

## **Chapter 16.28 SUBDIVISION REGULATIONS**

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## **Article I. Short Subdivisions**

### **16.28.010 Purpose.**

A. The purpose of these regulations is to control the division of land into four lots or less, parcels, sites, or subdivisions, and to promote the public health, safety, and general welfare; to further the goals and objectives of the comprehensive plan; to prevent the overcrowding of land; to lessen congestion on the streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage, parks and recreational area; to provide for the proper ingress and egress; and to require conveyance by accurate legal description.

B. These regulations are established pursuant to the provisions of Article 11, Section 11 of the Constitution of the state of Washington and additionally to effectuate the policy of the prescribed state law referring to the platting and dedication of lands, including RCW Title 58 and Chapters 36.70, 58.17, and 65.05 RCW and shall not preclude full compliance thereto. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(i)], 1995)

### **16.28.020 Applicability.**

Every division of land for the purpose of lease, sale, or development into two or more, but less than five lots within the incorporated limits of the city of Sultan shall proceed in compliance with these regulations. (Ord. 840-04 § 1; Ord. 630 § 2 [16.10.010(1)(a)(ii)], 1995)

### **16.28.030 Exemptions.**

The provisions of these regulations shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions made by testamentary provisions for the laws of descent;
- C. Any division of land regulated by the section of this code dealing with regular subdivisions;
- D. Boundary line adjustments of parcels not in a plat or short plat where access is not affected and where no new lot is created thereby and where no lot is reduced in size below the minimum square footage required by the applicable zoning district; provided, that in order to assure that no new lot will result therefrom; a declaration of boundary

line adjustment, in a form prescribed by the city council, shall be recorded with the Snohomish County auditor;

E. Divisions of land, and any conveyance relating thereto, whether by decree of appropriation, dedication, or deed, so long as the same shall be under the threat of condemnation, the grantee or acquiring party is a public agency and the purpose is either for a public use or necessity, or to transfer to the public agency open space, wetland preserves or buffers, stream corridors and buffers or like of similar critical areas;

F. Any division where no permanent road may be constructed and where restrictive covenants or lease provisions prohibit construction of buildings of a type that permits human occupancy; overnight camping, or other human habitation;

G. Any division of land into lots, tracts, or parcels, where the smallest tract is at least one thirty-second of a section, or is 20 acres if the land is not capable of subdivisional description. (Ord. 840-04 § 1; Ord. 777-02 § 1; Ord. 630 § 2[16.10.010(1) (a)(iii)], 1995)

#### **16.28.040 Public dedications.**

Where a public dedication is to be made, such dedication shall be in conformance with the comprehensive plan and development code of the city. All public dedications shall be subject to the approval of the city council.

#### **16.28.050 Revisions of land.**

A. Within a Short Subdivision. Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further divided in any manner, until a final plat thereof has been approved and filed for record pursuant to that section of this code concerning the subdivision of property into five or more lots, tracts, or parcels; except that when the short plat contains fewer than four parcels, the owner who filed the short plat may file an alteration within the five-year period to create up to a total of four lots within the original plat boundaries. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the then current regulations of the city of Sultan; provided, that when the subdivider owns more than one lot within a short subdivision, he or she may not divide the aggregate total into more than four lots. Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit a subdivider from completely withdrawing his or her entire short plat and thereafter presenting a new application.

B. Within a Recorded Plat. Unless otherwise restricted by resolution or city code, lots recorded pursuant to that section of this code dealing with regular subdivisions may be redivided pursuant to the requirements of this section.

C. Within an Exempt Subdivision. Land within a subdivision exempted from plat or short plat requirements by RCW 58.17.040(2) may not be further subdivided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel unit a final plat thereof has been approved and filed for record pursuant to that section of this code concerning the subdivision of property into five or more lots, tracts or parcels; provided, that the above prohibition shall not apply as to lots, tracts or parcels conveyed to purchasers for value. For the

purpose of this subsection, the phrase “date of exempt subdivision” means the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or such other similar proof as is considered sufficient by the city administrator. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the then current regulations of the city of Sultan.

D. Contiguous Lot Limitation. Any nonexempt redivision of land authorized by subsections (A), (B) and (C) of this section that would result in the subdivider owning more than four contiguous lots, whether such lots be platted, short platted or unplatted lots, shall be subject to all requirements of that section of this code dealing with regular subdivisions. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1) (a)(v)], 1995)

#### **16.28.060 Defining of land included in short subdivisions.**

Where a subdivider owns not less than one-eighth of a section, or if the land is not capable of subdivisional description, 80 acres, he or she may define the boundaries of his or her short subdivision to include not less than one-sixteenth of a section or, if the land is not capable of subdivisional description, 40 acres; provided, that no increment of land containing less than one-sixteenth of a section or, if the land is not capable of subdivisional description, 40 acres, remain; and provided further, that his or her definition of boundary leaves proper provision for access to the remaining parcel and is approved by the approving authority. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vi)], 1995)

#### **16.28.070 Identification marker posting and notification.**

A. The subdivider shall, for identification purposes only, cause markers of a type approved by the city to be placed upon each of the road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision. In addition, the applicant or representative shall, for notification purposes, (1) mail notices of application to adjacent taxpayers of record, and (2) post on the subject property at least two signs, one sign on each frontage abutting the public right-of-way or at a point of access to the property. Signs for posting shall be provided to the applicant or representative by the city at a cost identified in the current fee schedule. Such signs shall be posted on the property within five calendar days from the time of application and shall remain posted until all appeal periods have expired. Such mailing and posting shall be evidenced by submittal of a verified statement regarding the date of mailing and date and location of posting.

