



SHORT SUBDIVISION PROCESS

Chapter 16.04 – SUBDIVISIONS

16.04.020 - Purpose

The purpose of this title is to provide rules, regulations, requirements, and standards for subdividing land in the community, ensuring that the public health, safety, general welfare, and aesthetics of the community shall be promoted and protected; that orderly growth, development, conservation, protection and proper use of land shall be insured; that the character of the developing area is safeguarded and promoted; that proper provisions for all public facilities including circulation, utilities, open space, and services shall be made; and that the goals and policies of the Darrington Comprehensive Land Use Policy Plan are furthered through the subdivision of land.

(Ord. 542 § 1 (part), 1999)

16.10.010

The procedures regulating short subdivisions are established to promote orderly and efficient division of lots while promoting the public health and general welfare and complying with provisions of RCW 58.17.

(Ord. 542 § 1 (part), 1999)

16.04.030 - Scope

A. This title shall apply to the division of any land for sale, lease or gift, into two or more parcels, one or more of which is less than twenty acres (20) in compliance with Chapter 58.17 RCW.

B. Where this title imposes greater restrictions or higher standards upon the development or land than other laws, ordinances or restrictive covenants, the provisions of this title shall prevail.

C. All approved plats shall be reordered in Town approved digital format and presented to the Town Planner prior to final plat approval.

(Ord. 542 § 1 (part), 1999)

16.10.020

Any land being divided into four or fewer parcels, lots, tracts or sites for the purpose of sale, lease, or gift, any one of which is less than twenty acres in size, and which has not been divided in a short subdivision within a period of five years, shall meet the requirements of this section.

(Ord. 542 § 1 (part), 1999)

15.28.020

Before issuance of any development permit or plan approval for short subdivisions, and before development begins on any site, the developer shall submit a drainage plan for review and approval as a condition of the permit or plan approval sought.

Waiver. The engineer employed or used by the town, after considering all available information and reports of the appropriate town officials and consultants, may waive the requirement of a drainage plan and system if he or she determines that the proposed development will not adversely affect the amount or location of drainage on and near the site, and will not result in any pollution of surface water.

(Ord. 419 § 2, 1988)

Procedure

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be subsequently undertaken. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

Within twenty-eight (28) days of receiving your application, Town staff shall determine if it is complete. If additional information and/or materials is needed to meet the approval criteria for a particular application, the Town will contact you and outline what is needed to complete the application. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall mail or provide in person written notice to the applicant, within fourteen (14) days following the receipt of the additional information.

The department shall cancel an incomplete application if the applicant fails to submit the additional information required by DMC Sections 17.104.070(A) or (C) within ninety (90) days following notification from the department that the application is incomplete. The department may extend this cancellation date up to one hundred twenty (120) additional days if the applicant submits a written request for an extension prior to cancellation. The request must clearly demonstrate that the delay is due to circumstances beyond the applicant's control (such as the need for seasonal wetland date) or unusual circumstances not typically faced by other applicants, and that a good faith effort has been made to provide the requested materials.

After the determination of a completed application, a decision from Town staff on a permit application is required within one hundred and twenty days (120).

The fact that an application is deemed complete pursuant to this section shall not, under any circumstances, prevent the Town from subsequently requesting additional information or studies regarding any aspect of a proposed project, which is deemed necessary to a complete review of the proposed project.

17.104.010 Classification of Project Permit Applications.

Type 2 decisions are decisions which are initially made by the Town Planner or, in certain cases, other Town administrators or committees, but which are subject to an open record appeal to the Planning Commission, Town Council, or, in the case of shoreline permits, an appeal to the State Shorelines Hearings Board pursuant to RCW 90.58.

A Short Plat is a Type 2 Approval Process – Planning review is to be completed by a contracted professional planner and the final decision will be made by the Town of Darrington Subdivision Committee.

