential streets;

(4) Build a neighborhood that emphasizes ease of movement by motorists, pedestrians and bicyclists;

(5) Locates uses within the neighborhood that provide daily needs;

(6) One should be able to live in the neighborhood without a car;

(7) The formal and informal meeting of neighbors fosters the bonds of community as they walk in public;

(8) Locate public buildings at prominent sites on parks or squares;

(a) Public buildings promote civic identity and should be celebrated and architecturally distinctive.

(9) Provide neighborhood parks within neighborhoods;

(a) Children should have parks close to home, surrounded by streets and building fronts to be easily supervised, and protecting slopes and view corridors for all to enjoy.

(10) Building beautiful streets and squares as outdoor rooms;

(a) The same rules of proportion that apply to good building design apply to streets.

(11) Encourage harmonious architecture that belongs to the northwest region.

(a) Contribute to an authentic neighborhood, unique to the northwest,

(b) Encourage structures old and new that have character and diversity,

(c) Preserve and maintain natural features,

(d) Protect and enhance streams, rivers, and the habitats along them to foster the quality of surface and subsurface waters of the city; thereby sustaining the fish and wildlife populations of these riparian corridors. (Ord. 1421, 2001)

#### **17.08.010 Public use areas.**

Before approval of the plat for a short subdivision, the community development director or, in the case of a subdivision, the hearing examiner shall see that appropriate provisions are made in the short subdivision or subdivision for adequate streets and other public ways, parks, playgrounds, sites for schools and schoolgrounds, and shall consider all other facts deemed by it relevant and designed to indicate whether or not the public interest will be served by the platting, subdividing or dedication.

(1) Due considerations shall be given by the subdivider to the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use.

(2) Where a proposed park, playground, school or other public use shown in the current comprehensive plan, including capital facility plans, is located in whole or in part in a subdivision, the hearing examiner may request the dedication or reservation of such area within the subdivision in those cases in which the hearing examiner deems or finds such requirements to be reasonable and proportional to the impact of the development. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 324 § 15, 1965)

#### **17.08.020 Design standards conformance required.**

The subdivision shall be in conformity with the comprehensive plan and shall take into consideration any preliminary studies thereof or applying thereto. The subdivision shall conform with the requirement of state laws and the standards established in this title.

For purposes of clarifying the full impact of adjacent parcel subdivision, a parcel of land or contiguous parcels under a single ownership shall not be partitioned for transfer of ownership or building development so as to conflict with applicable standards for subdivisions as set forth in this title. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 324 § 11, 1965)

**17.08.030 Survey monument and plat drawings.**

The following requirements for survey monumentation and plat drawings for subdivisions and dedications within the city are adopted:

- (1) Minimum plat scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet;
- (2) Twenty-four by 36 inches plat dimension;
- (3) All control and lot corner monuments set should be identified on the face of the plat by legend;
- (4) All concrete monuments used must contain reinforcing steel or other magnetic materials, except those enclosed in monument cases;
- (5) Control monuments on the exterior boundary line of the plat, not set in paved streets, should be concrete monuments;
- (6) A minimum of two-inch iron pipe should be used for monuments in unpaved streets;
- (7) Monument cases shall be used in paved streets. Minimum monument in cases should be two-inch concrete filled iron pipe. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 460 § 2, 1971)

**Chapter 17.12****PRELIMINARY PLAT\***

Sections:

- 17.12.010 Applicability and interpretation.
- 17.12.015 Enforcement.
- 17.12.020 Short subdivisions.
- 17.12.030 Subdivisions.
- 17.12.040 Validity and extensions.
- 17.12.045 Extensions – Phased development.
- 17.12.050 Technical review.

\*Prior history: Ords. 324, 436, 576, 701, 1118 and 1179.

**17.12.010 Applicability and interpretation.**

(1) The provisions of this chapter shall apply to the division of land.

(2) Exemptions. Any action listed under RCW 58.17.040 shall be exempt from the provisions of this chapter.

(3) Application and interpretation of any provision of this chapter shall be the responsibility of the director. The director may modify or waive certain requirements of this chapter when such amendments are necessary or appropriate in light of physical property specific conditions, such as severe topography, the nature of existing construction or the existence of existing environmental features. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.12.015 Enforcement.**

(1) No person, firm or corporation, or any agent of these, shall transfer, sell, lease or offer for transfer, sale or lease until a final plat has been approved and filed with the county auditor.

(2) When any person divides, or attempts to divide, land subject to the provisions of this chapter, without having secured approval or, prior to the filing of the final plat with the county auditor, the city attorney shall commence an action to enjoin further violations, or attempted violations, and to compel compliance with this chapter. The cost of such action shall be taxed against the person, firm or corporation transferring, selling or leasing the land.

(3) Any person, firm or corporation, or agent of any of these, who knowingly certifies that a proposed subdivision or short subdivision is not intended for residential, commercial or industrial purposes and/or misrepresents the stated purpose of the subdivision or short subdivision (see WMC 17.44.030), is guilty of a gross misdemeanor.

(4) No development permit (such as a building permit) shall be issued for any lot divided in violation of this chapter.

(5) Any person, firm or corporation, or any agent of these who violates this chapter or Chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot within a subdivision or short subdivision is guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot in violation of any provision of this chapter is a separate and distinct offense.

(6) Whenever any land within any subdivision or short subdivision granted final approval is used in a manner or for a purpose which violates any provisions of this chapter or any term or condition of approval, then the city may commence an action to restrain and enjoin such use and compel compliance with the provisions of this chapter or with such terms or conditions of approval. The costs of such action, including reasonable attorney's fees, may be taxed against the violator.

(7) Any person found to be violating this chapter, or violating any other portion of WMC Titles 15, 16, 17, 18 or the adopted engineering standards during construction within a plat approved pursuant to this chapter, shall take immediate corrective action upon notice by the city. If no corrective action is taken, such person may be subject to a fine of up to \$1,000 per day, per violation. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.12.020 Short subdivisions.**

The following sets forth the procedures, submittal requirements and criteria by which preliminary short subdivisions are reviewed:

(1) Procedures. Preliminary short subdivisions shall be a Type II application, processed administratively in accordance with the provisions of WMC 18.94.060.

(2) Submittal Requirements. The following information shall be submitted by the applicant for all preliminary short subdivision applications:

(a) Completed application form, signed by the owner(s) of record, or their designee. If signed by a designee, a letter of authorization, signed by the property owner, shall accompany the application;

(b) One copy of the preapplication conference summary, and a description of information submitted in response to any issues, comments and concerns in the summary;

(c) Eight copies of the preliminary plat – drawn to a minimum scale of one inch equals 200

feet on a sheet no larger than 24 inches by 36 inches (one copy is acceptable of eight and one-half by 11 inches if to scale), including the following details:

(i) Short subdivision name (if any),

(ii) The name, mailing address, and telephone number of the owner(s), and the person authorized to represent the owner(s) for the purposes of the application and approval,

(iii) The number assigned to each lot,

(iv) The location and size of all existing buildings, rights-of-way, easements, wells, watercourses, high and low watermarks, railroad lines, municipal boundaries, section lines, township lines, and other important features relevant to the land proposed to be divided,

(v) The lot sizes in acreage or square feet, whichever is more appropriate, and the number of lots and acreage within the short subdivision,

(vi) The dimension of each lot line to be created,

(vii) Map scale and north indication (whenever possible, north shall point to the top of the page), and

(viii) Any required public dedication.