B. The city clerk/treasurer or designee shall provide notice of the application and decision in the following manner:

1. Publication of one notice of application and one notice of decision in the official newspaper of the city.

2. The city shall mail notice of the application and decision to the Department of Transportation on every application located adjacent to the right-of-way of a state highway.

C. The city shall post notices of the short plat application at City Hall and the post office and place a legal notice in the official newspaper of the city. The city, at its option, may also place notice of the application on the city's web page and on the local public access channel. (Ord. 840-04 § 1; Ord. 785-02 § 1; Ord. 770-01 § 1)

#### **16.28.080 Posting of other data and markers.**

Where other data or where identification markers are found necessary by any relevant agency to assist it in making a determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vii)(b)], 1995)

#### **16.28.090 Environmental impact.**

A. The community development director may require additional information from the applicant to determine whether the project must be reviewed under the provisions of the State of Washington Environmental Protection Act (SEPA) of 1971 (Chapter 43.21C RCW) and as the same, may be amended and supplemented from time to time. Preliminary approval of the short plat or short subdivision shall not be given until all requirements of the Act are fulfilled. If a stream or natural drainage way exists in the proposed short plat or short subdivision, it shall not be altered until an assessment is made of the potential environmental effects.

B. The cost of the study and an environmental impact statement, if required, shall be borne by the applicant. The applicant shall be fully responsible for the adequacy and completeness of such studies and statement. He or she shall meet all requirements of SEPA and the guidelines promulgated by the council on environmental policy or any other authorized public body or agency. (Ord. 840-04 § 1; Ord. 770-01 § 2; Ord. 630 § 2[16.10.010(1) (a)(vii)(c)], 1995)

#### **16.28.100 Consent to access.**

The subdivider shall permit the free access to the land being subdivided to all agencies considering the short subdivision for the period of time extending from the time of application to the time of final action. (Ord. 840-04 § 1; Ord. 630 § 2 [16.10.010(1)(a)(vii)(d)], 1995)

#### **16.28.110 Review of procedures on application.**

A. The community development director shall distribute one copy of the short plat to each of the following:

1. Public works director;
2. Snohomish County planning department, if property is adjacent to county property;
3. City engineer;

4. Washington State Department of Transportation, if the short plat application covers property located adjacent to the right-of-way of a state highway;

5. Any other federal, state or local agencies as may be relevant.

B. The community development director shall then set a date for return of findings and recommendations from each relevant department or agency, the date to be 15 working days from the date of application; provided, however, that the Department of Transportation shall have 20 days from the date of receipt in which to make findings and recommendations. If the findings and recommendations are not so returned, then the community development director may make such findings as he or she deems just. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1) (a)(vii)(e)], 1995)

#### **16.28.120 Public hearing requirements.**

Repealed by Ord. 770-01. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vii)(f)], 1995)

#### **16.28.130 Community Development Director action.**

A. The community development director shall review the proposed short plat or short subdivision with regard to:

1. Its conformance to the general purposes of the comprehensive plan and planning standards and specifications as adopted by the laws of the state of Washington and the city of Sultan;

2. Whether appropriate provisions are made in the short plat or short subdivision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes, transit stops, parks and recreation, playgrounds, schools and school grounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;

3. The physical characteristics of the short subdivision site, and the community development director may disapprove the short plat or short subdivision because of flood inundation or swamp conditions. The community development director may require construction of protective improvements as a condition of approval; and

4. All other facts relevant to determine whether the public use and interest will be served by the short plat or short subdivision.

B. The community development director shall provide written findings for the following:

1. Appropriate provisions have been made for the following services: roads, transit stops, potable water supplies, recreational facilities and sidewalks to provide for students who walk to and from school;

2. The public use and interest will be served by the short subdivision.

C. The decision of the community development director shall be final subject to a right of appeal to the hearing examiner. The decision of the hearing examiner shall be final subject only to a right of review before the Superior Court of the State of Washington for Snohomish County in accordance with the Land Use Petition Act, Chapter 36.70C RCW. (Ord. 840-04 § 1; Ord. 770-01 § 4; Ord. 630 § 2[16.10.010(1)(a)(vii)(g)], 1995)

#### **16.28.140 City council action.**

Repealed by Ord. 770-01. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vii)(h)], 1995)

#### **16.28.150 Improvement guarantees.**

See SMC [16.120.080](#)(C). (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#)(1)(a)(vii)(i)], 1995)

#### **16.28.160 Surety requirement.**

See SMC [16.120.080](#)(D). (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#)(1)(a)(vii)(j)], 1995)

#### **16.28.170 Certificates.**

The following declarations and certificates must be obtained:

- A. A declaration of short division prior to final approval;
- B. Certification of approval by the city given when it finds that the short plat serves a public use and interest and complies with all adopted recommendations for approval; and
- C. A declaration of the short subdivision and of covenants in a form provided by the city shall be signed prior to final recording of the short subdivision. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1) (a)(vii)(k)], 1995)

#### **16.28.180 Final approval and recording.**

When the short subdivision and the short plat thereof meet all the requirements therefor and will serve the public use and interest, and meet all applicable zoning and land use controls, and the subdivider has provided all of the required documentation and certification, written approval shall be inscribed upon the face of the short plat. The action approving a short plat shall become effective if, within five working days, the applicant shall have filed for record with the auditor of Snohomish County a declaration of short subdivision and the short plat thereof. The original declaration of short subdivision and the short plat thereof, upon recording all be processed in accordance with procedures established regarding plats. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vii)(l)], 1995)

#### **16.28.190 Conditions of approval.**

Short subdivisions shall be recorded as a short plat with the Snohomish County auditor, and shall not be deemed approved until so filed and shall contain a certification setting forth the following:

