

Title 16
SUBDIVISIONS

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Chapter 16.04

GENERAL PROVISIONS

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16.04.005 **Short Title.**

The ordinance shall be known as "The Subdivision and Short Plat Ordinance" of the Town of Lyman which shall constitute Title 16 of the Lyman Municipal Code and shall hereafter be referred to as this Title.

16.04.010 **Purpose.**

The purpose of this Title is to implement the authority granted to the Town by RCW Chapter 58.17 and to conform to its provisions which govern the platting and subdivision of land.

16.04.020 **Exemptions from platting regulations.**

Pursuant to RCW Chapter 58.17, the provisions of this Title shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. Divisions of land into lots or tracts classified for industrial or commercial use when the Town has approved a binding site plan for the use of the land in accordance with Town regulations;
4. A division for the purpose of lease when no residential structure other than mobile homes or travel trailer are to be placed upon the land when a binding site plan has been approved for the use of the land.
5. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
6. Divisions of land into lots or tracts if (a) The improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (b) the town, or county has approved a binding site plan for such land; and (c) the binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest."

Exemptions provided by this section shall not be construed as exemptions from compliance with other applicable development standards required by the Lyman Municipal Code and Ordinances.

16.04.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

1. "**Subdivision**" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.
2. "**Plat**" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
3. "**Dedication**" is 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. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.
4. "**Preliminary plat**" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
5. "**Final plat**" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.
6. "**Short subdivision**" is the division or redivision of land into four or fewer lots tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
7. "**Binding site plan**" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Town in approving the site plan; and (c) contains provisions making any development be in conformity with the site plan.
8. "**Short plat**" is the map or representation of a short subdivision.
9. "**Lot**" is 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 or parcels.
10. "**Block**" is a group of lots, tracts, or parcels within well defined and fixed boundaries.
11. "**Code**" is the Lyman Municipal Code or ordinances.
12. "**Town Engineer**" is the engineer employed by the Town of Lyman.
13. "**Planning Director**" or "**Director**" is the planner employed by the Town of Lyman.

16.04.040 Compliance with state law and Land Use Code.

Every division of land shall comply with the provisions of RCW Chapter 58.17 and the provisions of this Title. They shall conform to the Comprehensive Plan and all zoning regulations, in effect at the time any preliminary plat is approved. Lots shall be of a size and dimension and have access adequate to satisfy the requirements of this Title.

16.04.050 Effect of Noncompliance.

No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of RCW Chapter 58.17 or this subtitle, unless the Director finds that the public interest will not be adversely affected by the decision. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchaser's or transferee's property shall comply with provisions of RCW Chapter 58.17 and this chapter, and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling or transferring land in violation of RCW Chapter 58.17 or this chapter, including any amount reasonably spent as a result of any inability to obtain any development permit and spent to conform to the requirements of RCW Chapter 58.17 and this chapter as well as the cost of investigation, suit and reasonable attorney's fees. A purchaser or transferee may, as an alternative to conforming the property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees.

Chapter 16.08

SUBDIVISIONS

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Subchapter I Preliminary Plat Process.

16.08.016 Application.

- A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Planning Director and the Town Engineer.
- B. Following the review, the subdivider shall submit an application to the Planning Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat showing preliminary plans for

streets and other improvements including but not limited to water lines, sewer lines, and drainage. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of a planned unit development upon the property to be subdivided.

- C. Applications shall be processed according to the procedures set forth in Chapter 10.68 Land Use Permit Process, and the additional procedures established in this subchapter.
- D. A preliminary plat shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of the time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time required for environmental review.

16.08.020 **Content of plat.**

- A. Every preliminary plat shall consist of one (1) or more maps together with written data including the following:
 - 1. The name of the proposed subdivision;
 - 2. North point and scale; the location of existing property lines: streets, building, if any; watercourses and all general features;
 - 3. The legal description of the land contained within the subdivision;
 - 4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;
 - 5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;
 - 6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;
 - 7. The names of adjoining plats;
 - 8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;
 - 9. The date of the survey;
 - 10. All existing monuments and markers located by the survey;
 - 11. The zoning classification applicable to the land within the subdivision;
 - 12. The conditions of or the limitations on dedications, if any, including slope rights;
 - 13. Contour intervals as required, based upon Town datum.
- B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.
- C. The plat shall comply with the technical requirements of Subchapters V and VI.