Full size plans (larger than eight and one-half inches by 11 inches) shall be submitted folded and collated so as to approximate an eight-and-one-half-inch by 11-inch sheet;

(d) One copy of proof of ownership or authority to act on behalf of owner;

(e) Two copies of a conceptual stormwater plan, prepared in accordance with the provision of the Washougal Engineering Standards;

(f) Two copies of a traffic study prepared by a Washington State licensed traffic engineer, if required;

(g) Indication of public potable water supply and sewage disposal system;

(h) Completed SEPA environmental checklist, if required;

(i) The current list of names and addresses of all property owners within 500 feet of the perimeter of the subject property and all contiguous property under the same ownership, as shown upon the Clark County assessor's records. The list shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor or title company;

(j) The mailing list typed on self-adhesive mailing labels (include owner, applicant and contact person). A list is considered current if the certification date is within 30 days of the application;

(k) Existing and proposed conditions, covenants and restrictions and easements that apply to the property, if any;

(l) Provide a written narrative describing the proposal and addressing all of the applicable criteria from WMC Titles 15, 16, 17 and 18, engineering standards, and the city of Washougal vision statements;

(m) One copy of contour map with the site identified. Engineered contours on the preliminary plat map will be accepted if signed by a licensed engineer or surveyor;

(n) One full size copy of the assessor's quarter section map(s) with the site identified and all other property owned by the applicant within 1,000 feet of the proposed land division;

(o) One copy of a road or vicinity map with the site clearly identified;

(p) One copy of the U.S. Soil Conservation Service Soil Survey with the site identified, or other more site-specific information;

(q) A map showing the existing zoning of all adjacent properties. This may be written on the assessor's quarter section map;

(r) A tree plan indicating the existing trees and vegetation – those that are proposed to be removed for infrastructure or building envelopes, and those that will remain;

(s) An application fee as identified in WMC 3.90.010;

(t) A grading plan – if the project includes any one of the following:

(i) Excavation or placement of over 50 cubic yards of material on a parcel of land, or

(ii) Activity within a critical area, or

(iii) Excavation more than five feet below finished grade for basements and footings of a building, retaining wall or other structure (construction of roadways and drainage systems that have been approved by the public works director are exempt), or

(iv) Determined necessary by the public works director.

(3) Criteria. The community development director shall make findings of fact that all of the following criteria are met prior to approving any preliminary short subdivision request. It shall be the burden of the applicant to demonstrate that these criteria are met:

(a) The preliminary plat is in the public interest;

(b) That appropriate provisions will be made by the plat for public and private streets and roads; open spaces, parks and recreation; sanitary waste

collection and treatment; fire prevention services; potable water supply; drainage/stormwater control; access to mass transit where there is or will be such transit; schools and educational services (if residential); pedestrian access/amenities, particularly for students who walk to and from school;

(c) The proposal complies with all applicable standards in WMC Titles 15, 16, 17 and 18, city's vision statements adopted by Resolution 705, and the city's adopted engineering standards;

(d) That the proposed division is consistent with and implements the provisions of the city's 20-year comprehensive plan. (Ord. 1659 § 1 (Exh. A), 2010; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1245 § 1, 1997; Ord. 1233 § 1 (Exh. A), 1997)

### 17.12.030 Subdivisions.

The following sets forth the procedures, submittal requirements and criteria by which preliminary subdivision plats are reviewed:

(1) Procedures. Preliminary subdivision plats shall be a Type III application, processed in accordance with the provisions of WMC 18.94.060.

(2) Standard Submittal Requirements. The following information shall be submitted by the applicant for all preliminary subdivision applications:

(a) Completed application form, signed by the owner(s) of record, or their designee. If signed by a designee, a letter of authorization, signed by the property owner, shall accompany the application;

(b) One copy of the preapplication conference summary, if completed, and a description of information submitted in response to any issues, comments, and concerns in the summary;

(c) Eight copies of the preliminary subdivision plans drawn to a minimum scale of one inch equals 200 feet on a sheet no larger than 24 inches by 36 inches (one copy is acceptable of eight inches by 11 inches if to scale), including the following details:

(i) Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the city and shall be approved by the planning commission,

(ii) Date, north point and scale of drawing,

(iii) Appropriate identification clearly stating the map is a preliminary plat,

(iv) Location of the subdivision by sections, township and range and legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other

description according to the real estate records of the county assessor,

(v) Names and addresses of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect,

(vi) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract; railroad right-of-way or other important features, such as section lines or corners, city boundary lines and monuments,

(vii) Contour lines having the following minimum intervals:

(A) One-foot contour intervals for ground slopes less than five percent,

(B) Two-foot contour intervals for ground slopes from five to 10 percent,

(C) Five-foot contour intervals for ground slopes exceeding 10 percent,

(viii) Location and direction of all watercourses,

(ix) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees,

(x) Existing uses of the property, including location of all existing structures on the property and indication if they are to remain after platting,

(xi) Proposed streets and their location, widths, names, approximate radii of curves, and relationship to any projected streets as shown in the comprehensive plan,

(xii) Easements. Location on the site or abutting property, showing the width and purpose of all existing and proposed easements,

(xiii) Lots. Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers;

(d) Eight separate sheets showing approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants. Full size plan sets (24 inches by 36 inches or larger) shall be submitted folded and collated so as to approximate an eight-and-one-half-inch by 11-inch sheet;

(e) Proof of ownership (recorded deed for subject property) or authority to act on behalf of owner and the recorded deed for the subject property;

(f) Two copies of a conceptual stormwater plan, prepared in accordance with the provision of the Washougal Engineering Standards;

(g) Street lighting plan. To include acorn style traditional lamp standards designed to direct light to the ground and not the sky;

(h) Two copies of a traffic study prepared by a Washington State current licensed traffic engineer. When a traffic study is required, the study should include an assessment of capacities, trip generation, traffic volume, access and sight distances, connectivity/circulation, and level of service for the proposed use;

(i) Two copies of any other technical reports, delineation, plans, and/or analyses that may be required, as a result of the preapplication conference or the community development director's determination such as: geotechnical, habitat, hydrology, engineered soil reports, archaeological, grading and drainage plans, revegetation plans, or similar studies, reports, or plans;

(j) Indication of public potable water supply and sewage disposal system;

(k) Completed SEPA environmental checklist, if required;

(l) The current list of names and addresses of all property owners within 500 feet of the perimeter of the subject property and all contiguous property under the same ownership, as shown upon the Clark County assessor's records. The list shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor or title company;

(m) The list required by subsection (3)(i) of this section typed on self-adhesive mailing labels (include owner, applicant, and contact person). A list is considered current if the certification date is within 30 days of the application;

(n) Legal description of the boundary of the plat;

(o) Existing and proposed conditions, covenants and restrictions and easements that apply to the property, if any;

(p) Provide a written narrative describing the proposal and addressing all of the applicable criteria from WMC Titles 15, 16, 17 and 18, and the city of Washougal vision statements, adopted by Resolution 705;

(q) One copy of contour map with the site identified. Engineered contours on the preliminary plat map will be accepted if signed by a licensed engineer or surveyor;

(r) One full size copy of the assessor's quarter section map(s) with the site identified and all other property owned by the applicant within 1,000 feet of the proposed land division;

(s) One copy of a road or vicinity map with the site clearly identified;

(t) One copy of the U.S. Soil Conservation Service Soil Survey with the site identified, or other more site-specific information;

(u) A map showing the existing zoning of all adjacent properties. This may be written on the assessor's quarter section map;

(v) A tree plan indicating the existing trees and vegetation – those that are proposed to be removed for infrastructure or building envelopes, and those that will remain;

(w) A fee as identified in WMC 3.90.010;

(x) A grading plan.