- A. A full and correct description of the lands divided as they appear on the short plat;

B. The dedication of all streets and other areas to the public, and others as shown on the short plat;

C. Shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided;

D. Shall be accompanied by a title report confirming that the title of the lands as described and shown on said short plat is in the name of the owners signing the certificate;

E. A waiver of right of direct access to any street from any property, if required;

F. All dedications, including access roads, utilities or other easements, shall be shown on the face of said short plat, which shall thereupon be considered as a quit claim deed to the donee or donees, grantee or grantees for his, her or their use for the purposes intended;

G. As a condition for approval, said short plats requiring a dedication shall be required to be surveyed by a licensed professional and land surveyor and monuments placed on the site. As a further condition of approval, the city may require a survey and/or monumentation of the lots created by the short subdivision if deemed necessary by the city planner and/or city engineer; and

H. The city engineer may require that the agreement and waiver be placed upon the face of the short plat. (Ord. 840-04 § 1; Ord. 630 § 2 [16.10.010(1)(a)(vii)(m)], 1995)

#### **16.28.200 Installation of improvements.**

Installation of site improvements may be required in order to ensure improved access and adequate utilities. If site improvements are required to be installed, the subdivider shall meet the requirements set forth in SMC [16.28.070](#). (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#)(1)(a)(vii)(n)], 1995)

#### **16.28.210 Compliance with conditions of approval.**

All conditions for approval shall be met by the applicant within one year or the short subdivision shall be deemed expired. Sale, lease, or transfer of land within the subdivision shall not be completed until all conditions of approval have been met. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a) (vii)(o)], 1995)

#### **16.28.220 Zoning effect of final approval.**

Any lots in a short subdivision shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the effective date of final approval. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vii)(p)], 1995)

#### **16.28.230 Minimum requirements and improvement standards.**

A. General Standards. The public use and interest shall be deemed to require compliance with the standards of this subsection as a minimum.,. The following minimum standards shall be met:

1. That each lot shall contain sufficient square footage to meet minimum zoning and health requirements;

2. If the lots are to be served by septic tanks, soil data and percolation rates may be required by the Snohomish Health District. Notations regarding the conditions for Health District approval may be required to be inscribed upon the short plat;

3. Where any abutting road has insufficient width to conform to minimum road width standards for the city of Sultan, sufficient additional right-of-way shall be dedicated to the city on the short plat to conform the abutting half to such standards;

4. Short subdivisions located in special flood hazard areas as defined elsewhere in this code shall comply with the floodplain protection standards contained in this chapter.

B. Roadway Design Standards.

1. Access to Roads. Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city road or roads, except that access to the boundary of a short subdivision by private road may be permitted where such private roads are otherwise permitted. If the subdivider uses a private road, each lot having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a utilities easement.

2. Minimum access to all lots within a short subdivision shall be provided by an opened, constructed and maintained city road or private road sufficiently improved for automobile travel having right-of-way width as set forth in the following table:

<b>Design Potential for Access</b>	<b>Minimum Right-of-Way Widths</b>
1 lot not exceeding 1 dwelling unit .....	20'
2 – 4 lots not exceeding 4 dwelling units .....	30'
5 or more lots or dwelling units .....	60'

3. The maximum number of lots that may be served by a private road shall be four. In all other cases, access to any lot shall be by an opened, constructed and maintained city road or roads.

4. Road Standards. All plat roads shall be designed and constructed in conformance with the design standards and specifications as specified.

5. Sidewalk Standards. Sidewalks and/or walkways shall be provided to assure safe walking conditions for pedestrians and students who walk to and from school. Sidewalks shall be constructed in accordance with the design standards and specifications as specified.

C. Stormwater Drainage Design Standards. All plats shall comply with the requirements.

D. Design Standards for Areas with Steep Slopes. All plats shall comply with the requirements. (Ord. 840-04 § 1; Ord. 822-03 §§ 1, 2; Ord. 630 § 2[16.10.010(1)(a)(vii)(q)], 1995)

### **16.28.240 Modifications.**

A. General Requirements. Any subdivider may make application to the hearing examiner for a variation or modification where it appears there exists extraordinary conditions such as topography, access, location, shape, size, drainage, or other physical features of the site or other adjacent development. Such application shall accompany the proposed short plat and shall include any and all details as the developer deems necessary to support his application properly and shall outline the provisions from which the modification is sought.

B. Procedures. When a subdivider requests a modification of the provisions of this subsection, the hearing examiner shall hear the reasons for the modifications at a public hearing. The hearing examiner shall make his or her findings on the basis of criteria defined as follows:

1. That there are special circumstances applicable to the particular lot such as shape, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone;

2. That such modification is necessary for the preservation and enjoyment of a substantial property right or use possessed by or available to other property in the same vicinity and zone but which, because of special circumstances, is denied to the particular lot;

3. That the granting of such modification will not be materially detrimental to the public welfare or injurious to property in the vicinity of the particular lot; and

4. No such modification may be granted if it would have the effect of nullifying the intent and purpose of the unified development code, the comprehensive plan, or this subsection. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(a)(vii)(r)], 1995)

## **Article II. Subdivisions**

### **16.28.250 Purpose.**

A. The purpose of these regulations is to control the subdivision of land to promote the public health, safety and general welfare in accordance with established standards to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to provide adequate public and private streets, easements, water supply, utilities, parks and recreation areas, open spaces, and sites for schools and other public requirements; to ensure that adequate drainage facilities are provided in developing parts of the city; to promote coordination of land development; to conserve the natural beauty; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description.

