

CITY OF COLVILLE
LAND DIVISION ORDINANCE

December 2012

Title 16

LAND DIVISIONS

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Chapter 16.04

GENERAL PROVISIONS

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16.04.010 Short title.

The regulations set out in Title 16, and any future amendments to Title 16, shall be known as the “Land Division Ordinance of the City of Colville.”

16.04.020 Authority.

Regulation of the division of land, and the attachment of reasonable conditions, is a valid exercise of the police power as granted to the City by the State of Washington in Chapter 58.17 of the Revised Code of Washington (RCW).

16.04.030 Purpose and intent.

The purpose of this title is to:

- A. regulate the division of land
- B. promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land;
- C. lessen congestion in the streets and highways;
- D. promote effective use of land;
- E. promote safe and convenient travel by the public on streets and highways;
- F. provide for adequate light and air;
- G. facilitate adequate provision for water, sewerage, parks and recreation areas and other public requirements;
- H. provide for proper ingress and egress;
- I. provide for the expeditious review and approval of proposed land divisions which conform to zoning standards and local plans and policies;
- J. adequately provide for housing and commercial needs of the citizens of the city;
- K. require uniform monumenting of land divisions and conveyances by accurate legal description; and
- L. ensure that public facilities and services are available at the minimum level of service adopted in the Colville Comprehensive Plan at the time that new development is occupied.

16.04.040 Applicability.

Every division or redivision of land for the purpose of lease, sale or transfer of ownership into two (2) or more lots, tracts or parcels in the city shall proceed in compliance with this Title.

16.04.050 Exemptions.

The provisions of this title shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions of land into lots or tracts each of which is 20 acres or larger; provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline.
- C. Divisions made by testamentary provisions, the laws of descent, or upon court order.
- D. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and the city has approved a binding site plan for the use of land in accordance with the Colville Zoning Ordinance.
- E. Any division of property made by recorded survey or contract sale prior to March 15, 1977.

16.04.060 Administration.

- A. The Plat Administrator shall be responsible for the administration and interpretation of the regulations of this title. The Plat Administrator may prepare and require the use of forms as necessary to administer this title.
- B. The Planning Commission shall adopt rules and procedures for the effective and expeditious administration of duties assigned to it in this title. The Planning Commission shall be responsible for the review of applications associated with or governed by this title and not specifically the duty of the Plat Administrator, and shall make recommendations concerning the approval, conditional approval, or denial of such applications to the City Council. The Planning Commission shall be responsible for reviewing appeals of interpretations of this title and its contents made by the Plat Administrator.
- C. The City Council is responsible for the approval of preliminary plats, and for the adoption or amendment of this Title.

16.04.070 Unapproved plat.

The County Auditor shall refuse to accept any plat for filing until approval of the plat has been given by the City. Should a plat or dedication be filed without such approval, the Stevens County prosecuting attorney shall apply for a writ of mandate in the name of and on behalf of the City Council, directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record.

Chapter 16.08

DEFINITIONS

Sections:

16.08.010 Definitions and interpretation of language.

16.08.010 Definitions and interpretation of language.

A. For the purposes of this ordinance, certain terms or words used herein shall be interpreted as set out in this chapter.

1. The word “shall” is mandatory, the word “may” is permissive.

2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

3. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

B. The following definitions shall be used in the implementation of this title. Where terms are not defined, they shall have their ordinary accepted meaning within the context with which they are used.

Alley. A passage or way open to public travel and dedicated to public use affording generally a secondary access to abutting lots and not intended for general traffic circulation. Alleys are not considered streets under the terms of this Title.

Binding site plan. A drawing to a scale of 1"=100' or larger which:

A. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title;

B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City Council; and

C. Contains provisions making any development be in conformity with the site plan.

Block. A group of lots, tracts or parcels within well-defined and fixed boundaries.

Bond. Any form of financial security acceptable to the city attorney and in an amount consistent with the provisions of these regulations. All bonds shall be approved by the City Council whenever a bond is required by these regulations.

Boundary line adjustment. A minor adjustment of one (1) property line between two (2) lots in which no third-party ownership or additional building site results.