(3) Criteria. The hearing examiner shall make findings that all of the following criteria are met prior to recommending approval of any preliminary subdivision request. It shall be the burden of the applicant in demonstrating that these criteria are met:

(a) The preliminary plat is in the public interest;

(b) That appropriate provisions will be made by the plat for public and private streets and roads; open spaces, parks and recreation; sanitary waste collection and treatment; fire prevention services; potable water supply; drainage/stormwater control; access to mass transit where there is or will be such transit; schools and educational services (if residential); pedestrian access/amenities, particularly for students who walk to and from school;

(c) The proposal complies with all applicable standards in WMC Titles 15, 16, 17 and 18, city's vision statements, adopted by Resolution 705, and the city's adopted engineering standards;

(d) That the proposed division is consistent with and implements the provisions of the city's 20-year comprehensive plan. (Ord. 1659 § 1 (Exh. A), 2010; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005; Ord. 1454 § 1, 2003; Ord. 1421, 2001; Ord. 1245 § 1, 1997; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.12.040 Validity and extensions.**

(1) Validity. Preliminary plat approvals shall be valid for a period of five years following the date of community development director decision for short subdivision approval or following the hearing examiner's decision for subdivision approval.

(2) Two subsequent one-year extensions may be granted if the applicant demonstrates that they have pursued final platting in good faith in the time period since the first extension, and that the regulations which govern the plat have not substantially changed since the preliminary approval. "Good

faith" shall mean submittal of engineering plans or survey calculations to the city for review, or similar filing with the city. If regulations have changed since preliminary approval, the director shall impose conditions on the plat to assure that it meets then current regulations. In the case of a subdivision, if such conditions result in a substantial change from the original preliminary plat approval, as determined by the director, the plat shall be returned to hearing examiner for public hearing pursuant to a Type III procedure as prescribed by WMC 18.94.060.

(3) Preliminary approvals which have completed at least 30 percent of the construction of public infrastructure required by the approval prior to expiration of the preliminary plat or any extension thereof shall be deemed vested under the preliminary approval, except that the plat approval shall be constructed forthwith and bonds for improvements obtained, and shall not expire. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005; Ord. 1454 § 1, 2003; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.12.045 Extensions – Phased development.**

(1) Those applications specifically approved for phased development may receive an unlimited number of subsequent two-year extensions in accordance with the following:

(a) At least one phase of the development has received final plat approval and has been recorded within five years of preliminary plat approval;

(b) For the current phase, at least 30 percent of the construction of public infrastructure required by the approval has been completed prior to expiration of two subsequent one-year extension approvals of the preliminary plat;

(c) The request for extension has been submitted in writing to the responsible official at least 30 days prior to the five-year deadline, or in the case of a subsequent extension request, at least 30 days prior to the expiration of the approved extension period;

(d) The applicant has demonstrated that there are no significant changes in conditions which would render approval of the application contrary to the public health, safety, or general welfare.

(2) The responsible official shall take one of the following actions upon receipt of a timely extension request:

(a) Approve the extension request if no significant issues are presented under the criteria set forth in this section;

(b) Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval;

(c) Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.

(3) A request for extension approval shall be processed as a Type I application. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005)

#### **17.12.050 Technical review.**

The director may cause the plat and all required information to be examined by a licensed civil engineer or surveyor or other technical disciplines such as wetland/habitat biologist, geotechnical engineer or archaeologist to determine that the subdivision is in compliance with these disciplines and that the plat as prepared is technically correct. Such costs shall be borne by the applicant. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005; Ord. 1421, 2001)

## **Chapter 17.16**

### **FINAL PLAT\***

#### Sections:

- 17.16.010 Filing.
- 17.16.020 Procedures.
- 17.16.030 Submittal requirements.
- 17.16.040 Technical review.
- 17.16.050 Surveys, notes and sketches.
- 17.16.060 Recording time limit.
- 17.16.070 Drafting standards – Preliminary and final plats.

\*Prior history: Ords. 324, 1118 and 1179.

#### **17.16.010 Filing.**

Within five years following the effective date of preliminary plat approval, or any approved extension per WMC 17.12.040, the applicant shall submit a final plat in accordance with the provisions of this chapter. (Ord. 1520 § 1, 2005; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.16.020 Procedures.**

Final plat applications shall be processed as a Type I application, in accordance with the provisions of WMC 18.94.060. (Ord. 1520 § 1, 2005; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.16.030 Submittal requirements.**

(1) Submittals for final plat approval shall include the following information:

(a) Cover sheet/letter of transmittal and table of contents.

(b) Application form. The application form shall be completed and signed in ink by the owner of record or authorized agent.

(c) Application fees as described in WMC Title 3.

(d) Copy of preliminary plan decision. A copy of the final decision on the preliminary plat, including any State Environmental Policy Act (SEPA) mitigation requirements referenced in the decision, as well as any appeal decisions, post decision reviews, or court decisions regarding the plat or the property shall be submitted. A reduced copy of the approved preliminary plat shall also be submitted.

(e) Proposed final plat. The final plat shall be prepared in compliance with the drafting standards

of WMC 17.16.070 and shall include the following:

- (i) Subdivision name;
  - (ii) Legend;
  - (iii) Location, including one-quarter section, section, township, range, and, as applicable, donation land claim and/or subdivision;
  - (iv) Boundary survey;
  - (v) Lot, block and street right-of-way and centerline dimensions;
  - (vi) Street names;
  - (vii) Scale, including graphic scale, north arrow and basis of bearings;
  - (viii) Identification of areas to be dedicated;
  - (ix) Surveyor's certificate, stamp, date and signature;
  - (x) Signature blocks for the following:
    - (A) Mayor;
    - (B) Community development director;
    - (C) Director of public works;
    - (D) Finance director;
    - (E) County auditor;
    - (F) County assessor;
  - (xi) Special setbacks (if any):
    - (A) Private easements (if any);
    - (B) Public easements (if any);
  - (xii) Special tracts (if any);
  - (xiii) Pedestrian pathways (if any);
  - (xiv) Parcel area of lots expressed in square footage and dimensions;
  - (xv) Mathematical closures; and
  - (xvi) Any other specific requirements imposed as conditions of the preliminary approval.
- (2) Blue Line Copies. The number of blue line copies submitted shall be as follows:
- (a) Eight blue line copies of the proposed final plat;
  - (b) One reduced copy (at a scale of one inch equals 200 feet); and
  - (c) One copy of the computations and all other associated documents.
- (3) Revised Blue Lines. Submittal of revised blue lines shall include the following:
- (a) Eight copies of the corrected blue lines.
- (4) Conservation Covenant. Conservation covenant to be recorded with final plat.
- (5) The following supplementary information shall be submitted:
- (a) Certification of title;
  - (b) Certification for platting from a title company;
  - (c) Certification of public rights-of-way or any other public dedication;

(d) Dedication of plat. A plat certificate shall be provided, including dedications, if any (RCW 58.17.165);

(e) A treasurer's certificate;

(f) Legal description of the boundary which has been certified by the land surveyor with seal and signature as being an accurate description of the lands actually surveyed;

(g) Conditions, covenants and restrictions, notes, and/or binding agreements as required, SEPA, conditions of preliminary plat approval or other law, including but not limited to the following:

(i) Private road maintenance agreement, if applicable;

(ii) Recorded conservation covenant, if applicable;

(iii) Latecomer's agreement, if applicable;

(h) Verification that construction plan review, construction inspection, fire review and hydrant testing, lid assessments and final plat review fees have been paid;

(i) Other legal documents required pursuant to the preliminary plat decision;

(j) Evidence to the satisfaction of the director that the applicant has complied with the following:

(i) All improvements have been installed in accordance with the requirements of these regulations and with the action of the hearing examiner giving conditional approval of the preliminary plat, and engineered as-built drawings of such improvements have been submitted as appropriate;

(ii) A detailed cost estimate prepared by a registered engineer identifying the total cost of improvements dedicated to the city, which estimate shall be itemized for water, sewer, street, storm drainage and parks;

(iii) Landscaping covenants/verification of installation of required landscape that the required landscape has been installed in accordance with the approved landscape plan(s);

(iv) Two-year maintenance bond as described within the Washougal Engineering Standards. The acceptance of improvements by the city shall not prevent the city from making a claim against the developer for any defective work if such is discovered within two years after the date of completion of the work;

(k) In lieu of installation of all required improvements, the developer may request approval from the director of public works, with the exception of the essential services (water, sewer, storm system, fire flow, streets, electricity, and comple-

tion of finished grading) in accordance with WMC 17.36.010(2)(a) through (e). Upon approval, all of the items identified in subsection (5)(j) of this section shall be provided as well as:

(i) A financial instrument established pursuant to WMC 17.36.010(2) to assure such improvements, to the satisfaction of all affected departments and agencies.