B. These regulations are established pursuant to the provisions of Article 11, Section 11 of the Constitution of the state of Washington and additionally to effectuate the policy of the prescribed state law referring to the platting and dedication of lands, including RCW Title 58 and Chapters 36.70, 58.17 and 65.05 RCW and shall not preclude full compliance thereto. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(i)], 1995)

### **16.28.260 Applicability.**

#### **A. Scope of Coverage.**

1. Subdivisions as defined in this code; and
2. Every redivision of a short subdivision occurring within five years of the date of recording of the original short subdivision.

#### **B. Exceptions. The provisions of this section shall not apply to:**

1. Cemeteries and other burial plots while used for this purpose;
2. Divisions made by testamentary provisions or the laws of descent;
3. Manufactured/mobile home developments when established pursuant to the provisions of Chapter [16.52](#) SMC, establishing manufactured/mobile home park standards;
4. Boundary line adjustments;
5. Division of land into lots, tracts or parcels, each of which is one-thirty-second of a section of land or larger, or 20 acres of land or larger, if not definable as a fraction of a section of land; and
6. Divisions of land into lots or tracts classified for industrial or commercial use when the council has approved a binding site plan for the use of the land in accordance with this code.

#### **C. Public Access to Water Bodies.**

1. In all plats bordering publicly owned or controlled bodies of water, streams or rivers, there shall be provided one or more dedicated public access rights-of-way to the ordinary high-water mark, such rights-of-way having a minimum width of 60 feet and being capable of having a road constructed thereon to city standards. Said public accesses shall be provided at intervals of no greater than one-half mile as measured along the ordinary high-water mark of such water body.

2. If there is no city road or other public access rights-of-way within one-half mile of the plat boundary, then one such dedicated access right-of-way shall be provided within 300 feet from the boundary of the plat and thereafter at one-half mile intervals. (Ord. 840-04 § 1; Ord. 630 § 2 [16.10.010(1)(b)(ii)], 1995)

### **16.28.270 Expenses.**

In addition to any other fees, the applicant shall be required to bear any engineering and legal fees incurred by the city in connection with the processing of the application and preliminary plat and which are not covered by other fees. (Ord. 840-04 § 1; Ord. 630 § 2 [16.10.010(1)(b)(iii)], 1995)

### **16.28.280 Preliminary plat – Application submittal.**

A. Prior to filing an application, an applicant shall be required to arrange a preapplication conference with the community development director, city engineer, public works and parks representatives for the purpose of preliminary review and discussion of the proposal.

B. An application shall be submitted with appropriate fees to the planning department and upon filing shall receive a file number and date of receipt. Requirements for a vested application pursuant to Chapter 104, Section 2, Laws of 1987, Regular Session shall have been provided in a complete and accurate manner as determined by the community development director. Within 28 working days of the date of receipt of either an application or resubmitted and/or additional information, the planning department shall determine if the application is complete and accurate for the purposes of vesting. The planning department shall return the application to the plat applicant if it is deemed incomplete or inaccurate. Resubmittals with the necessary information making the application complete within six months of original filing will not be subject to additional plat filing fees.

C. The applicant shall transmit no fewer than 10 copies to the city. Whenever a preliminary plat is revised prior to public hearing, the subdivider shall submit 10 copies of the revision, appropriately marked as such to the city. The city shall take responsibility for distribution of the copies to all relevant departments and agencies.

D. Unless an applicant for preliminary plan approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

E. The city shall process all preliminary plats in accordance with provisions of the State Environmental Policy Act and with all relevant provisions of this unified development code.

F. The person(s) completing the application must provide a form from the county auditor's office showing that they have reserved the name of the plat being submitted. The name of the plat shall be reserved by the county auditor for a period not to exceed 40 months. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(iv)(a)], 1995)

### **16.28.290 Preliminary plat – Review and action time limits.**

A. Preliminary plats shall be approved, disapproved or returned to the applicant for modification or correction within the period of days specified in the administration section of this code, unless the applicant consents to the extension of such time period;

provided further, that if an EIS is required as provided in RCW 43.21C.030, the specified period shall not include the time spent preparing and circulating the EIS by the city.

B. Should modification and/or mitigation be requested by the community development director as a result of technical review of the application, the city planner shall request a waiver of the specified time period. If the applicant does not agree to the waiver, the application shall proceed to the hearing and the community development director may recommend denial of the application. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b) (iv)(b)], 1995)

### **16.28.300 Preliminary plat – Notice of application.**

Notice of the public hearing to be held before the hearing examiner shall be given in each of the following manners not less than 10 calendar days prior to the hearing:

A. The applicant shall, for notification purposes, (1) mail notice of the public hearing to each taxpayer of record within 300 feet of any portion of the boundary of the proposed subdivision; provided further, that owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property that are owned by the owner of real property proposed to be subdivided shall also be notified; and (2) post on the subject property at least two signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. The property shall remain posted until all appeal periods have expired. Signs for posting shall be provided to the applicant by the city at a cost identified in the current fee schedule. Such mailing and posting shall be evidenced by submittal of a verified statement regarding the date of mailing and date and location of posting.

B. The city clerk/treasurer or designee shall provide notice of hearing in the following manner:

1. Publication of one notice in the official newspaper of the city;

2. Mailed notice to any city or county whose municipal boundaries are within one mile of the proposed subdivision; to the Department of Transportation on every proposed subdivision located adjacent to the right-of-way of a state highway; and to any other federal, state, or local agency as deemed appropriate by the city/clerk treasurer.