A public “Notice of Application” must be posted on-site, within 14 days of completed application having been received. If the Short Plat contains wetlands, streams, or their buffers, then a SEPA Environmental review may apply. These additional approvals may increase review time. The Department of Ecology website contains SEPA information, forms and checklists needed.

www.ecy.wa.gov/programs/sea/sepa/forms.htm

A. A single notice board shall be posted for a project. This notice board shall also be used for the posting of the notice of decision and any notice of hearing, and shall be placed by the applicant as follows:

1. The notice board shall be located at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility.
2. The notice board shall be five feet inside the property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the department.
3. Notice boards shall be at least four feet by four feet in size and shall be designed, constructed and installed in accordance with specifications promulgated by the department.
4. The top of the notice board shall be between seven to nine feet above grade.
5. The notice board shall be placed so that it is completely visible to pedestrians.

B. A mailed notice shall be issued to all owners/residents within five hundred (500) feet of any portion of the project boundary by first class mail by the department within fourteen (14) days following the department's determination of completeness and at least ten (10) days prior to the public hearing. Applicant will provide to the Town of Darrington staff, a complete mailing list and envelopes that must be size #10 (regular business size) **with** first class postage and with a Town of Darrington return address.

16.04.070 - Dedications

A. Act of Dedication. The intention to dedicate real property to the public shall be evidenced by showing the dedication on the plat prepared for approval. All dedications, including easements, rights-of-way and real property shall be clearly and precisely indicated on the face of the plat. Unless specifically noted otherwise on the plat, approval of the plat for recording shall constitute acceptance of the dedication.

B. Public Streets. All streets and parcels of land shown on the final plat and intended for public use shall be offered for dedication for public use, except the approving entity may allow the

conveyance of certain public improvements to a homeowner's association or similar nonprofit corporation.

C. Certificates. If the subdivision includes a dedication, the final plat shall include a certificate of dedication of reference to a separate written instrument which dedicates all required streets and other areas to the public. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by every person having ownership interest in the lands divided and recorded as part of the final plat.

D. Title Report. Every proposed final plat containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate of dedication.

(Ord. 542 § 1 (part), 1999)

Criteria

The Planning/Short Plat Committee will administratively review the application based on the following criteria:

- Create legal building sites with respect to zoning and health regulations;
- Establish access to a public road for each segregated parcel;
- If adjacent to another municipality or Snohomish County, take into consideration the subdivision standards of that jurisdiction, as well as the requirements of this code;
- Make adequate provision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes, as deemed necessary;
- Comply with Darrington Municipal Code, Design Standards for the Subdivision of Land. Minimum Standards for Residential Subdivision Design, and Minimum Standards for Commercial/Industrial Subdivision Design, respectively;
- Actions by the applicant to get a short subdivision shall not result in the inability to derive reasonable economic use of the property or create an undevelopable lot under DMC Section 17.45.115, unless that lot is to be dedicated for exclusive use as open space or common tract;
- Public Access to Water Bodies. 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 sixty feet and being capable of having a road constructed thereon to Town 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.

16.10.050 & 16.12.040 - Preliminary Review Procedures

A. Referral to Other Departments. Upon receipt of an application for a short subdivision or boundary line adjustment, the planning department shall transmit one copy of the application to each member of the short subdivision committee, and one copy to any department or agency deemed necessary.

B. Planning Division Action. The Planning Department may determine that a meeting be conducted to resolve major issues identified as a result of departmental recommendations. Such a meeting shall be attended by those offices or agencies responsible for the recommendations, and must include the applicant. The proceedings and results of the meeting shall be documented.

C. Approval of Preliminary Plat. Approval of a preliminary plat shall constitute approval for the applicant to develop construction plans and specifications for all facilities and improvements, as required, in strict conformance to the approved preliminary plat, design standards, and any special conditions required by the Town Council, and to prepare a final plat.