16.08.022 **Distribution of preliminary plans.**

If the Director determines that the subdivider has met all the application requirements for the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, the Director shall affix a file number and date of receipt to the application and promptly forward three (3) copies of the plat to the Town Engineer. The Director shall also forward a copy of the preliminary plat to each of the following:

- A. Skagit County Health
- B. Puget Power
- C. Director of Buildings

- D. Chief, Fire Department
- E. Skagit County Sheriff Department
- F. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Secretary of Transportation. The transportation authority shall respond within fifteen (15) days as to the effect that the proposed subdivision will have on the state highway or the state or municipal airport; who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Town Engineer shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of these improvements.

16.08.024 Planning Director review.

The Planning Director shall: review the preliminary plat for conformance with the minimum standards of this Chapter and the Comprehensive Plan; consider all comments submitted by affected agencies and recommend approval on condition or disapproval in a report submitted to the Town Council. The Planning Director recommendations made by the Planning Director shall be based on written findings of fact.

The final recommendation of the Planning Director shall be forwarded to the Town Council prior to its following meeting at which a public hearing shall be held on the preliminary plat. Notification of the public hearing shall be given in accordance with this Title.

16.08.026 Council review.

Pursuant to 58.17 RCW, upon receipt of the Planning Director recommendations, the Town Council shall at its next public meeting conduct a public hearing after which it may adopt or reject the recommendations. If after hearing the matter, the Town Council determines that a change is necessary in the Planning Director's or the Town Engineer's recommendation, it shall adopt its own recommendations and approve or disapprove the preliminary plat. The Town Council's decision shall clearly state any conditions of approval imposed, including dedications and the construction of protective improvements. Town Council final action shall be based on written findings of fact. If the preliminary plat is approved, the decision shall include a written finding of fact that the proposed subdivision is in conformity with the applicable provisions of this Title.

16.08.028 Effect of preliminary plat approval.

- A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the Town Engineer and subject to any conditions imposed by the Town Council.
- B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the Town Council determines that a change in conditions created a serious threat to the public health or safety.
- C. Preliminary plat approval is valid for three years.

Subchapter II Preliminary Plat Consideration.

16.08.050 Topographical and surface hazards--Protective improvements.

Land having topographical or subsurface conditions hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is restricted to uses which will not expose persons or property to the hazard. Protective improvements consistent with the standards established in

Subchapter VI shall be constructed, prior to final plat approval unless a performance bond acceptable to the Town Engineer and Town Council is filed in lieu of the improvements.

16.08.052 Dedications required.

- A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the Town.
- C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Town Engineer determines that the following conditions exist, and permits access by a permanent private easement:
 - 1. Access by easement would not compromise the goals of the Zoning Code to provide for adequate light, air and usable open space between structures; and
 - 2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
 - 3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
 - 4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
 - 5. There is not potential for extending the street system.
- D. If the Town Council concludes that the public interest will be served the Town Council may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The Town Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Town Council may impose other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.
- E. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quitclaim deed to the grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.
- F. Dedicated streets and alleys shall meet the requirements of Chapter 12.28. Easements shall meet the design standards of Section 12.28.150 for access streets, except that the minimum width of an easement shall be thirty feet (30').

16.08.054 Public use and interest.

The Town Council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water

supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and school grounds and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If it finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Town Council may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Town Council shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Subchapter III Review of Final Plat.

16.08.064 Filing with Town Engineer.

- A. Time of Filing.
1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this chapter, shall be filed with the Town Engineer within three (3) years of the date of preliminary plat approval. As required by RCW 58.17.140, an applicant who files a written request with the Town Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.
 2. Within thirty (30) days of the date of filing of the plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Town Council, or returned to the applicant.
- B. Submittal Requirements. The following shall be submitted for final plat review:
1. A final plat consistent with the technical requirements of Section 16.08.066 and Subchapters V and VI;
 2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;
 3. Complete field and computation notes as provided in 16.08.094;
 4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.066.
 5. A guarantee deposit in an amount established by the Town Engineer sufficient to cover the expense of the Town in checking the plat, advertising the ordinance, posting notices.