C. All hearing notices required by this section shall include the date, time, and place of the public hearing, and a description of the location of the proposed subdivision in the form of either a vicinity location sketch or a written description, other than a legal description. (Ord. 840-04 § 1; Ord. 785-02 § 2; Ord. 630 § 2[16.10.010(1)(b)(iv)(c)], 1995)

### **16.28.310 Preliminary plat – Review procedures for an application.**

A. The community development director shall distribute one copy of the preliminary plat to each of the following:

1. Public works director;
2. Snohomish County planning department, if property is adjacent to county property;
3. City engineer;
4. Washington State Department of Transportation, if the preliminary plat application covers property located adjacent to the right-of-way of a state highway;
5. Any other federal, state or local agencies as may be relevant.

B. The community development director shall then set a date for return of findings and recommendations from each relevant department or agency, 15 working days from the date of application; provided, however, that the Department of Transportation shall have 20 days from the date of receipt in which to make findings and recommendations. If the findings and recommendations are not so returned, then the city planner may make such findings as he or she deems just. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1) (b)(iv)(d)], 1995)

#### **16.28.320 Preliminary plat – Public hearing.**

A. Upon receipt of the staff reports and agency comments, the city clerk/treasurer or designee shall set a date for a public hearing by the hearing examiner and shall give notice as follows:

1. The notice shall contain the date, hour, and location of the hearing and the legal description of the property together with either a vicinity sketch or a location description in nonlegal language calculated to advise the general public of the location of the subject property;

2. This notice shall be published at least once, not less than 10 days prior to the hearing, in the official newspaper of the city.

B. Notification of the adjacent property owners and posting of the subject property shall be as required in SMC [16.28.070](#). (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#)(1)(b)(iv)(e)], 1995)

#### **16.28.330 Preliminary plat – Hearing examiner action.**

A. The hearing examiner shall hold an open record hearing and consider and review the proposed plat with regard to:

1. Its conformance to the general purposes of the comprehensive plan and planning standards and specifications as adopted by the laws of the state of Washington and the city of Sultan;

2. Whether appropriate provisions are made in the short subdivision for: drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes, transit stops, parks and recreation, playgrounds, schools and school grounds;

3. The physical characteristics of the subdivision site and may disapprove because of flood, inundation or swamp conditions. It may require construction of protective improvements as a condition of approval; and

4. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.

B. The hearing examiner shall provide written findings for the following:

1. Appropriate provisions have been made for the following services: roads, transit stops, potable water supplies and recreational facilities; and

2. The public use and interest will be served by the platting.

C. The hearing examiner shall:

1. Approve the proposed plat with or without conditions; or 2. Return the proposed subdivision to the applicant for modification or correction within the period of days from the date of filing of the application with the city planner put forth in the administration section of this code, unless the applicant consents to an extension of such time. If an environmental impact statement is required, the period of days shall not include the time spent preparing and circulating the statement.

3. Disapprove the proposed plat.

4. The hearing examiner may require the subdivider to enter into a developer/subdivision agreement to memorialize the preliminary plat conditions of approval, requirements for the construction of all infrastructure improvements including plan submittals, inspections, bonding, including private improvements and facilities associated with the subdivision.

#### **16.28.350 Term of preliminary plat approval.**

A. Approval of preliminary plat shall be effective for five years from the date of approval unless extended by the hearing examiner as provided for herein.

B. Upon written application therefor by the applicant or his successor, and filed with the city at least 30 days prior to the expiration of approval, the hearing examiner may extend approval for not more than one additional one-year period, if, in the opinion of the hearing examiner, the applicant has attempted in good faith to submit the final plat within the five-year period in accordance with preliminary plat approval procedures contained herein.

C. Nothing contained herein shall prohibit the applicant, during the effective life of the preliminary plat approval, from developing his or her subdivision and requesting final approval by divisions; provided, that no deviation from the general scheme of the preliminary plat as approved may be permitted in any manner other than by the procedures set out herein governing the approval of preliminary plats. (Ord. 840-04 § 1; Ord. 815-03 § 2; Ord. 630 § 2[16.10.010(1)(b)(v) (a)], 1995)

#### **16.28.360 Changes permitted following preliminary plat approval.**

A. Except as provided for in this section, approved preliminary plats may only be revised by processing and approval in the manner set forth in this code for original preliminary plat approval, and the standard of review before the hearing examiner shall be whether the revision is consistent with the public health, welfare and safety and is generally consistent with the preliminary plat.

1. Upon five business days' advance notice (describing details of said revision) to the community development director, the following revisions may be made by the applicant upon approval of the community development director without Administrative review and without review by the hearing examiner:

a. Construction details, so long as improvements will be installed in a workmanlike manner consistent with the location, dimension and finish appearance as set out in the approved preliminary plat;

b. Engineering details, so long as the proposed detail does not modify or eliminate features specifically required as an element of the preliminary plat as approved;

c. Changes in lot lines or dimensions, so long as all lots maintain minimum lot size, dimension, and the general location of each lot and access to the lot remain the same; and

d. A decrease in the number of lots to be created as depicted on the approved preliminary plat may be allowed. An increase in the number of lots shall not be allowed.

e. If, after review by the city planner of the proposed revisions, it is determined that the proposal exceeds conditions in subsections (A)(1)(a) through (A)(1)(d) of this section, the planner may remand the proposal for administrative review.

2. The following revisions may be made by the applicant without review by the hearing examiner but upon Administrative Review as provided for in subsection 3. A. of this section:

a. Changes in lot lines, dimensions, size or locations affecting no more than 10 percent of the total number of lots depicted on the preliminary plat as approved; and

b. Changes in the locations of roads and other public improvements; provided, that no critical area shall be affected and all critical area setbacks shall be observed and access to each lot shall be equivalent to access provided for in the approved preliminary plat.