Commercial-industrial subdivision. The division of land for the purpose of sale, lease, or transfer of ownership intended for the development of commercial and/or industrial uses.

Commission. The Colville Planning Commission.

Council. The Colville City Council.

County. Stevens County.

Cul-de-sac. A local or residential street with only one (1) outlet, and having a turnaround for the safe and convenient reversal of direction.

Dedication. A deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a short plat showing the dedication; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

Easement. Authorization by a property owner for the use by another, for a specified purpose, of a designated portion of the property.

Easement, perpetual access. The right of use by others, granted for a portion of property for the purpose of gaining access to an adjoining parcel and has no term limit; it will remain in effect indefinitely regardless of the ownership status of either the primary parcel or any other parcel(s) that benefit from the use of the easement.

Final plat. The final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in these regulations and RCW Chapter 58.17.

Frontage. That portion of a lot abutting on a public street and ordinarily regarded as the front of the lot.

Grade. The deviation of a street or lot or portion of a lot from the horizontal, specified in percentage terms.

Land Division. A process by which individual lots, parcels, or tracts are created. Land divisions include short plat and subdivision.

Lot. A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet zoning requirements for width and area to be considered suitable for development. The term shall include tracts and parcels.

Lot, corner. A lot situated at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an angle of less than 135 degrees.

Lot depth. The horizontal distance from the midpoint of the front property to the midpoint of the rear property line.

Lot improvement. A physical betterment of real property, or any part of such betterment, including any building, structure, or improvement of the land.

Lot width. The dimension of the lot line at the street right-of-way line; or, in an irregularly shaped lot, the dimension across the lot at the building setback line; or, in a corner lot, the narrow dimension of the lot at a street or building setback line.

Model home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in a subdivision.

Nonresidential subdivision. A subdivision whose intended use is for other than residential purposes, such as commercial or industrial.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest to the land proposed to be subdivided.

Person. A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Planned unit development (PUD). A development which is preplanned in its entirety, with subdivision and zoning controls applied to the project as a whole rather than to individual lots. A PUD is characterized by a unified site design, subject to a site plan review, and approved in accordance with the Colville Zoning Ordinance and these regulations.

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

Plat Administrator. The director of the Colville Planning Department.

Preliminary plat. A neat and accurate drawing (at a scale of 1"=100' or larger) of a proposed subdivision, showing the general layout of streets and alleys, lots, blocks, restrictive covenants and similar elements, which shall furnish a basis for the review of the general layout of a subdivision, in accordance with this Title.

Replat. Any alteration, redesign, revision, or other adjustment to a subdivision which affects lot lines, streets, dedications or other subdivision features, or which corrects defects or deficiencies and does not increase the number of lots from the original as set forth in RCW 58.12.

Required improvement. Includes, but is not limited to, any drainage system, roadway, signs, sidewalk, parks, open space, community facilities, lot improvement, sewer or water

system, fire protection, or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the City's responsibility is already established.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road or alley, utility line, water or sewer main, shade trees, or other similar public or community uses.

Sale or lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or portion thereof, whether by metes and bounds, deed, contract, plat, map, devise, intestate succession, or other written instrument.

Setback. The minimum distance required between a property line and a structure or building.

Short plat. A map or representation of a short subdivision.

Short subdivision. The division or redivision of land involving four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Sketch plat. A sketch preparatory to the preparation of a preliminary plat.

Street. The entire width of land between the boundary lines of every public way, used either immediately or in the future for the purpose of vehicular and/or pedestrian traffic, pathways for bikes, placement of utilities and access to abutting properties, and generally designated as follows:

- A. "Collector street" means a street designed to move traffic from local or residential streets to arterials and secondary arterials.
- B. "Local street" means a street designed and intended to provide access from individual properties to other streets.
- C. "Primary arterial" is a general term denoting a street designed primarily for through traffic carrying heavy loads and large volumes of traffic, usually on a continuous route.
- D. "Secondary arterial" means a street designed and intended to collect traffic from less intensively used streets and distribute it to primary arterials or focal points in the city.

Street, dead-end. A street or portion of a street with only one (1) vehicular traffic outlet.