16.08.066 Technical standards for final plat.

- A. The final plat shall be prepared upon the best grade of tracing medium and shall be eighteen inches (18") by twenty-four inches (24") in size. The accuracy and completeness of the map shall be the sole responsibility of a registered land surveyor whose seal shall appear on the plat and who shall make field surveys and investigations as necessary to insure that the map is complete and accurate in every detail. The preparation of the tracing shall be by an experienced draftsman and work shall conform to established standards of workmanship. The final plat shall be presented at a scale not smaller than one hundred feet (100') to one inch (1") and shall contain and show the following:
1. The name of the subdivision;
 2. The lines, widths and names of all streets, avenues, places, parks or other public property, and the location of monuments marking the same;
 3. The length and direction of all lot lines, also the angles made by the lot lines with the street lines;
 4. The location of control points and monuments together with all ties;
 5. The names of all subdivisions immediately adjacent;
 6. The scale and north point;
 7. The boundary of the tract as covered by the plat showing courses and distance on the plat;

8. The initial point;
 9. All protective improvements and restrictions on uses.
 10. All dedications and all conveyances to a homeowner's nonprofit maintenance corporation in lieu of dedication.
 11. Any additional information necessary to meet the standards for mapping as set forth in WAC 332-130.
- B. In the case of a replat, the lots, blocks, streets, alleys, easements and parks appearing on the original plat shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, and the new plat shall be shown clearly in solid lines to avoid ambiguity.
- C. The description, dedication, acknowledgment, certificates of Town and County Treasurers, certificates of approval by the Town Engineer, and the Planning Director, and recording certificate, shall be lettered with India ink and shall be substantially in the form set forth in the Town Engineer subdivision standards.

16.08.068 Certificates required.

Each and every final plat, or replat, of any property to be filed for record shall:

1. Contain a statement of approval from the Town Engineer as to the survey date, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures;
2. Be acknowledged by the person filing the plat before the Skagit County Auditor or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to the plat and recorded with it;
3. Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;
4. Contain a certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owners. If the plat is subject to a dedication, the certificate or a separate written instrument shall also contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and recorded as part of the final plat.

16.08.070 Director's action on final plat.

The Town Engineer shall refer the final plat to the Planning Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the Town Council, and to the standards established by RCW Chapter 58.17 and this chapter. The Planning Director shall within ten (10) days furnish the Town Engineer with a report regarding the conformance of the plat. The Town Engineer shall review the final plat for the following:

- A. That the proposed final plat bears the certificates and statements of approval required by state law and this chapter:
- B. That a title insurance report furnished by the subdivider confirms that title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate:
- C. That the facilities and improvements required to be provided by the subdivider have been completed or alternatively, that the subdivider will provide a bond in a form approved by the City Attorney and in an amount commensurate with the cost of improvements remaining to be completed, conditioned upon the

construction and installation of improvements within a fixed time set by the Town Engineer, not to exceed one (1) year after final approval of the plat;

- D. That the map is technically correct and accurate as certified by the registered land surveyor responsible for the plat.

16.08.072 **Submission to Council.**

- A. Pursuant to the requirements of RCW 58.17.150, the Town Engineer shall not modify the recommendations made in the Town Council approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.
- B. If the Planning Director and the Town Engineer determine that the requirements of this subtitle are met, the Town Engineer shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this chapter, and shall forward a complete copy of the proposed plat to the Town Council.
- C. If either Director determines that the requirements of this Chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Town Council together with the determination of the Directors, upon written request of the subdivider.

16.08.074 **Council determination.**

- A. The Town Council shall determine:
 - 1. Whether the final plat is in substantial conformance with the approved preliminary plat:
 - 2. Whether the requirements imposed when the preliminary plat was approved have been met:
 - 3. Whether the bond, if required by the Town, is sufficient in its terms to assure completion of improvements; and
 - 4. Whether the requirements of state law and the Lyman Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.
- B. The Town Council shall approve by ordinance, or disapprove, the proposed final plat. If the Town Council approves the plat, it shall inscribe and execute written approval on the face of the plat, and the Town Engineer shall transmit the original plat to the Skagit County Auditor for filing, and forward one (1) copy to the Planning Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Town Engineer.
- C. As required by RCW 58.17.170, a subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Zoning code for a period of no less than five (5) years.

16.08.078 **Resubmission.**

- A. Any final plat disapproved by the Town Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following condition:
 - 1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved:
 - 2. The final plat is resubmitted within the three (3) year period after the date of approval of the preliminary plat as provided in 16.08.064 or within six (6) months from the date of Town Council disapproval whichever is later:
 - 3. The final plat was not disapproved by Town Council with prejudice against resubmission:
 - 4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

- B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

Subchapter IV Reserved Land.