(6) Mylar and Digital File. Upon compliance of the final plat and the construction plans with all preliminary plat conditions and with all applicable adopted statutes and local ordinances, the director shall request submittal of the final plat mylar(s) for signature and submittal of two copies of a digital file for layers specified at WMC 17.16.070 that conform to all applicable requirements discussed at WMC 17.16.070. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1520 § 1, 2005; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.16.040 Technical review.**

A plat submitted for final review shall include a review fee, as identified in WMC 3.90.010.

The director may cause the plat and all required information to be examined by a licensed civil engineer or surveyor or other technical disciplines such as wetland/habitat biologist, geotechnical engineer or archaeologist to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plat and as required by this title and that the plat as prepared is technically correct. Such costs shall be borne by the applicant. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1245 § 1, 1997; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.16.050 Surveys, notes and sketches.**

(1) The final plat shall be accompanied by a complete survey of the section in which it is located, with complete field notes and computations showing all calculations and accuracy of closures as indicated in RCW 58.16.130.

(2) Survey Monument and Plat Drawings. The following requirements for survey monumentation and plat drawings for subdivisions and dedications within the city are adopted:

(a) Minimum plat scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet;

(b) Twenty-four by 36 inches plat dimension;

(c) All control and lot corner monuments set shall be identified on the face of the plat by legend;

(d) All concrete monuments used must contain reinforcing steel or other magnetic materials, except those enclosed in monument cases;

(e) Control monuments on the exterior boundary line of the plat, not set in paved streets, shall be one-half-inch iron rod;

(f) A minimum of three-quarters-inch iron pipe shall be used for monuments in unpaved streets;

(g) Centerline monumentation in paved streets shall consist of one-half-inch iron pipe with plastic or aluminum caps set flush with the paved surface;

(h) Centerline monumentation in gravel streets shall consist of one-half-inch iron pipe set sufficiently below grade so as to avoid disturbances from road grading equipment. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.16.060 Recording time limit.**

(1) The final plat shall be recorded with the Clark County auditor within 30 days of approval by the city. It shall be the responsibility of the applicant to record the plat with the county auditor.

(2) Upon recording of the final plat with the Clark County auditor, the applicant shall submit a full size copy of the actual recorded mylar, inclusive of book and page number, to the director. No building permit shall be issued until a copy of the recorded plat is received by the city. (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.16.070 Drafting standards – Preliminary and final plats.**

(1) Preferred Scale Proportions. The preferred scale proportions for preliminary and final plats are ratios as follow: (a) one to 600 (1:600) (one inch equals 50 feet); (b) one to 1,200 (1:1,200) (one inch equals 100 feet); or (c) one to 2,400 (1:2,400) (one inch equals 200 feet); but in no case shall the proportion exceed one to 2,400 (1:2,400).

(2) Final Plat Drawing Requirements.

(a) The final plat shall either (i) be drawn with ink upon 3-mil mylar film, or equivalent, or (ii) consist of a photo mylar with a fixed silver halide base; said sheets to be either (i) 30 inches by 21 inches or (ii) 36 inches by 24 inches, with a one-inch border on each side.

(b) The following layers of the final plat shall be prepared as a drawing interchange file (DXF). This digital file shall be saved on a 3.5-inch high density disk, CD-ROM, or transmitted via

electronic mail. The submitted DXF shall conform to the layering scheme in Table 17.16.070-1.

(3) Lettering.

(a) For the hard copy submittal, lettering shall be at least 0.08 inch high, in uppercase letters with line weight and lettering style suitable for reduction and microfilming. The perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.

(b) For the digital file, the text shall be configured as follows:

(i) The size and the orientation of lot numbers shall be such that the entire text string is within the parcel boundary.

(ii) The street name shall be in capital letters.

(4) Location. All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc length, central angle, and radius. All dimensions shall be in feet or meters, and decimals thereof to the nearest 0.01 of a foot, or 0.005 of a meter, except that angles shall be in degrees to the nearest second.

**Table 17.16.070-1**

Layer Description	Feature Type
Parcel Boundary	Line
Road Centerline	Line
Road Right-of-Way	Line
PLSS Corner	Point
Road Name	Text
Parcel Lot Number	Text

**Digital Final Plat Files. Digital submittals shall include the following layers in the DXF:**

Layer Description	Preferred Layer Name	Feature Type
Parcel Boundary	Parcels	Line
Road Centerline	Roads	Line
Road Right-of-Way	ROW	Line
PLSS Corner	Plss	Point
Road Name	RoadName	Text
Parcel Lot Number	ParcelId	Text

Digital submittals that do not conform to the above guidelines or files not readable by Clark County GIS or city of Washougal will need to be resubmitted. (Ord. 1520 § 1, 2005)

**Chapter 17.20**

**DESIGN STANDARDS\***

Sections:

- 17.20.005 Applicability.
- 17.20.020 Blocks.
- 17.20.030 Easements – Utility.
- 17.20.040 Easements – Watercourse.
- 17.20.050 Lots – Compliance with zoning provisions – Size requirements.
- 17.20.060 Lots – Double frontage.
- 17.20.070 Lots – Resubdivision.
- 17.20.080 Lots – Side lines.
- 17.20.090 Lots – Size and shape.
- 17.20.100 Streets.
- 17.20.110 Streets – Future extension.
- 17.20.120 Streets – Half streets.
- 17.20.130 Streets – Access.
- 17.20.140 Precedence of documents.

\*Prior history: Ords. 324, 1118 and 1179.

**17.20.005 Applicability.**

The provisions of this chapter shall apply to all subdivisions and short subdivisions approved under this title. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

**17.20.020 Blocks.**

The lengths, widths and shapes of blocks shall be designed so as to provide adequate building sites suitable to special needs of the type of use contemplated, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography. Notwithstanding the provisions of subsection (3) of this section, blocks within the various districts shall be designed as follows:

(1) Size. Except in the case of a unique and innovative development design, or to accommodate a large industrial or commercial development, block sizes shall be as follows:

(a) In residential and commercial districts, blocks shall not exceed 500 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. Along arterial streets, the minimum distance between intersections on arterial streets shall be 1,800 feet.

(b) In industrial districts, blocks shall not exceed one quarter mile in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify

a variation. Along arterial streets, the minimum distance between intersections on arterial streets shall be 1,800 feet.

(c) In any block over 500 feet in length, a pedestrian easement or combination pedestrian way and utility easement with a minimum width of 15 feet shall be provided through the middle of the block. If unusual conditions require blocks longer than one quarter mile, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways in the interests of traffic safety.

(2) Cul-de-Sacs. Shall be in compliance with the Washougal Engineering Standards.

(3) Exceptions. Block size and interconnectivity requirements of subsections (1) and (2) of this section may be modified by the director upon finding that such modification is necessary due to physical constraints to permit a unique, integrated development, to allow for siting of a significant commercial or industrial development, or to further the policies of the comprehensive plan. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.030 Easements – Utility.**

(1) Easements for electric lines or other public utilities may be required. Easements for utilities shall be a minimum of 10 feet in width and centered on the rear or side lot lines.