Subdivider. Any person who, having an interest in land, causes it, directly or indirectly, to be subdivided.

Subdivision. The division or redivision of land involving five (5) or more lots, tracts, parcels, sites or divisions of less than five (5) acres in size for the purpose of sale, lease or transfer of ownership.

Vacation. The abandonment of an easement or right-of-way.

Variance. A change, modification or variation in the requirements, rules or regulations in this Title.

Chapter 16.12

BOUNDARY LINE ADJUSTMENT

Sections:

- 16.12.010 Boundary line adjustment application.
- 16.12.020 Waiver of survey requirement.
- 16.12.030 Boundary line adjustment criteria.
- 16.12.040 Certification and filing.

16.12.010 Boundary line adjustment application.

A. Application for a boundary line adjustment shall be made on forms provided by the Plat Administrator. An application fee in an amount established by resolution by the City Council shall be submitted with the boundary line adjustment application. Where a record of survey is not required, a map of the boundary line adjustment shall be drawn in permanent black ink, on mylar, sheet size 18 inches by 24 inches, at a scale no smaller than 1"=100' nor greater than 1"=50'.

B. Information required on or accompanying the map shall include:

1. Evidence that the property owners involved in, or affected by the boundary line adjustment are aware of and in agreement with the boundary line adjustment;
2. Legal description of the revised parcel(s) involved in the boundary line adjustment and sufficient information to locate each lot or tract;
3. Surveyor's certificate and all certificates and other information as may be required;
4. Location of all lots, tracts, parcels, private or public roadways, easements, and lot sizes. All boundary lines shall be referenced with proper bearings and distances;
5. Location of all existing structures and improvements;
6. Approval certificate for the Plat Administrator; and
7. Plat certificate or title report; and
8. Other information as deemed necessary to clarify or complete the application.

16.12.020 Waiver of survey requirement.

The Plat Administrator may waive the requirement for a survey when there is adequate existing survey monumentation. Adequate survey monumentation shall include proof that at least two (2) of the parcel's boundaries have been sufficiently surveyed in a previous survey and that at least one (1) corner of the parcel can be established.

16.12.030 Boundary line adjustment criteria.

A. A Boundary Line Adjustment shall be subject to a Type I review consistent with Chapter 17.108 of the Colville Zoning Ordinance.

B. In reviewing any boundary line adjustment, the Plat Administrator shall approve a boundary line adjustment without a public hearing, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The boundary line adjustment does not create any additional lot, tract, parcel, site or division.

2. The boundary line adjustment does not create any lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for lot width and area or for building setbacks in accordance with the requirements of the Colville Zoning Ordinance.

3. The boundary line adjustment does not render any existing structure non-conforming. In addition, off-street parking on any lot affected by the lot line adjustment shall not be reduced below the required number of spaces for the use located on the lot.

4. The boundary line adjustment will not result in any easement in conflict with the lots.

5. The boundary line adjustment does not include any public dedications of right-of-way or result in any easement which is in conflict with existing easements or dedications.

16.12.040 Certification and filing.

A. Within 15 days of the acceptance of the boundary line adjustment application, the Plat Administrator will either forward an approved boundary line adjustment to the Stevens County auditor for recording or return the application to the applicant for further information. The signature of approval by the Plat Administrator shall constitute approval by the City for recording of the boundary line adjustment.

B. Each map filed with the Stevens County auditor representing an approved boundary line adjustment shall contain the following statements:

1. The parcel resulting from the boundary line adjustment may not be sold or conveyed separately from the parcel to which it has been added without prior approval of the City.

2. The boundaries of the parcels resulting from the boundary line adjustment may not be further adjusted without additional review by the City.

C. The applicant shall assume any costs required by the recording of the approved boundary line adjustment.

Chapter 16.16

DESIGN STANDARDS

Sections:

- 16.16.010 General provisions.
- 16.16.020 Conformance to applicable rules and regulations.
- 16.16.030 Flood plain areas.
- 16.16.040 Block size.
- 16.16.050 Lot size and improvements.
- 16.16.060 Streets, general requirements.
- 16.16.070 Curbs, sidewalks and planter strips.
- 16.16.080 Street amenities.
- 16.16.090 Water facilities.
- 16.16.100 Drainage and storm sewers.
- 16.16.110 Sanitary sewer facilities.
- 16.16.120 Public utilities and easements.
- 16.16.130 Dedication of parks and recreation.
- 16.16.140 Maintenance of incomplete land division improvements.