16.08.082 Land reserved for public use.

Any public agency with the power to acquire land by condemnation or otherwise for public use may, at any time prior to final approval of a preliminary plat, notify the Town Council and the subdivider of its intention to acquire some or all of the land in the proposed subdivision for public use, and may request that the Town Council require its dedication for the use, the public agency may request that the Town Council require the reservation of the land for a stated period not to exceed the two (2) years following the Town Council's approval of the final plat, during which time the agency may acquire the land. If the Town Council finds that the public health, safety, or general welfare will be served, it may require as a conditional precedent to approval of the final plat that the land or that part of it as the Town Council deems appropriate be designated on the plat as reserved land and that for the period requested or a shorter period as the Town Council deems sufficient, the reserved land not be developed for uses other than the contemplated public use. A public agency may accelerate the expiration date of a reservation period by filing written notice with the Skagit County Auditor of its intention to abandon its right to acquire the reserved land.

16.08.084 Reserved land to show on plat.

The subdivider may indicate on the plat that if the reserved land is not acquired for public use, it shall be subdivided and if the subdivider does so the plat shall show the configuration and dimensions of the proposed lots, blocks, streets, easements and like features in the reserved area.

16.08.086 No development on reserved land.

No building permit or other development permit shall be issued for improvements on reserved land during the period of reservation unless the public agency has abandoned its rights and except as expressly authorized by the Town Council at the time the final plat is approved.

16.08.088 Development if not acquired.

If the public agency has not acquired or commenced proceedings to acquire the reserved lands within the period set by the Town Council, the subdivider may proceed to develop land lying within the reserved area in conformity with the final plat. No improvements shall be made upon reserved land which is made available for development until adequate security for development of all required public and protective improvements has been provided.

Subchapter V Survey Requirements

16.08.092 Registered land surveyor.

A survey of every proposed subdivision and the preparation of preliminary and final plats of the subdivision shall be prepared by a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.

16.08.094 Computations -- Notes.

- A. The surveyor shall furnish the Town Engineer with a full set of survey notes which notes shall clearly show:
1. The ties to each permanent monument;
 2. At least three (3) durable, distinctive reference points or monuments;
 3. Sufficient data to determine readily the bearing and length of each line;
 4. The base meridian referred to.

- B. A traverse of the boundaries of the subdivision and all lots and blocks shall close within one foot (1') in five thousand feet (5,000'), as required by WAC 332-130.
- C. Primary survey control points shall be referenced to section corners and monuments, and corners of adjoining subdivisions, or portions of subdivisions shall be identified and ties shown.

16.08.096 **Permanent control monuments.**

- A. Permanent control monuments shall be established at:
 - 1. All controlling corners on the boundaries of the subdivision;
 - 2. The intersections of centerlines of roads within the subdivisions;
 - 3. The beginning and ends of curves on centerlines;
 - 4. All block corners.
- B. Permanent control monuments may be placed on the offset lines. The position and type of every permanent monument shall be noted on all plats of the subdivision. Permanent control monuments shall be of a type approved by the Town Engineer.
- C. Permanent control monuments within the streets shall be set after the streets are graded. In the event a final plat is approved before streets are graded, the security deposit to provide for grading shall be sufficient to pay the costs of setting the monuments estimated by the Town Engineer.
- D. Each lot corner shall be marked by a three-quarter-inch (3/4") galvanized iron pipe, twenty-four inches (24") in length, or approved equivalent, driven into the ground, set with C cap per the requirements of RCW 58.19.120.

16.08.098 **Property contiguous to water.**

If any land in a subdivision is contiguous to a body of water, a meander line shall be established along the shore at a safe distance back from the ordinary high water mark. Property lying below and beyond the meander line shall be defined by distance along the side property lines extended from the meander line. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as it exists at the time of the survey.

Subchapter VI Design and Construction Standards

16.08.100 **Design standards.**

The design of all subdivisions shall conform to the standards set forth in this subsection and Chapter 12.28:

- A. **Streets and Alleys.**
 - 1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.
 - 2. Major streets within each subdivision shall provide for the continuation of major streets which serve property contiguous to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides shall be at least sixty feet (60') wide.
 - 3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty(30) degrees.
 - 4. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.
 - 5. Alleys shall be at least sixteen feet (16') wide plus such additional width as shall be necessary for an adequate turning radius.