(2) Tie-back easements six feet wide by 20 feet long shall be provided for utility poles along lot lines at change of direction points of easements. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.040 Easements – Watercourse.**

Where a subdivision or short subdivision is traversed by a watercourse, an easement or drainage right-of-way of sufficient width to accommodate the watercourse may be required. Streets parallel to major watercourses may be required. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.050 Lots – Compliance with zoning provisions – Size requirements.**

(1) Lot sizes shall conform with requirements of WMC Title 18.

(2) Where property is zoned and planned for commercial or industrial use, in conformance to the intent of the comprehensive plan, other lot

dimensions and areas may be permitted at the discretion of the director.

(3) All residential lots shall have a minimum of 20 feet of right-of-way frontage on a public or private easement. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.060 Lots – Double frontage.**

Residential lots which have street frontage along two opposite lot lines shall be avoided whenever possible. Where double frontage lots are proposed, minimum lot depth shall be 100 feet. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.070 Lots – Resubdivision.**

(1) In subdividing tracts into large lots, which at some future date are likely to be resubdivided, the location of the lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street right-of-way shall be made a matter of record when required by the hearing examiner.

(2) Any land which is divided under the short subdivision provisions of this title may not be further divided in any manner within a period of five years following the date of preliminary approval; except that when the short subdivision contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine lots within the original short subdivision boundaries. If a redivision that would result in the creation of a tenth lot is proposed, it shall be considered as a subdivision, subject to a Type III process as prescribed by WMC 18.94.060. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.080 Lots – Side lines.**

The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curved streets they shall be radial to the curve. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.090 Lots – Size and shape.**

The lot size, width, shape and orientation shall be consistent with WMC Title 18 and shall be appropriate for the location of the subdivision and

for the type of development and use contemplated. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.100 Streets.**

(1) Streets within and abutting new developments shall be designed and constructed so as to meet the provisions of the city's adopted engineering standards for public works construction.

##### **(2) Public Streets.**

(a) Where a subdivision or short subdivision abuts a public street having insufficient right-of-way width to conform to current city street standards, dedication of sufficient additional right-of-way to meet city standards shall be required.

(b) Where a subdivision or short subdivision abuts a public street of insufficient paved width or a public street which does not meet the design standards of the city, the applicant shall be required to construct half-width street improvements including street trees, streetlights, sidewalks, curbs and gutters wherever such subdivision or short subdivision abuts a substandard street.

(c) The applicant shall be required to construct any public streets within the proposed subdivision or short subdivision in accordance with the design standards of the city.

(3) Private Streets. Private streets shall be permitted in subdivisions and short subdivisions in accordance with the standards set forth in Chapter 3 of engineering standards for public works construction and in compliance with WMC 17.44.170.

(4) All dead-end public and private streets shall end in an approved street end (cul-de-sac or hammerhead) as described in the current city engineering and fire standards, and approved by the city engineer.

(5) The construction, maintenance and snow removal of private streets are the responsibility of the developer or land owners served by the private street. The city is in no way obligated to maintain private streets. A note to that effect shall be placed on the face of the plat. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.110 Streets – Future extension.**

Where a subdivision or short subdivision adjoins vacant or developable land and to comply with WMC 17.20.020, the community development director or hearing examiner may require streets to be stubbed to property line abutting the adjacent developable land. Reserve strips and street plugs may be required to preserve the objectives of street extensions. The applicant is required

to provide a conceptual future street plan demonstrating street stubs are adequate to meet the city's intersection spacing/block size/cross circulation standards and showing how the proposed street stubs can be extended onto adjacent properties consistent with existing development, topography, streets, etc. Subsequent development is required to comply with the approved future street plan or obtain a modification of the plan. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.120 Streets – Half streets.**

Half streets are required for the reasonable development of the property, to assure compliance with WMC 17.20.020, and when the director or hearing examiner finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a vacant developable parcel, the other half of the street shall be platted within such parcel. Reserve strips and street plugs may be required to preserve the objectives of half streets. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.130 Streets – Access.**

Where a subdivision or short subdivision abuts or contains an existing or proposed arterial street, the director or hearing examiner may require access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997)

#### **17.20.140 Precedence of documents.**

If there is a conflict between approval documents, the document highest in precedence shall control. The precedence shall be:

- First: Permits from other agencies or jurisdictions, as may be required by law.
- Second: Hearing examiner conditions of approval, facilities review, and site development permit.
- Third: City of Washougal ordinances.
- Fourth: City of Washougal Engineering Design Manual and Standard Drawings.

Fifth: Plans and details prepared by the design engineer.

Sixth: Current Edition APWA/WDOT Standard Specifications.

(Ord. 1495 § 1, 2004)

## Chapter 17.36

### IMPROVEMENTS

#### Sections:

- 17.36.010 General requirements.
- 17.36.020 Streets.
- 17.36.030 Surface drainage and storm sewer system.
- 17.36.040 Sanitary sewers.
- 17.36.050 Water system.
- 17.36.060 Sidewalks.
- 17.36.070 Street name, stop, and no parking signs.
- 17.36.080 Streetlights.
- 17.36.090 Driveways – Street trees.

#### **17.36.010 General requirements.**

(1) Notwithstanding subsection (2) of this section all improvement required of a subdivision or short subdivision either identified as conditions of approval or otherwise required by this chapter shall be installed by the applicant and accepted by the city prior to final plat approval.

(2) Alternatives to Construction. At the applicant's request, the city may allow improvements which may be assured by a financial instrument, such as bond, escrow or certified check, in lieu of construction. The total amount of the financial instrument shall be 150 percent of the costs of actual construction, as evidenced by an estimate prepared and certified by a licensed engineer. If the developer chooses to use this method of assuring improvements, and the city agrees, the final plat may be recorded prior to completion of construction. No building permits shall be issued by the city prior to final acceptance by the city of any and all improvement required by this chapter or as a condition of approval of the development except and until the director finds the following:

(a) That the interests of the public nor the intent of this section would not be compromised by deferral of the improvements; and

(b) That affected departments and agencies agree with the deferral; and

(c) That a financial instrument as described above has been secured in the city's name for the improvements; and

(d) That the essential elements of required construction have been completed, including:

(i) Sewer, water, electricity, storm sewer systems, and discretionary utilities serving the development have been installed and accepted, and

(ii) At least the first lift of asphalt has been placed on public roadways and construction of private roadways is complete; and

(e) That the deferral of construction of improvements will not result in future damage to systems already accepted by the city for maintenance.

(3) The following improvements shall be installed at the expense of the subdivider in accordance with city requirements:

- (a) Streets, including drainage;
- (b) Sanitary sewers, unless the area is not accessible to a trunk line;
- (c) Water distribution lines;
- (d) Sidewalks in pedestrian ways;
- (e) Street name signs and streetlights.
- (f) Street trees. See WMC 17.36.090, Washougal Engineering Standards and adopted street tree standards.

(4) Other public improvements installed at the option of the subdivider shall conform to city requirements. (Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1248 § 1, 1997; Ord. 1233 § 1 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(1), 1965)

#### **17.36.020 Streets.**

(1) All streets, including alleys/lanes, within the subdivision or short subdivision and streets adjacent but only partially within the subdivision or short subdivision shall be improved.

(2) All streets shall be constructed to the Washougal Engineering Standards. (Ord. 1659 § 1 (Exh. A), 2010; Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(2), 1965)

#### **17.36.030 Surface drainage and storm sewer system.**

Surface drainage and storm sewer systems shall be designed and constructed in accordance with the Washougal Engineering Standards. (Ord. 1659 § 1 (Exh. A), 2010; Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 § 1 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(3), 1965)

#### **17.36.040 Sanitary sewers.**

(1) Sanitary sewers shall be installed to serve the short subdivision or subdivision and to connect the short subdivision or subdivision to existing mains in accordance with the engineering standards for public works construction and in compli-

ance with Chapter 14.04 WMC and WMC 14.12.010(2).