16.16.010 General provisions.

A. The proposed name of a land division shall not duplicate, or closely approximate phonetically, the name of any other subdivision in the county. A street which is planned as a continuation of an existing street shall bear the same name. The Planning Commission shall have the authority to approve the name of land subdivision prior to the approval of the preliminary plat.

B. If a property owner has covenants or deed restrictions in a proposed subdivision, the recording data of said covenants and deed restrictions shall be on the face of the plat.

C. If a subdivider is required to install utilities that are greater than the minimum provided in this Title to implement the development of the Comprehensive Plan to serve areas other than the land division, the City may reimburse the subdivider for the additional cost of the larger facility; however, if said piping is included in the Water/Sewer System Plan, the cost shall be born by the developer. If bids are required as a result of participation by the City, a percentage of cost will be determined prior to bid award.

D. For the purposes of allowing the construction of model homes in a subdivision, the City may allow up to two (2) lots to be built upon after preliminary plat approval; provided, that the lots to be developed have access to an existing public street and that a bond for all required improvements has been executed.

E. All surveying and monumenting shall comply with the City Surveying Standards or as hereafter amended.

F. No waste materials of any kind shall be buried under any area of the land division or left or deposited on any lot, street, or other area of the land division at the time of

expiration of the performance bond or dedication of public improvements, whichever is sooner.

G. Except in areas where the grade has not been changed or the natural vegetation has not been seriously damaged, all planting strips between curbs and sidewalks, if applicable, shall be recovered with quality topsoil prior to the filing of the final plat or release of any required performance bond.

16.16.020 Conformance to applicable rules and regulations.

In addition to the requirements established herein, all land division plats shall comply with the following laws, rules and regulations:

- A. The Colville Zoning Ordinance and all other applicable laws of the City;
- B. Any and all requirements of the N.E. Tri-County Health District;
- C. Any rules of the Washington State Department of Transportation if the proposed subdivision, in part or total, abuts a state highway;
- D. Standards or regulations specified by the licensed engineer acting on behalf of the City;
- E. The City Street Superintendent, City Water/Sewer Superintendent, and licensed engineer acting on behalf of the City shall be responsible for the supervision inspection and acceptance of all subdivision improvements. Any costs incurred as a result of inspections by a licensed engineer acting on behalf of the City shall be withheld pending the payment of any required inspection fees.

16.16.030 Flood plain areas.

A. The City shall consider the physical characteristics of a proposed land division site and may deny a proposed plat because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. No plat shall be approved by the City Council covering any land situated in a flood-control zone as provided in RCW Chapter 86.16, without prior written approval of the Department of Ecology of the State of Washington.

16.16.040 Block size.

A. Blocks shall have sufficient depth to provide for two (2) tiers of lots which meet the development standards of the district in which the property is located. Exceptions to this prescribed block width may be permitted in blocks adjacent to arterials, railroads, waterways, or other similar situations.

B. The lengths, widths and shapes of blocks shall be such as are appropriate for the location and contemplated development, but block lengths in residential zones shall not be less than 300 feet in length. When practical, residential blocks with frontage on principal or minor arterials should not be less than 1,000 feet in length.

C. Where possible, block length, width, and layout shall be consistent with that of adjacent layouts unless topographical conditions justify variation.

D. The subdivider may be required to provide an easement through a block to create pedestrian connectivity at a mid-block point when determined to be essential to

provide circulation or access to schools, parks, retail areas, or other destination points. Minimum width of a pedestrian walkway placed in the easement shall be four (4) feet.

E. The subdivider may be required to provide an easement or an alley through the block to accommodate utilities or drainage. Minimum widths of easements, for sewer, water or storm drain facilities shall be 20 feet. The minimum width of an easement for an alley shall be 20 feet.