D. The proposed subdivision is in conformance with the Darrington Comprehensive Plan and any other adopted plans;

E. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision, which are consistent with current standards and plans;

F. Appropriate provisions have been made for road, utilities and other improvements, which are consistent with current standards and plans;

G. Appropriate provisions have been made for dedications, easements and reservations;

H. The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located;

I. The subdivision complies with the relevant requirements of the Darrington subdivision and zoning ordinances, and all other relevant state and local regulations;

J. Appropriate provisions for maintenance of privately owned common facilities have been made;

K. The subdivision code complies with RCW 58.17.110.

L. Short Subdivision Committee. The short subdivision committee shall consist of the Town Planner who shall be chairman, the Public Works Director, Town Clerk, Town Council member and a Planning Commission member or their designated representatives.

M. Subdivision Committee Decision. The short subdivision committee may approve, with modifications, or deny the application for a short subdivision pursuant to Type 2 permit procedures. No formal meeting of the committee is required so long as the planning department obtains the recommendations and consent of the other members of the committee before issuing a decision.

(Ord. 542 § 1 (part), 1999)

16.08.030 - Preliminary Approval

In order to receive preliminary approval, the applicant must submit to the Darrington Planning Department a complete application, in quantities specified by the Department, and meet the criteria for approval.

A. Application. A complete application consists of the following:

1. A completed application on a form provided by the Planning Department and fee as identified in Chapter 17.88 DMC;

FEE: \$ 600.00 plus \$100.00 per lot/unit Non-Refundable

17.88.10 - Application fees.

Any applicant shall pay the following fees for a land use permit at the same time that said application is filed with the town

Applicant shall be required to bear any engineering and legal fees incurred by the Town in connection with the application, which are not covered by other fees. Impact fees for traffic, schools and parks shall be paid prior to building permit issuance. All fees must be paid prior to final plat approval.

2. A neat and readable plan drawn to a standard decimal (engineer) scale. A survey may be required if it is determined that level of information is needed to ensure the adjustment meets the approval criteria. The plan shall show the following information:

- a. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line,
- b. Dimensions of all property lines and area of the lots, before and after the adjustment,
- c. Location and floor area of all structures on the site and their setbacks from existing and new property lines,
- d. Location and purpose of all easements on the site,
- e. Location, purpose and legal description of any new or extended easements proposed,
- f. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided,
- g. Location of existing utilities and utility easements,
- h. Calculations which demonstrate that required yard setbacks of the Uniform Building Code are met;

3. Before and after legal description of the affected lots.

B. Review Criteria. In order to approve a Short Plat, the Short Subdivision Committee shall determine the project complies with the following criteria:

1. The adjustment will not create nonconforming lots with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards;
2. The degree of nonconformance on existing nonconforming lots with respect to zoning, dimensions and area standards, zoning setbacks and floor area ratio are not increased;
3. All lots have legal access to a public road. Existing required private access road improvements and easements are not diminished below subdivision ordinance standards for lots that are served by a private access road;

4. Existing easements for utilities are appropriate for their intended function, or they are extended, moved or otherwise altered to an appropriate location;

5. The adjustment does not create any nonconformity with respect to the Uniform Building Code or any other locally administered regulation.

16.10.070 - Short Plat Final Approval

Approval of a short plat shall constitute approval for the applicant to develop construction plans and specifications, for all facilities and improvements, in substantial conformance to the preliminary approval, design standards, and any special conditions required by the Town Council; to obtain permits and complete installation for said improvements; and to prepare a final plat, plans, surveys and other documents for recording.

Prior to installing improvements, the developer shall apply for all required permits for those improvements. The applications shall include plans as specified on the application form.

The following items are required, in quantities specified the planning department for final short plat approval. Items may be waived if in the judgement of the short subdivision committee said items are not applicable to the particular proposal:

- A. A final survey that complies with the standards set forth in DMC Section 16.040.060 and with all certificates signed except for those to be signed by the town and those to be signed at recording;
- B. A title insurance report confirming that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plats certificate;
- C. Legal description(s) of all the tracts located within the boundaries of the short plat;
- D. As-built plans for all new roads and utilities;
- E. Binding maintenance agreements to provide for the maintenance of commonly owned private facilities;
- F. Owner's affidavit and certificate of dedication as identified in DMC Section 16.04.060, if required.