(2) Capacity, grade and material shall be as provided by the city's engineering standards for public works construction. Design shall take into account the capacity and grade to allow for desirable extension beyond the short subdivision or subdivision. The city will not require the subdivider to pay the extra cost of required oversize sewer mains or excessive depth of mains necessary to provide for extension beyond the subdivision or short subdivision.

(3) If required sewer facilities will, without further sewer construction, directly serve property outside the short subdivision or subdivision, the following arrangements will be made to equitably distribute the cost:

(a) If the area outside the short subdivision or subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the hearing examiner may require its construction and the implementation of a latecomer's agreement with such arrangement with the subdivider to assure financing his share of the construction.

(b) If the installation is not made as an assessment project, the city will reimburse the subdivider an amount estimated to be the proportionate share of the cost of each connection made to the sewer by property owners outside of the subdivision or short subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be as determined by the director of public works at the time of approval of the plat, considering current construction costs.

(4) Public sanitary sewer systems and distribution lines shall not be within lots, but are required to be in a separate tract or public rights-of-way dedicated to the city of Washougal. (Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(4), 1965)

#### **17.36.050 Water system.**

(1) Water lines and fire hydrants serving the subdivision and connecting the subdivision or short subdivision to city mains shall be installed.

(2) Material, size and location of water mains, valves and hydrants shall be in accordance with the city's engineering standards for public works construction. Design shall take into account provisions for extension beyond the subdivision and to adequately grid the city system. The city will not require the subdivider to pay for the extra cost of

oversize mains not necessary to serve the subdivision.

(3) If required water mains will directly serve property outside the subdivision, the city will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of mains. The actual amount shall be determined by the director of public works at the time of preliminary approval of the plat, considering current construction costs.

(4) Public water systems and lines shall not be within lots, but are required to be in a separate tract or public rights-of-way dedicated to the city of Washougal. (Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(5), 1965)

#### **17.36.060 Sidewalks.**

(1) Sidewalks shall be installed along all public and private streets within a subdivision or short subdivision and along the frontage of public or private streets or public street rights-of-way that abut the parent parcel. All sidewalks constructed within the subdivision or short subdivision shall be in accordance with the city's adopted engineering standards for public works construction. Construction of all required sidewalks shall occur prior to final plat.

(2) Sidewalks shall be constructed along all street frontages to the design and dimensional standard required according to the street classification, prior to final plat approval. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(6), 1965)

#### **17.36.070 Street name, stop, and no parking signs.**

Street name, stop and no parking signs shall be installed according to city standards prior to final plat according to the preliminary plat approval. (Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(7), 1965)

#### **17.36.080 Streetlights.**

Streetlights shall be installed to city standards within each subdivision and along all street frontages, and at the intersection of a private street and public street in compliance with the city of Washougal Engineering Standards. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1495 § 1, 2004; Ord. 1451 § 1,

2003; Ord. 1421, 2001; Ord. 1233 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(8), 1965)

#### **17.36.090 Driveways – Street trees.**

(1) Curb cuts and driveway installations are not required of the subdivider, but, if installed, shall be according to city standards.

(2) Street tree planting is required of the subdivider, and shall be according to city requirements of a species compatible with the width of the planting strip, or planting vaults located every 30 feet when sidewalks are attached to curbs. Planter strips shall be planted an average of every 30 feet on center with a deciduous canopy tree, and the balance of the planter strip planted and maintained with live groundcover. Street trees shall have a one-and-one-half-inch caliper diameter at breast height (DBH) at time of planting and shall reach a mature height of at least 50 feet to top of crown. Street trees shall be certified by registered landscape architect or certified arborist to be of a variety with a root structure that is least intrusive into utility lines or disruptive to sidewalks. Street trees shall comply with the requirements of Section 3A.18 – Landscaping in the right-of-way, Easements and Access Tracts of the city of Washougal Engineering Standards. (Ord. 1495 § 1, 2004; Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1233 (Exh. A), 1997; Ord. 1179 § 1, 1995; Ord. 324 § 16(9), 1965)

**Chapter 17.44****SHORT PLATS AND SUBDIVISIONS**

## Sections:

- 17.44.010 Applicability.
- 17.44.020 Exemptions.
- 17.44.030 Approvable exemptions.
- 17.44.040 Definitions.
- 17.44.050 Administration.
- 17.44.060 General procedures.
- 17.44.070 Submission of application.
- 17.44.080 Processing of application.
- 17.44.090 Recommendations.
- 17.44.100 Review and decision.
- 17.44.110 Recording and final approval.
- 17.44.120 Subdivision/short subdivision resubmitted.
- 17.44.130 Aggrieved parties.
- 17.44.140 General design standards.
- 17.44.150 Standard minimum lot sizes, dimensions and proportions.
- 17.44.160 Lot access.
- 17.44.170 Public and private streets.
- 17.44.180 Water supply and sanitary sewer system.
- 17.44.190 Utility and drainage easements.
- 17.44.200 Enforcement.
- 17.44.210 Limitation on further division.
- 17.44.220 Grading permits.

**17.44.010 Applicability.**

Every division of land within the incorporated area of the city shall proceed in compliance with this chapter.

For purposes of clarifying the full impact of an adjacent parcel subdivision or short subdivision, a parcel of land or contiguous parcels under a single ownership shall not be partitioned for transfer of ownership or building development so as to conflict with applicable standards for subdivisions as set forth in this title. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 3.10, 1978)

**17.44.020 Exemptions.**

The provisions of this chapter shall not apply to:

- (1) Any cemetery or burial plot, while used for that purpose;
- (2) Any division of land made by testamentary provision, or the laws of descent, but only allowing for agricultural use unless heirs comply with the provisions of the ordinance codified in this chapter and other applicable city ordinances;

- (3) Any division of land resulting from a public dedication. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 3.20, 1978)

**17.44.030 Approvable exemptions.**

The director shall review and may approve the following land divisions, upon finding that all requirements of this code, notwithstanding the procedural requirements of subdivisions and short subdivisions provided in this chapter, have been satisfied:

(1) Boundary line adjustments, where no new lots are created, nor are any resulting lots reduced below the standards of the zoning ordinance and district in which the boundary line adjustment is requested;

(2) Divisions for the purpose of foreclosure or financial security;

(3) Any division of land for the purpose of public dedication;

(4) Any division created by court action other than for testamentary provision or the laws of descent. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 3.30, 1978)

**17.44.040 Definitions.**

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section:

(1) "Access panhandle" means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby, and designed for the purpose of providing access to a lot, tract or parcel not having full frontage on a public street.

(2) "Applicant," see "short subdivider" and "subdivider."

(3) "City of Washougal department" means the department of community development.

(4) "Director" means the community development director, or designated representative.

(5) "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, parcels, sites or divisions.

(6) "Lot depth" means the distance measured between the midpoints of the two principal side lot lines and at approximately right angles to the lot depth.

(7) "Public 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 uses to which the property has been devoted.

(8) "Short subdivision plat" means a document consisting of a map of a short subdivision, together with written certificates and data, showing thereon the division of a tract of land into lots.

(9) "Short subdivider" means a person, including a corporate person, who undertakes to create a short subdivision, for the purpose of this chapter.

(10) "Subdivider" means a person, including a corporate person, who undertakes to create a subdivision or short subdivision, for the purpose of this chapter.

(11) "Short subdivision" means the division of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease.