F. Blocks for industrial or commercial use shall be of such design as determined suitable by the Planning Commission for the prospective use.

16.16.050 Lot size and improvements.

Lots within a land division shall conform to the following criteria:

A. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Colville Zoning Ordinance and all other rules and regulations and in providing driveway access from an approved street.

B. Lot dimensions shall conform with the minimum standards established in the Colville Zoning Ordinance. Where lots are more than twice the minimum required area for the zone in which the lot is located, the City may require that such lots be arranged so as to allow further subdivision and street construction at a future date.

C. Every lot shall be provided with frontage on a useable access to a public street or with access to an approved private street. Access from lots to existing or proposed arterials as designated in the comprehensive plan may be limited as provided in subsection D of Section 16.16.060.

D. All lots shall have a minimum lot frontage of 20 feet.

E. Flag lots shall not be approved unless the frontage and lot width standards are met. No more than two (2) lots may be accessed from a single flag stem.

16.16.060 Streets, general requirements.

A. No land division shall be approved unless the area to be subdivided shall have frontage on and access from a street approved by the City. Such a street shall be suitably improved by the subdivider, as required by the City, or be secured by a performance bond as provided Chapter 16.32 of this Title, with pavement width and right-of-way width as required by these land division regulations.

B. Wherever the area to be subdivided is to utilize existing street frontage, such street may be required to be improved as provided for in subsection F.3 of Section 16.16.060 and Section 16.16.070.

C. Topography and Arrangement.

1. Streets shall be related to the topography of the site. All streets shall be arranged to obtain as many as possible of the building sites at or above the grades of the streets. However, a combination of steep grades and sharp curves should be avoided. The specific standards for design of streets are contained in subsections E and F of this section.

2. All streets shall be integrated with the existing and proposed system of traffic circulation as contained in the Comprehensive Plan.

3. Streets shall be properly designed relative to their classification and the standards for that classification in the Comprehensive Plan, and considering heavy traffic

generators such as industries, business districts, schools, churches and shopping centers; population densities; and existing and proposed land use patterns.

4. Rectangular grid street patterns are encouraged, but need not necessarily be adhered to, when such a pattern will adversely effect sensitive natural resources.

5. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by physical characteristics of the site, or unless in the opinion of the City such extension is unnecessary or undesirable. Dead-end streets shall meet the requirements of subsection E of this section (Street Construction and Dead-end Streets).

D. Access to Arterials. Where a land division borders on or contains an existing or proposed arterial, the subdivider may be required to limit access to such streets by one of the following means:

1. The division of lots so as to back onto the arterial and front onto a local street, no access shall be provided from the arterial, and screening may be required along the rear property line of such lots;

2. Inclusion of a series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such an arterial street, with the rear lines of lots adjacent to said street abutting the arterial;

3. Provision of a marginal access or service road (separated from the arterial by a grass strip and having access thereto at suitable points).

E. Street Construction and Dead-end Streets.

1. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities and in conformance with the comprehensive plan. If the property adjacent to a subdivision is undeveloped, and a street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnaround shall be provided on all temporary dead-end streets, with a notation on the final plat that land outside the normal street right-of-way shall revert to the abutting property owners when the street is continued.

2. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the standards and specifications of subsection F of this section.

F. Design Standards. In order to provide for streets of suitable location, width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjacent properties, the following design standards are hereby established (street classification shall be as shown in the Comprehensive Plan, except if a street is not classified, the classification shall be determined by the Planning Commission in consultation with the City Street Superintendent).

1. Street Specifications.

| <u>Street Classifications</u> | <u>Local or Residential</u> | <u>Collector</u> | <u>Minor Arterial</u> | <u>Principal Arterial</u> |
|---|--|------------------|-----------------------|---------------------------|
| Required right-of-way | 56' | 64' | 72' | 80'-100' |
| Required pavement width | 36' | 44' | 52' | 60' |
| Maximum grade | 8% | 6% | 5% | 4% |
| Minimum radius of curve | 100' | 200' | 300' | 500' |
| Design speed | 25 MPH | 30 MPH | 35 MPH | 40 MPH |
| Length of cul-de-sacs | Not less than 180' Nor more than 420' | Not Allowed | Not Allowed | Not Allowed |
| Minimum radius of turn-around for cul-de-sacs | 60' | NA | NA | NA |
| Minimum length of vertical curves | 100' | 200' | 250' | 300' |
| Minimum length of tangents between reserve curves | 150' | 150' | 200' | 250' |