- B. Blocks.** Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall be identified by letters or numbers.
- C. Lots.**
 - 1. Every lot shall be provided with convenient vehicular access to a street or to a permanent appurtenant easement which satisfies the requirements of Chapter 12.28 except that the minimum width of an easement shall be thirty feet (30').
 - 2. Lots shall be numbered with reference to blocks.
- D. Sidewalks.** Design of sidewalk or sidewalk easement in residential subdivisions shall be as required by the Town Engineer.
- E. Drainage. Storm Sewer and Utility Easements.**
 - 1. Easements for drainage channels and ways shall be of sufficient width to assure that they may be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and in proper location to permit future installation. Utility easements shall be in accordance with plans and specifications prepared by the appropriate Town department.
 - 2. Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure installation and maintenance.
 - 3. Design of storm water systems shall comply with the latest section of the Department of Ecology Stormwater Management Manual.
- F. Underground Utility Installation.** Subdivisions shall provide underground utility lines including but not limited to those for electricity, telephone, CATV and street lighting.
- G. Street Lighting.** The design and use of street lighting in subdivisions shall be as required by the Town Engineer or Town Council.

16.08.102 Improvements.

All improvements shall follow the latest edition of the Washington State Department of Transportation Standard Specifications and Chapter 12.28.

- A. Streets, Bridges, and Other Construction.** All streets, bridges, drains, culverts and other structures and facilities in dedicated areas shall be constructed in accordance with plans and specifications prepared or approved by the Town Engineer.
- B. Street Grading and Surfacing.** All dedicated streets shall be graded to their full width with adequate drainage provided prior to acceptance for public use. Grades shall be established by the Town Engineer and all roadways shall be surfaced according to plans and specifications prepared or approved by the Town Engineer.
- C. Water and Sewers.** Water supply facilities adequate to provide potable water from a public supply to each lot within a subdivision shall be installed in conformity with standards adopted by the Skagit County P.U.D. Where available, each lot shall be provided with a single sanitary sewer system connection approved by the Department of Public Works, unless a shared system is approved by the Department of Public Works. All connections shall conform to applicable Town regulations.
- D. Service Mains and Fire Hydrants.** Prior to the construction of any structure in the subdivision, service mains and fire hydrants shall be installed in accordance with plans and specifications prepared or adopted by the Town Engineer and in accordance with requirements and standards of the Skagit County Coordinated Water System Plan and Fire Departments.

16.08.106 Exceptions.

Exceptions from the design standards and improvement requirements set forth in this subchapter may be authorized by the Town Council in those instances where it is deemed that hardship, topography or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of the regulations and requirements. Approval by the Town Council of a preliminary plat on which variations and exceptions are clearly indicated shall constitute authorization of the variations and exceptions.

Chapter 16.12

SHORT PLATS

Sections:

16.12.010	Filing of application.
16.12.020	Content of application.
16.12.030	Content of short plat.
16.12.035	Access.
16.12.040	Criteria for approval.
16.12.050	Director's decision.
16.12.060	Redivision procedures.

16.12.010 Filing of application.

- A. Any person seeking to divide or redivide land situated within the Town into four (4) or fewer lots for the purpose of sale or lease, transfer or ownership, development or financing shall submit an application for approval of a short subdivision to the Planning Director together with an application fee as established in the Permit Fee Ordinance. The application is subject to procedure requirements, established in the Land Use Permit Process. Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.

- B. A survey of each proposed short subdivision and preparation of the short plat for it shall be made by or under the supervision of a registered land surveyor who shall certify on a short plat that it is a true and correct representation of the lands actually surveyed.

16.12.020 Content of application.

Applications for approval of a short subdivision shall include the following:

- 1. A plat of the proposed short subdivision containing standard survey data;
- 2. A vicinity map on which shall be indicated the property to be subdivided;
- 3. A plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision. The square footage and closure computations of each parcel or lot shall show that each parcel or lot contains at least sufficient footage to meet minimum zoning and health requirements.
- 4. Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- 5. Name and address of owner(s) of the tract;
- 6. Location of existing roadways, sanitary sewer, storm drain and watermains, if any, together with proposed street improvements.

16.12.030 Content of short plat.

Every short plat of a short subdivision filed for record must contain:

- 1. A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
- 2. If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.
- 3. Roads not dedicated to the public must be clearly marked on the face of the short plat.

4. All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
 5. A title certificate shall be required for all land divisions.
- B. The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

16.12.035 Access.

- A. Every short plat shall include adequate provisions for dedication of drainage ways, street, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the Town.
- C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
1. Access by easement would not compromise the goals of the Zoning Code to provide for adequate light, air and usable open space between structures; and
 2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
 3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
 4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
 5. There is no potential for extending the street system.
- E. Dedicated streets and alleys shall meet the improvement requirements of Chapter 12.28. Easements shall meet the design standard of Section 12.28.150 for Access Streets, except that the minimum width of an easement shall be thirty feet (30').