3. For revisions permitted by Administrative Review, that Review shall be conducted as follows:

a. Applicant shall make application for revision of the preliminary plat and request administrative review on such forms as the community development director shall maintain.

b. The community development director shall review the application and make a written decision within 20 days from the date the application is complete. A copy of the community development director's decision shall be mailed to the applicant or the applicant's representative, and all parties of records when the preliminary plat was approved and copies shall be supplied to the city administrator, the mayor and the designated representative of the city council on the date the community development director's decision is mailed.

c. The community development director's decision shall contain a description of the original preliminary plat as approved and a description of the proposed administrative amendment. The community development director's decision also shall contain an analysis of the applicable review criteria.

d. To grant revision, the community development director must find:

i. The revision maintains the design intent or purpose of the original approval;

ii. The revision maintains the quality of design or product established in the original approval;

iii. The revision will not cause a significant environmental or land use impact on the site or beyond the site other than impacts which the approved preliminary plat would cause; and

iv. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the preliminary plat as originally approved.

e. Any party aggrieved by the decision of the city planner may, within 20 days of the date of mailing of the community development director's decision, appeal the decision of the community development director to the hearing examiner. An appeal to the hearing examiner shall be conducted like all other appeals to the hearing examiner permitted by this code, except that the hearing examiner shall use the same criteria to grant the revision as the community development director uses. Unless the decision of the community development director is timely appealed, the decision of the community development director shall be final. The decision of the hearing examiner shall be final, subject only to a right of review in the Snohomish County superior court in accordance with the Land Use Petition Act of the State of Washington.

B. Subsequent to preliminary approval, if the City learns of any possible violation of conditions of such approval, the City may set the matter for public hearing before the hearing examiner within a reasonable time, not to exceed 45 days from the date of notice of the violation. Notice of this hearing shall be in accordance with SMC [16.28.300](#). At the hearing, the hearing examiner shall determine whether a violation exists, and impose conditions that conform the plat to the provisions of this title and/or to the conditions of the original preliminary plat approval. (Ord. 840-04 § 1; Ord. 757-01 § 1; Ord. 630 § 2[[16.10.010](#)(1)(b) (v)(b)], 1995)

#### **16.28.370 Prohibition against other subdivisions.**

No subdivision by short plat shall be approved that includes any land contained within an approved preliminary plat during the period in which said preliminary plat is valid. (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#)(1)(b)(v)(c)], 1995)

#### **16.28.380 Preliminary plat withdrawal.**

When the owner(s) of property subject to an approved preliminary plat wish to withdraw the approved plat prior to its normal expiration, the owner(s) shall file with the city clerk/treasurer's office, a notarized statement, in a form provided by the city, requesting withdrawal. The hearing examiner shall issue an order approving withdrawal within 30 days of receipt of a properly completed request form. A copy of said order shall be transmitted to the owner(s) for inclusion in the official records of the city. (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#) (1)(b)(v)(d)], 1995)

#### **16.28.390 Preliminary plat lapse.**

If the applicant has failed to complete his or her plat within five years from the date of preliminary plat approval and has failed to request and receive extensions of the preliminary plat approval, the preliminary plat approval shall lapse, the project will no longer be vested, and further development efforts will require a new application under then-current application and development standards. (Ord. 840-04 § 1; Ord. 630 § 2[[16.10.010](#)(1)(b)(v)(e)], 1995)

### **16.28.395 Model homes.**

A. Purpose. The purpose of this section is to permit the construction of a limited number of model homes as defined in SMC [16.150.130](#) (17)(a), on an approved preliminary plat, prior to final plat approval. Allowing model homes provides the opportunity for builders and developers to showcase their product prior to final plat approval. Nothing in this section shall be construed as permitting model homes in short subdivisions as defined in SMC [16.150.190](#)(19). This chapter shall not be construed to supersede or amend the purpose and intent of this title.

B. Approval Authority. The community development director is authorized to approve, approve conditionally, or deny model home applications, under the criteria set forth in subsections (C) through (E) of this section.

C. Eligibility. A subdivision having received preliminary plat approval is eligible for model homes, provided the following criteria are met:

1. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval.

2. All required retention and detention facilities necessary for the areas of the subdivision serving the model homes are in place and functional, to the satisfaction of the city engineer.

3. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected and/or mitigated, in accordance with adopted critical areas regulations.

4. The model home(s) and sales facility meet the access and fire protection requirements of the building official.

5. All areas of the subdivision serving the model home(s) are served by an all weather surface roadway constructed to the city design standards and specification.

6. All areas of the subdivision serving the model home(s) have installed frontage improvements including curb, gutter and sidewalk, as required by the preliminary plat approval or this code.

7. Water and sewer are installed to each lot proposed for model homes, as directed by the city engineer.

8. All proposed streets serving the model homes are adequately marked with street signs, to the satisfaction of the city engineer and public works director.

9. Lot property corners of all lots proposed to be used for the model home complex have been set by a licensed, professional land surveyor in accordance with the preliminary plat lot configuration.

10. Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per the preliminary plat approval.

11. The number of model homes shall not exceed that allowed by subsection (D) of this section.

12. Each model home shall be unique; no individual floor plan shall be repeated; and reversed floor plans and/or exterior facade variations will not be considered as a unique model home.

13. An instrument has been recorded against the parcels containing the model home(s) stating, "Model Home(s) are subject to removal should the Preliminary Plat not receive Final Plat Approval or the Approval period has expired, consistent with Section **16.28.350**." This instrument shall remain in effect until the plat is recorded or the home(s) are removed.

D. Number Permitted. The number of model homes permitted for each subdivision shall be no greater than 20 percent of the approved lots within the preliminary plat, not to exceed a total of nine homes. In the event that calculation of the number of lots equal to 20 percent of the total number of preliminary lots creates a fractional lot, the number of permitted lots for model homes shall be rounded up, not to exceed the maximum allowed.