2. Private streets:

a. Private streets may be permitted, as approved, for residential proposals only, and meet the standards based on the proposed type of access (partially adapted from the Stevens County Code, Title 3, standards for private roads):

1) Divisions of land with four or fewer parcels, with no public access, may be constructed as a private driveway.

A. There must be a perpetual access easement granted at a width approved by the City. Applicable City development standards will apply, as measured from the edge of the easement.

B. The surfaced area must be developed at a minimum of 20 feet, using crushed or screened gravel top course over base rock and crowned for surface water runoff control.

2) Divisions of land with five or more parcels shall be constructed to minimum standards to accommodate public access and possible upgrade to full city standards if public dedication should occur.

A. There must be a perpetual access easement granted at a width approved by the City. Applicable City development standards will apply, as measured from the edge of the easement.

B. The surfaced area must be developed with base rock and covered with Asphaltic Concrete Pavement (ACP), concrete, or Bituminous Surface Treatment (BST); crowned with drainage ditches to channel surface water runoff; culverts installed, where existing streambeds traverse the access easements.

3) All other design standards must meet the specific elements as outlined for Local or Residential in Section F.1.

3. Road Surfacing and Improvements.

a. After sewer and water utilities have been installed, the subdivider shall construct streets to the width prescribed above. Streets shall have 12 inches of bank-run ballast and four (4) inches of top course and two (2) inches Class B plant-mix asphalt or better. Adequate provision shall be made for culverts, drains and bridges, as determined by the City.

b. Construction materials and methods shall be in accordance with “Standards and Specifications for Municipal Public Works Construction”, prepared by the American Public Works Association (APWA), unless otherwise approved by the City.

4. Right-of-way widths in excess of those specified in these regulations may be required when, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of 3 to 1.

5. Intersections:

a. Streets shall be designed so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) streets at an angle of less than 70 degrees shall not be permitted. No more than two (2) streets shall intersect at any point unless specifically approved by the City.

b. Proposed new intersections along one (1) side of an existing street shall, whenever practicable, coincide with any existing intersection on the opposite side of said street. Street jogs with centerline offsets of less than 125 feet shall not be permitted without specific approval of the City (see Figure 1). Where an intersection occurs at a principal or minor arterial, street alignment shall be continued and such intersections shall be at least 800 feet apart unless otherwise approved by City.

c. Intersections shall be designed with a flat grade wherever practical. In areas of variable topography, a leveling area shall be provided having not greater than a two (2) percent rate of slope at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

d. Where any intersection will involve earth bank or existing vegetation inside any lot that would create a potential traffic hazard by obstructing visibility, the subdivider shall cut each earth bank and/or vegetation in connection with the grading of the public right-of-way to conform to the “sight visibility triangle,” as described in Colville Zoning Ordinance Section 17.64.010.

G. Street Dedications and Reservations.

1. Street systems in new land divisions shall be designed to eliminate or avoid new half-streets. Where an existing half-street is adjacent to a new land division, the other half of the street lying within the boundaries of the property being divided shall be improved and dedicated by the subdivider. The Planning Commission may permit a new perimeter street when the subdivider improves and dedicates the entire required street right-of-way width within the land division boundaries.

2. Where a land division borders an existing narrow street or when the Comprehensive Plan indicates plans for realignment or widening of a street that would require use of some of the land in the land division, the applicant may be required to improve

and dedicate at his/her expense such areas for widening or realignment of such streets. Such streets shall be improved and dedicated to the full width as required by these land division regulations.

3. Sharing of expenses for the improvement of a street which is not of primary benefit to the subdivider shall be fixed by special agreement between the City Council and the subdivider. If it is determined that the necessary improvements are due solely to the proposed subdivision the subdivider shall insure the required improvements are made at his/her own expense.