(12) "Subdivision" means the division of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease. (Ord. 1629 § 1 (Exh. A), 2009; amended during 9/08 supplement; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1193 § 1 (Exh. D), 1996; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 4.0, 1978)

#### **17.44.050 Administration.**

The community development director is vested with duty of administering and interpreting the provisions of this chapter. The director may prepare and require the use of such forms as deemed essential to the administration of this chapter. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1193 § 1 (Exh. D), 1996; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 5.0, 1978)

#### **17.44.060 General procedures.**

Any subdivider or short subdivider intending to divide land by this chapter shall obtain a subdivision or short subdivision application from the department. The completed application shall then be submitted to the department. The plat will be approved or disapproved within the timelines identified at WMC 18.94.130. (Ord. 1421, 2001; Ord. 1193 § 1 (Exh. D), 1996; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 5.0, 1978)

#### **17.44.070 Submission of application.**

Subdivision or short subdivision applications are to be submitted to the city's community development department. The application shall be submitted in compliance with Chapter 17.12 WMC. (Amended during 9/08 supplement; Ord. 1421, 2001; Ord. 1193 § 1 (Exh. D), 1996; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 6.20, 1978)

#### **17.44.080 Processing of application.**

Upon submission of a short subdivision or subdivision application, the department shall determine whether the submittal requirements of this chapter have been met. If these requirements have been met and the application fees have been paid to the department, the department shall then date the receipt of the application and promptly forward copies to the city fire chief, the school district, the public utility district, telephone, gas, cable companies and any other agencies or individuals that the director may deem appropriate for recommendations. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 6.30, 1978)

#### **17.44.090 Recommendations.**

(1) The city fire chief, the school district, the public utility district, the public works department, General Telephone, Northwest Natural Gas and cable TV shall make their respective recommendations as to the adequacy of the water supply, surface drainage, access to city streets, electrical service, and the general layout of the proposed subdivision or short subdivision. Additionally, they may make recommendations affecting public health, safety and welfare in regard to the proposed subdivision or short subdivision.

(2) The recommendation shall be in writing and shall be forwarded to the director within 15 days from the day the subdivision or short subdivision notice of application is issued from the department by the respective offices. Copies of these recommendations shall then be attached to the subdivision or short subdivision applications by the director for forwarding to the subdivider or short subdivider. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 6.40, 1978)

#### **17.44.100 Review and decision.**

Any proposed subdivision or short subdivision shall be approved only if the director or designee and/or the hearing examiner, in the case of a subdivision, makes written findings that appropriate provisions are made for the public health, safety and general welfare, and for such open spaces, drainageways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to school, and that the public use and interest will be served by the platting of such sub-

division or short subdivision. Any such approval shall be contingent upon the applicant satisfying such conditions as are necessary to meet the design standards of the city and to ensure that adequate provisions are made for the public health, safety and general welfare. (Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 6.50, 1978)

**17.44.110 Recording and final approval.**

Whenever an application for a subdivision or short subdivision has been approved, the subdivider shall then have a 17-inch by 22-inch mylar prepared by a registered surveyor. Such mylar shall be entitled "subdivision" or "short subdivision" and shall contain a surveyor's certificate that the map is a true and correct representation of lands actually surveyed by the surveyor or under his direction, and the auditor's recording information. No subdivision or short subdivision shall be deemed finally approved and complete until a copy of the mylar has been filed with the city and a copy has been recorded with the Clark County auditor. No building permits shall be issued until such time as the community development department has received a copy of the recorded plat. (Amended during 9/08 supplement; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 6.60, 1978)

**17.44.120 Subdivision/short subdivision resubmitted.**

A subdivision or short subdivision plat disapproved by the city may not be resubmitted for one year from date of denial. The application fee shall be paid upon each resubmission. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 6.70, 1978)

**17.44.130 Aggrieved parties.**

(1) Any person with standing aggrieved by a final decision of the director to approve or disapprove a proposed short subdivision plat may appeal the decision to the hearing examiner of the city within 15 days following issuance of the decision.

(2) Any person with standing aggrieved by a hearing examiner decision to approve or disapprove a proposed subdivision plat may appeal the decision to superior court within 21 calendar days of the decision.

(3) Any hearing examiner decision approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or

nonaction by writ of review before the superior court of the county. The action may be brought by any person aggrieved and with standing, as defined in the RCW, to Clark County superior court or a LUPA appeal by filing with said court according to RCW 36.70C.040. The cost of transcription of all records ordered certified by the court for such review shall be borne by the aggrieved.

(a) Fees. A fee as identified at WMC 3.90.010 shall be submitted with an application fee for an appeal of a director's decision.

(b) Information Required. All information identified in WMC 18.94.140 shall be submitted with a completed appeal application for appeals other than an appeal of the hearing examiner's final decision.

(c) Appeal Procedures. Upon receipt of a technically complete appeal application, the director shall process the appeal application as identified in WMC 18.94.140. (Ord. 1451 § 1, 2003; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 6.80, 1978)

**17.44.140 General design standards.**

(1) All roads, private roads, bridges, drains, culverts, sidewalks, curbs, storm sewers, and related structures or devices shall be constructed in accordance with standards currently in effect at the time of construction.

(2) Land on which exists any topographic conditions hazardous to the safety or general welfare of persons or property in or near a proposed subdivision or short subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards, or unless land subject to the hazard is reserved for uses as will not expose persons or property to the hazards. Protective improvements and restrictions on use shall be clearly noted on the plat. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 7.10, 1978)

**17.44.150 Standard minimum lot sizes, dimensions and proportions.**

(1) Lots shall conform to the zoning ordinance of the city in effect at the time of a technically complete preliminary plat application filed for review.

(2) One flag lot will be allowed per development. Flag lots are not to be used to circumvent public or private road standards.

(3) Minimum width of a flag lot access strip shall be 20 feet. Maximum length of a flag lot access strip shall be 100 feet, without approval of

the director. (Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 7.20, 1978)

#### **17.44.160 Lot access.**

Every lot shall be provided satisfactory access by a paved private or public road which connects to an existing public road. Access roads shall be based on standards defined in WMC 17.44.170. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 7.30, 1978)

#### **17.44.170 Public and private streets.**

(1) Where a subdivision or short subdivision abuts a public street having insufficient width to conform to current city road standards, dedication of sufficient additional right-of-way to the city shall be required.

(2) Where a subdivision or short subdivision abuts a public road of insufficient width or a public road which does not meet the design standards of the city, the applicant shall be required to construct half-width street improvements including street-lights, street trees, sidewalks, curbs and gutters, wherever such subdivision or short subdivision abuts a substandard road, for the length of the frontage.

(3) The applicant shall be required to construct any public or private streets within the proposed subdivision or short subdivision in accordance with the design standards of the city (see engineering standards).

(4) It is the city's policy to discourage and limit private streets and to only permit them under unusual circumstances.

(5) Private streets may be accepted if all of the following apply:

(a) The director determines that no other access is available and the private street is adequate for the area it is to service.

(b) The private street will service four or fewer buildable lots.

(c) A street maintenance agreement becomes part of the deed and covenants have been approved, recorded, and verified with the city which provide for maintenance of the private streets and associated parking areas by owners in the development.

(d) It is not practical for the street to be extended to property outside the subdivision or short subdivision except as limited by this section.

(e) Subdivisions and short subdivisions shall be served by a publicly maintained street, although private streets can extend off of the public street to serve individual lots or groups of lots but may not

be extended from a street end/cul-de-sac, and shall not circumvent public road standards.

(f) Private and public streets shall comply with the current city engineering standards, including street ends.

(g) Provisions are made for the streets to be open at all times for emergency and public service vehicles. Private streets shall be posted "no parking" and development covenants shall allow residents to call for towing of illegally parked vehicles. The "no parking" signs are to also include this warning.

(h) The private streets will not obstruct public street circulation. The streets serve commercial or industrial facilities where no circulation continuity is necessary.

(6) Reduction of requirements for private streets shall be reviewed against the city engineering standards and the criteria listed below, and may be requested by a street modification request submitted to the city engineer as described at Section 1.08 – Design Modifications Process of the city of Washougal Engineering Standards.