E. Application Requirements. The following information shall be required in addition to the standard submittal requirements for a single-family residential building permit.

1. The applicant shall have written authorization from the property owner permitting the model home(s) if the applicant is other than the owner of the approved preliminary plat.

2. Title report current within the last 30 days.

3. Name of approved preliminary plat as well as the proposed name of the final plat (if different).

4. Parent tax parcel number(s) involved in the complete development.

5. Date of preliminary plat approval.

6. Date of preliminary plat approval expiration.

7. Copy of adopting resolution, motion, or subdivision agreement, approving the preliminary plat.

8. Overall site plan showing the preliminary plat, including phases (if applicable) and the location of all proposed model homes.

9. Overall site plan shall include the location of proposed temporary improvements specific to the model home(s) use such as the location of: signage, flags, banners, fencing, landscaping, sales trailer and impervious surfaces such as parking areas and sidewalks.

10. Parking shall be subject to the regulations of Chapter [16.60](#) SMC.

11. Individual site plans showing the location of the model home(s) in relation to the property lines and setbacks consistent with the preliminary plat approval.

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

13. Payment of model home review fee as set forth in the adopted fees resolution. The model home review fee shall be applicable only to the review of the overall model home complex site plan. All other applicable fees shall be paid for the proposed plat improvements and building permit fees prior to individual model home building permit issuance.

F. Occupancy Requirements.

1. Written approval from the city of Sultan, in the form of a temporary certificate of occupancy shall be posted at the main entry to each model home, allowing public access to the model home.

2. No model home shall be occupied for residential use prior to recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.

3. One preliminarily approved lot may be used to locate a temporary sales trailer for the purpose of marketing the model home(s). This provision is not intended to increase the number of model homes permitted under subsection (D) of this section.

4. One preliminarily approved lot may be used to furnish off street parking. This provision is not intended to increase the number of model homes permitted under subsection (D) of this section.

5. The hours of operation of the model home complex shall be limited to daylight hours only, unless street lighting is installed to the satisfaction of the city engineer and public works director.

6. If street lighting is installed to the satisfaction of the city engineer and public works director, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

7. The model home(s) and sales trailer shall be used for the exclusive purpose of marketing the homes within the plat, not as a branch real estate office.

G. Duration Permitted. The model home(s) and/or sales trailer may be used for no more than 24 months from the date of approval.

H. Removal. The model home(s) and all associated improvements, including but not limited to a sales trailer, shall be removed within 120 days of the following occurrences, unless the action is appealed under SMC [16.120.100](#):

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

2. The subdivision was denied final plat approval and/or requires substantial improvements not consistent with the design of the preliminary approved plat in the opinion of the community development director.

3. The approval period has expired, consistent with SMC [16.28.350](#).

I. Appeals. Administrative interpretations and approvals may be appealed in accordance with the requirements set forth in Chapter [16.120](#) SMC. (Ord. 855-04 § 1)

#### **16.28.400 Final plat – Procedure for filing.**

A. For purposes of filing a final plat, the subdivider shall submit to the community development director five prints thereof; and one print and stable base polyester film or other approved material (hereinafter referred to as mylar). All city departments who reviewed and commented on the preliminary plat shall examine the final plat for compliance with the provisions of the land development code.

B. After receiving a copy of the final plat, the community development director and city engineer shall examine, or have examined, the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations, and such other matters as require checking to ensure compliance with the provisions of state laws pertaining to subdivisions with this code, and with the conditions of approval. Traverse sheets (computation of coordinates), and worksheets showing the closure of the exterior boundaries and of each irregular lot and block, and the calculation of each lot size shall be furnished. If the final plat is found to be in correct

form, and the matters shown thereon are sufficient, the community development director shall obtain the signature of the city engineer on the mylar of the plat map, and will schedule final consideration of the plat map before the council. Each formal plat map shall be accompanied by a title report showing the names of all persons, firms or corporations whose consent is necessary to dedicate land for public usage.

C. Each preliminary plat submitted for final approval of the **city council** shall be accompanied by the following agencies' recommendations for approval or disapproval:

1. Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;
2. Community development director, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;
3. Department of public works;
4. Other relevant federal, state or local agencies.

None of the agencies listed in subsections (A) and (C) of this section shall modify the terms of its recommendations without the consent of the applicant.

D. If the city council finds that the final plat has been completed in accordance with the provisions of this code, that all required improvements have been completed or the arrangements or contracts have been entered into a guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the city council will (1) adopt a resolution, which incorporates its findings and conclusions, approving the final plat and (2) require the mayor and the majority of the city council members present at the meeting to sign the final plat accepting such dedications as may be included thereon. The final plat shall then be returned to the subdivider for filing for record with the county auditor and must be filed within 30 days from the date of approval by the council. (Ord. 840-04 § 1; Ord. 831-03 § 1; Ord. 630 § 2[16.10.010(1)(b)(vi)(a)], 1995)

#### **16.28.410 Final plat – Format.**

A. The final plat shall be clearly and legibly drawn in ink upon mylar. Photographic reproduction on mylar may be substituted.

B. The scale of the plat shall be one inch equals 100 feet, or one inch equals 50 feet, or one inch equals 20 feet; or such scale as may be acceptable to the city.

C. The size of each sheet shall be 18 inches long by 24 inches wide.

D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of two inches on the left edge, and one-half inch on the other three sides.

E. If more than two sheets are necessary to display plat drawing, an index of the entire subdivision showing the arrangement of all sheets may be required to be included on each sheet.