16.10.080 - Approval Review Procedures

The Short Subdivision Committee may grant final approval of the short subdivision when they find the criteria listed in Section 16.10.090 of this chapter have been met. No formal meeting of the committee is required so long as the Chair obtains the recommendations and consent of the other members of the committee before issuing a decision.

A. All required improvements must be constructed by the applicant and accepted by the Town, or a bond posted by the applicant for construction of same, prior to the final plat approval. Said bond shall be in an amount equal to one hundred twenty-five percent (125) of the estimated cost of complete construction of such improvements as determined by the director of public works and certified by the town engineer.

B. The short plat must be certified by the short Subdivision Committee Chairman and Town Clerk before it is filed.

C. Upon final approval of the short plat, the applicant shall record the plat and all other relevant documents with the Snohomish County Department of Records and Elections. The subdivider is responsible for paying the recording fee(s). Upon the completion of plat recording, the applicant shall provide the planning department with a copy of the recorded documents. The short plat shall not be considered final until these documents have been provided to the planning department.
(Ord. 542 § 1 (part), 1999)

16.10.090 - Approval Criteria

To grant final approval of a short plat, the short subdivision committee must determine that it meets the following decision criteria:

- A. All requirements for short plats as set forth in the subdivision code are met;
- B. All terms of the preliminary short plat approval have been met;
- C. The requirements of Chapter 58.17 RCW, other applicable state laws, and any other applicable town ordinances have been met;
- D. All required improvements have been installed in accordance with town standards or an improvement agreement with financial guarantee has been entered into by the applicant and accepted by the Town Attorney and Clerk;

E. That the plat is technically correct and accurate as certified by the land surveyor responsible for the plat.
(Ord. 542 § 1 (part), 1999)

16.10.100 - Contiguous Short Plats

No application for a short plat shall be approved if the land being divided is held in common ownership with a contiguous parcel has been divided in a short plat within the proceeding five years and the total number of lots created in both short plats would exceed nine. When the total number of lots exceeds four but is less than ten, the paving, curb, gutter and sidewalk shall be provided per DMC Section 16.20.030.

(Ord. 542 § 1 (part), 1999)

16.10.110 - Limitations on Further Subdivision

Any land subdivided under the requirements of this chapter shall not be further divided for a period of five years without following the procedures for subdivision, except when the short plat contains fewer lots than allowed for a short plat, in which case an additional short plat may be approved if the total number of lots within the boundaries of the original short plat does not exceed nine.

(Ord. 542 § 1 (part), 1999)

16.10.130 - Expiration Period

If the short plat is not filed within one year of the date of approval, the short plat shall be null and void. Upon written request by the subdivider, the Short Subdivision Committee may grant one extension of no more than six months.

(Ord. 542 § 1 (part), 1999)

16.24.020 - Process for Installing Public Improvements

Improvements installed by the developer of the short plat, either as a requirement or of the subdividers own option, shall conform to the requirements of this title end improvement standards, specifications, inspections and procedures as set forth by the department of public works, and shall be installed in accordance with the following procedures:

A. Work shall not be commenced until plans have been checked for adequacy and approved by public works to the extent necessary for the evaluation of the subdivision or short plat proposal. The plans may be required before approval of the final plat, if improvements are to be deferred. Plans shall be prepared in accordance with the requirements of the town.

B. Work shall not commence until public works has been notified in advance and if work has been discontinued for any reason, it shall not be resumed until public works has been notified.

C. Public improvements shall be constructed under the inspection and to the satisfaction of the director of public works. The town may require changes in typical section details if unusual conditions arise during construction to warrant the change.

D. All underground utilities, sanitary systems and storm drains installed in the streets by the developer of the subdivision or short plat shall be constructed prior to surfacing of streets. Stubs for service connections, underground utilities and sanitary systems shall be placed to a length obviating the necessity for disturbing the street improvements when surface connections are made

E. Plans showing all improvements as built shall be filed with the town upon completion of the improvements.

F. No work shall occur between November 1st and March 31st without special permission from the building official or city engineer.