(7) Criteria for authorizing reduction in private street requirements:

(a) Topography, right-of-way, or other geographic conditions impose a severe hardship on the applicant and an equivalent alternative which can accomplish the same design is available that does not compromise public safety or create unreasonable risk or a long-term maintenance expense.

(b) The total area of the subdivision/development site must be less than two acres.

(c) The minimum width of the subdivision/development site must be less than 130 feet.

(d) The developer must enter into a covenant with the city that would forbid the extension of this street to adjacent property and prohibit the use of the street by adjacent property unless the right-of-way of the street is increased to public city standards and place a note to that effect on the face of the plat.

(e) The specification or standard does not apply in the particular application. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1495 § 1, 2004; Ord. 1421, 2001; Ord. 1193 § 1 (Exh. D), 1996; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 7.40, 1978)

#### **17.44.180 Water supply and sanitary sewer system.**

(1) It will be the responsibility of the subdivider to provide each lot within the division with a source of public water and sanitary sewer in accor-

dance with city standards and as approved by the public works director.

(2) Any ancillary pump stations or necessary facilities to provide water and/or sewer shall be borne by the developer or subdivider. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 7.50, 1978)

#### **17.44.190 Utility and drainage easements.**

(1) Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure maintenance and to permit future utility installations.

(2) Easements for drainage channels and ways shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm sewers, where utilized, shall be provided and shall be of sufficient width and proper location to permit installation and maintenance. The specific dimensions of such easement shall be determined by adopted city of Washougal Engineering Standards, policy or regulations of the public agency responsible for providing the service. (Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 827, 1984; Ord. 672 § 7.60, 1978)

#### **17.44.200 Enforcement.**

(1) No person, firm or corporation, or any agent of these, shall transfer, sell, lease or offer for transfer, sale or lease until a plat has been approved and filed with the county auditor.

(2) When any person divides, or attempts to divide, land subject to the provisions of this chapter, illegally outside the provision of this chapter, without having secured approval or, prior to the filing of the plat with the county auditor, the city attorney shall commence enforcement action to compel compliance with this chapter. The cost of such action shall be taxed against the person, firm or corporation transferring, selling or leasing the land.

(3) Any person, firm or corporation, or agent of any of these, who knowingly certifies that a proposed subdivision or short subdivision is not intended for residential, commercial or industrial purposes and/or misrepresents the stated purpose of the subdivision or short subdivision, is guilty of a gross misdemeanor.

(4) No developmental permit (such as a building permit) shall be issued for any lot divided in violation of this chapter.

(5) Any person, firm or corporation, or any agent of these who violates this chapter or Chapter 58.17 RCW relating to the sale, offer for sale, lease

or transfer of any lot within a subdivision or short subdivision is guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot in violation of any provision of this chapter is a separate and distinct offense.

(6) Whenever any land within any subdivision or short subdivision granted final approval is used in a manner or for a purpose which violates any provisions of this chapter, WMC Title 18, Zoning, or any term or condition of approval, then the city may commence an action to restrain and enjoin such use and compel compliance with the provisions of this chapter or with such terms or conditions of approval. The costs of such action, including reasonable attorney's fees, may be assessed against the violator.

(7) Enforcement action shall be processed and assessed as described at Chapter 18.96 WMC, Enforcement. (Ord. 1472 § 1, 2004; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § 1 (Exh. A), 1993; Ord. 827, 1984; Ord. 672 § 11.0, 1978)

#### **17.44.210 Limitation on further division.**

Any land which is divided under the provisions of this chapter may not be further divided in any manner within a period of five years without complying with the provisions of Chapters 17.12 and 17.16 WMC; except that when the short subdivision 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 subdivision boundaries. (Ord. 1629 § 1 (Exh. A), 2009; Ord. 1472 § 1, 2004; Ord. 1421, 2001; Ord. 1179 § 1, 1995; Ord. 1118 § Exh. A, 1993)

#### **17.44.220 Grading permits.**

Approved construction plans for a subdivision or short subdivision constitutes as the grading permit for the specific project. A grading permit shall not be issued separately. (Ord. 1472 § 1, 2004)

## Chapter 17.48

### BINDING SITE PLANS

#### Sections:

- 17.48.010 Purpose.
- 17.48.020 Applicability.
- 17.48.030 Requirements and limitations.
- 17.48.040 Alterations.
- 17.48.050 Vacations.
- 17.48.060 Recording.

#### 17.48.010 Purpose.

The purposes of this chapter are:

- (1) To provide an alternative method for division of land for commercial and industrial zoned property, mobile home parks, trailer parks or condominiums;
- (2) To allow the director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the city;
- (3) To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and
- (4) To specify administrative requirements for binding site plans in addition to the procedural requirements of WMC Title 18 and in accordance with applicable Washington State and city of Washougal laws, rules and regulations. (Ord. 1421, 2001)

#### 17.48.020 Applicability.

(1) Any person seeking the use of a binding site plan process to divide property for the purpose of sale, lease or transfer of ownership of commercial or industrial zone property, lease of mobile homes, or travel trailers or creation of condominium units is required to have an approved binding site plan prior to any property division, as provided for in Chapters 58.17, 64.32 or 64.34 RCW, and as required by this chapter. A binding site plan for a condominium shall be based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit issued for the entire site or a general site plan showing the anticipated development plan for the entire site, notwithstanding the provisions of Chapter 18.88 WMC, Site Plan Approval.

(2) The site that is subject to the binding site plan shall consist of one or more contiguous lots.

(3) The site that is subject to the binding site plan may be reviewed independently for developed

sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.

(4) The binding site plan process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon. (Ord. 1421, 2001)

#### 17.48.030 Requirements and limitations.

(1) The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

(2) The binding site plan shall:

(a) Identify the areas and locations of all streets, roads, improvements, utilities, open spaces, sensitive areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features and building envelopes;

(b) Contain inscriptions of attachments setting forth such limitations and conditions for the use of the land as are established by the director;

(c) Contain provisions requiring any development or division of land to be in conformance with the approved site plan.

(3) Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms. (Ord. 1421, 2001)

#### 17.48.040 Alterations.

(1) Alterations of a binding site plan shall be accomplished by following the same process required for a new application as set forth in this chapter.

(2) Changes to a building permit, planned unit development, subdivision or short subdivision, site development permit within a binding site plan area shall also require alteration of the binding site plan unless the director determines that such changes are consistent with the approved binding site plan. (Ord. 1421, 2001)

#### 17.48.050 Vacations.

(1) Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the

vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision or another binding site plan.

(2) If a building permit or commercial site development permit is revised or expires, then the binding site plan shall be vacated unless the director determines that the revision or expiration is consistent with the approved binding site plan. (Ord. 1421, 2001)

#### **17.48.060 Recording.**

(1) Plat certificates or owner's duplicate certificates for registered land pursuant to Chapter 65.12 RCW shall be provided to the department by the owner along with a copy of the last real estate transaction for all adjoining unplatted parcels.

(2) Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a land surveyor. A final binding site plan shall be prepared in compliance with city of Washougal document recording requirements.

(3) The approved binding site plan recording documents shall include the following:

(a) Identification of lots by number on a binding site plan containing more than one lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purposes;

(b) Signature and stamp of the land surveyor who prepared the binding site plan in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW;

(c) Reference to the recording number of the completed survey if the boundaries have been previously surveyed;

(d) Reference to all agreements or covenants required as a condition of approval;

(e) Notarized signatures of all parties having an ownership interest in the land being divided;

(f) All items identified at final plat – WMC 17.16.030.

(4) Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchase or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

(5) No person shall sell, transfer or lease 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.

(6) The binding site plan shall set forth limitations and conditions, including irrevocable dedications of property and containing a provision that any development of the site shall be in conformity with the approved binding site plan. (Ord. 1421, 2001)