F. The plat title, scale and north point shall be shown on each sheet of the final plat.

G. All signatures placed on the final plat shall be original signatures written in permanent black ink. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1) (b)(vi)(b)], 1995)

#### **16.28.420 Final plat – Required information.**

The following information is required on the final plats:

- A. Full and complete legal description of all land included in the plat;
- B. Location and names, without abbreviations of all:
  - 1. Streets,
  - 2. Public areas and easements,
  - 3. Adjoining streets,
  - 4. Street names previously approved by the city;
- C. The length and bearing of all straight lines, radii, arcs and semi-tangents of all curves;
- D. Centerline data on streets and easements, including bearings and distances;
- E. All dimensions along the lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any lot line in the field;
- F. Centerline data, width and sidelines of all easements and rights-of-way to which the lots are subject. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet;
- G. Easements for stormdrains, sewers and other purposes shall be denoted by broken lines;
- H. Each easement shall be clearly labeled and identified and if already of public record, proper reference given;
- I. Contiguous plats by name, or if unplatted, note "unplatted";
- J. City or county boundaries crossing or adjoining the subdivision;
- K. Lots shall be numbered in sequence and shall indicate area in either square feet or acres. No two lots in any subdivision shall bear the same number, notwithstanding division of the platted subdivision into separate blocks;
- L. In the event that more than one plat sheet is used, a lot shall be shown entirely on the sheet;
- M. The final plat shall show clearly any stakes, monuments or other evidence found on the ground which were used as ties to establish the boundaries of the tract;
- N. The location of all permanent monuments within the subdivision;
- O. Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the plat document together with accurate references to appropriate recorded documents;
- P. All required dedications, endorsements, covenants, affidavits and certificates shall show on the face of the final plat;
- Q. The final plat shall show the subdivision of the section or sections involved and show the township and range;
- R. Specific wording as may be required by the preliminary plat approval;
- S. A plat or subdivision contiguous to, or representing a portion of or all of the frontage of a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high-water mark as to reasonably ensure against damage and destruction by flooding or erosion;
- T. If duplexes are proposed, the final plat shall depict the proposed lot or lots which may be developed with a duplex structure. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(vi)(c)], 1995)

#### **16.28.430 Final plat – Dedications.**

A. All streets, highways and parcels of land shown on the final plat and intended for any public use shall be offered for dedication for public use, except where the provisions of the code provide otherwise.

B. Streets, or portions of streets, may be required to be set aside by the city for future dedication where the immediate opening and improvement is not required, but where it is necessary to ensure that the city can later accept dedication when the streets become needed for further development of the area or adjacent areas.

C. Easements being dedicated shall be indicated on the face of the plat as follows: An easement shall be reserved for and granted to all utilities serving subject plat and their respective successors and assigns, under and upon the exterior seven feet parallel with and adjoining the street frontage of all lots in which to install, lay, construct, renew, operate and maintain underground conduits, cables, pipe, and wires with necessary facilities and other equipment for the purpose of serving this subdivision and other property with electric, telephone and utility service together with the right to enter upon the lots at all times for the purposes herein stated. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(vi)(d)], 1995)

#### **16.28.450 Final plat – File with auditor.**

A. The original of the final plat shall be filed for record with the county auditor.

B. The subdivider shall provide the city with three copies of the recorded plat.

C. Should a plat or dedication be filed or recorded without approval of the city council, the city attorney shall apply for a writ of mandate in the name of and on behalf of the council, directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record. The subdivider shall provide the city with three copies of the recorded plat. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(vi)(f)], 1995)

#### **16.28.460 Final plat – Effect of filing.**

Any lots in a final plat filed for record shall be for a valid land use as provided for in this unified development code. Further, after filing, the plat map shall become the property of the city. For a period of five years after final plat approval, unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare in the subdivision, a subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations which were in effect at the time of approval. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b) (vi)(g)], 1995)

#### **16.28.470 Replats.**

A. General. Replats of recorded plats shall proceed as specified by this title for the approval of a preliminary plat except as modified by this chapter.

B. Multiple Ownership. Where the lots within a recorded plat are held in more than one ownership, the application for replat shall not be accepted by the city for processing unless accompanied by the signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat.

C. Alteration of Installed Improvements. Whenever a replat will involve the relocation, removal or reconstruction of existing plat improvements or open space, the whole of the land embraced in the plat(s) proposed to be replatted shall be and does constitute an assessment district for the purposes of financing said relocation, removal or reconstruction. Assessment rates and requirements shall be established by the planning commission at the time of replat approval.

D. Recording. Any replat shall be filed and recorded with the county auditor and shall thereafter be the lawful plat and substitute for all former plats; provided that, should the said plat addition or additions be vacated and not otherwise altered or replatted, it shall only be necessary to file with the county auditor the order, resolution or ordinance vacating the same, and the auditor shall thereupon note upon the original plat the part thereof so vacated.

E. Power of Council Not Affected. Nothing in this chapter shall in any way change, limit or affect the power now vested in the council to vacate streets or parts of streets. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(vii)], 1995)

#### **16.28.480 Vesting.**

An application which contains all the information required pursuant to state law shall be considered under the provisions of this unified development code in effect on the date the application is submitted unless, within three weeks, it is determined that information submitted is inaccurate or incomplete. Examples of such misrepresentation or inaccuracy include, but are not limited to, naturally occurring site conditions different from those represented by application submittals, or incorrect submittal information as determined by the city planner. Applications that have been remanded or returned to the applicant, and which are subsequently resubmitted, are vested under the provisions of the code in effect at the time the resubmitted information is deemed complete and accurate as stipulated in these regulations. (Ord. 840-04 § 1; Ord. 630 § 2[16.10.010(1)(b)(viii)], 1995)

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