16.12.040 Criteria for approval.

- A. The Planning Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:
1. Conformance to the applicable Comprehensive Plan Policies and Zoning Code provisions;
 2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 16.12.035;
 3. Adequacy of drainage, water supply and sanitary sewage disposal;
 4. Whether the public use and interests are severed by permitting the proposed division of land.
- B. If the short subdivision contains a proposed dedication, the Planning Director shall refer the matter to the Town Engineer for report and recommendation. The short plat or dedication instrument shall be transmitted to the Town Council for acceptance of the dedication by ordinance.

16.12.050 **Planning Director's decision.**

- A. If the Planning Director determines that the requirements of this section are met, or may be met upon compliance with specified conditions, the Planning Director shall inform the applicant in writing findings of the decision to approve the application and the conditions of the approval, if any, and may return the proposed short plat to the applicant for modification or correction. When the Planning Director has determined that: (1) the short plat contains the certificates, dedication instruments and statements of approval required by state law and this chapter, (2) the short plat and all legal descriptions are technically correct, and (3) review procedures pursuant to Chapter 10.68 have been concluded, the short plat shall be filed for record with the Skagit County Auditor. Except for purposes of appeal, no short plat or short subdivision granted approval by the Planning Director shall be deemed to have final approval until filed.

- B. The decision of the Planning Director on a short subdivision is subject to the further review by the Town Council and procedures established under Land Use Permit process, Chapter 10.68. There shall be a notice of application and comment period pursuant to Chapter 10.68.080 and 10.68.070

16.12.060 **Redivision procedures.**

Land within a short subdivision may not be further divided within a five (5) year period immediately following approval and filing of a short plat unless a final plat for such subdivision is approved and filed for record in accordance with the provisions of Section 16.12.050 and this title. However, any revision of an approved short plat in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 16.12.

Chapter 16.16

LOT BOUNDARY ADJUSTMENTS

Sections:

16.16.010	Purpose.
16.16.020	Application for approval of lot boundary adjustment.
16.16.030	Criteria for approval.

16.16.010 **Purpose.**

The purpose of this chapter is to provide a method for summary approval of lot boundary adjustments which do not create any additional lot, tract, parcel, site or division, while insuring that such lot boundary adjustment satisfies public concerns of health, safety, and welfare.

16.16.020 **Application for approval of lot boundary adjustment.**

Anyone seeking an approval by the Planning Director of a lot boundary adjustment shall file an application as provided in Chapter 10.68, the Land Use Permit Process. All applications for lot boundary adjustment shall contain the following:

1. A plan showing the proposed change and containing standard survey data;
2. A plot plan as appropriate showing the location and dimensions of existing structures in relation to the proposed lot boundary adjustment;
3. A legal description of the property involved;
4. Name and address of owner(s) of the property involved.
5. Legal description of the proposed lot boundary adjustment.

16.16.030 **Criteria for approval.**

Lot boundary adjustment shall comply RCW 58.17 and with the following criteria:

1. No additional lots shall be created.
2. Lots shall comply with minimum standards of the Zoning Code.
3. Lots shall comply with the Lyman Municipal Code standards for access.
4. The following statement shall appear on all lot boundary adjustment deeds: The above described property will be combined or aggregated with contiguous property owned by the grantee. This lot boundary adjustment is not for the purpose of creating an additional lot.

Chapter 16.20

BINDING SITE PLAN APPROVAL

Sections:

16.20.010	General.
16.20.020	Eligible developments.
16.20.030	Criteria.

16.20.010 General.

The divisions of lands described in Section 16.20 are exempt from compliance with this division if they meet the requirements of Section 16.20.030.

16.20.020 Eligible developments.

The following types of developments are subject to the provisions of this section:

- A. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
- B. A division of land into lots or parcels located within industrial, commercial or office zones as defined in the zoning code;
- C. A division which is made by subjecting a portion of a parcel or tract of land to RCW 64.32.

16.20.030 Criteria.

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

- A. The Town Council approves a site plan as part of a discretionary zoning or other similar land use permit that involved a public hearing before the Town Council.
- B. The site plan is shown to a scale of one inch equals twenty feet.
- C. The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces.
- D. The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by the Town Council.
- E. The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan.
- F. The site plan shall be filed for record with the county auditor to run with the subject property in compliance with state and county laws and regulations.