(Ord. 542 § 1 (part), 1999)

16.24.030 - Improvement Agreements and Financial Guarantees

A. Before any final short plat is finally approved; the subdivider shall install required improvements and replace or repair any such improvements, which are damaged in the development of the subdivision. In lieu of installation of all required improvements, the subdivider may execute and file with the town an agreement guaranteeing completion of such improvements together with any needed replacement or repair. The agreement shall:

1. Specify the period of time within which all work required shall be completed. The time for completion shall not exceed one year from the date of final approval of the subdivision. The agreement may provide for reasonable extensions of time for completion of work. Extensions must be requested, approved by the Town Council and properly secured in advance of the required initial completion date;
2. Required notice by the subdivider to the public works department promptly upon completion of all required improvements.
3. Provide for notice of approval or disapproval by the department of public works within a reasonable time after receiving a notice of completion.

4. Require financial security to be provided by the subdivider pursuant to subsection C of this section;
5. Provide that if the subdivider fails to complete all required work within the period specified, the town may take steps to demand performance of the developer's obligation within a reasonable time not to exceed ninety days from the date of the demand;
6. Provide that if required improvements are not completed within that time, the town may take action to require the subdivider forfeit the financial security;
7. Provide that the town shall be entitled to recover all costs of such action including reasonable attorney's fees;
8. Provide that following recovery of the proceeds of the financial security, those proceeds shall be used to complete the required improvements and pay costs incurred;
9. Provide that should the proceeds of the financial security be insufficient for completion of the work and payment of costs; the Town shall be entitled to recover the deficiency from the subdivider.

B. Regardless of whether all required improvements are completed prior to final approval of any subdivision of land, as a condition of such approval, the subdivider shall execute an agreement to assure successful operation of said improvements. The agreement shall:

1. Require the subdivider to post a bond or other financial security to secure successful operation of all required improvements and full performance of the developer's maintenance obligation. Such financial security shall be effective for a two-year period following approval of installation of all required improvements;
2. Require the subdivider to perform maintenance functions on drainage improvements for a period of time not to exceed two-years from approval of their completion or final plat approval, whichever is later. Such maintenance functions shall be specified by the public works director and shall be reasonable related to the burdens which the subdivision will impose on drainage facilities during the time maintenance is required. The city council may agree to accept and perform maintenance of the improvements, in which case the subdivider's obligation to perform maintenance functions shall terminate;
3. Not relieve the subdivider of liability for the defective conditions of any required improvements discovered following the effective term of the security given;
4. Provide a waiver by the subdivider of all claims for damages against any governmental authority, which may occur to the adjacent landowner as a result of construction, drainage, and maintenance of the streets and other improvements.

C. To assure full performance of the agreements required herein, the subdivider shall provide one or more of the following in a form approved by the Town Attorney:

1. A surety bond executed by a surety company authorized to transact business in the State of Washington;
2. An irrevocable letter of credit from a financial institution stating that money is held for the purpose of development of the stated project;

3. An assignment of account with a financial institution which holds the money in an account until such time the Town signs a written release. The assignment of an account will allow the Town to withdraw the funds in the event the provisions of the agreement are not met;

4. A cash deposit made with the Town of Darrington.

D. Amount of Financial Security. Financial security provided shall be one hundred and twenty five percent (125) of the estimated cost of the improvements to be completed and all related engineering and incidental expenses, final survey monumentation and preparation of reproducible Mylar or electronic records in a format approved by the Public Works Department. And meeting current drawing standards of the "as-built" improvements. The subdivider shall provide an estimate of these costs for acceptance by the public works department and town engineer.

E. Defective Work. The acceptance of improvements by the Town shall not prevent the Town from making claim against the developer for any defective work if such is discovered within two years after the date of completion of the work.

(Ord. 542 § 1 (part), 1999)