16.16.070 Curbs, sidewalks, and planter strips.

A. Concrete curbs and sidewalks shall be constructed in accordance with the American Public Works Association (APWA) Standards or as required and approved by the City. Curbs and sidewalks shall be installed by the subdivider at his/her own expense, as designated in the City Pedestrian & Bicycle Plan and in accordance with the following criteria:

1. Concrete curbs six (6) inches high shall be installed and approved by the City Street Superintendent.

2. Sidewalks shall be included within the dedicated nonpavement right-of-way of all streets and shall include a five (5)-foot buffer strip between curb and sidewalk in residential zones as follows:
 - a. Sidewalks in residential zones shall be a minimum of four (4) feet in width unless along a collector, minor arterial, or principal arterial in a residential zone where the sidewalk shall be a minimum of five (5) feet in width.
 - b. Sidewalks in commercial zones shall be a minimum of ten (10) feet in width on both sides of the street.
 - c. Sidewalks in industrial zones shall be a minimum of five (5) feet in width.
3. Sidewalk location shall be reviewed with the preliminary plat and shall be required, based on the following criteria:
 - a. Design of street,
 - b. Unusual and/or restrictive terrain,
 - c. Expected pedestrian and/or traffic volume.
 - d. Along arterials and major collectors;
4. In instances where sidewalks are not required on both sides of a street, the Planning Commission may recommend the side of the street upon which the sidewalk shall be constructed based upon any of the following:
 - a. Expected route of pedestrian circulation,
 - b. Existing sidewalk location,
 - c. As designated in the City Pedestrian & Bicycle Plan,
 - d. Other conditions that warrant an alternate location.
5. Alternate surface materials, as appropriate for the proposed use, may be considered and approved by the City.

16.16.080 Street amenities.

- A. The subdivider shall deposit with the City at the time of final plat approval the amount of the actual cost for each sign required by the City Street Superintendent. The City shall install all signs prior to the issuance of a certificate of occupancy for any building within the subdivision. Signs identifying the street names shall be placed at all intersections within or abutting the subdivision, the type and locations thereof to be determined by the city street superintendent.
- B. Installation of street lights shall be required in accordance with design and specifications approved by the City.
- C. One (1) street tree shall be planted within the planting strip of the public right-of-way for every 40 feet of lot frontage along the existing or proposed road. A waiver may be granted by the Planning Commission if there are trees growing along the right-of-way or on the abutting property which, in the judgment of the Planning Commission, comply with this regulation.

16.16.090 Water facilities.

- A. All subdivisions shall be connected to the City water system. If water cannot be adequately supplied by the City, a proposed subdivision may be rejected until such time as necessary modifications to the City water system are made as will allow an adequate water

supply. As a condition of subdivision approval, the City may require that the costs of modifications be borne by the subdivider.

B. All water utility installations including fire hydrants shall be designed in accordance with the American Public Works Association (APWA) Standards or as required and approved by the City. All materials used shall be American Water Works Association (AWWA) approved.

C. The subdivider shall insure that necessary improvements and extensions are made so as to provide water sufficient for domestic water and fire protection. All water extensions shall be approved by the Water/Sewer Superintendent, and all water supply equipment and fire hydrant locations shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.

D. Water mains shall be a minimum of eight (8) inches in diameter or as acceptable to the Water/Sewer Superintendent. In deciding the size of a new water line, the size shown in the Water System Master Plan and the planned growth of the surrounding area shall be considered.

E. Fire hydrants shall be required in all subdivisions. Fire hydrants shall be spaced at distances not to exceed 660 feet in single-family residential areas, and at distances not to exceed 330 feet in multi-family residential, commercial and industrial areas, and shall be approved by the City Fire Chief and Water/Sewer Superintendent. Fire hydrants, together with all water supply improvements or extensions, shall be installed prior to the paving of any street shown on the final plat.

16.16.100 Drainage and storm sewers.

A. Lots shall be laid out so as to provide positive drainage away from the building area and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

B. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

C. An adequate storm sewer system, including necessary pipes, culverts, catchbasins and any other necessary appurtenances, shall be provided for the proper drainage of surface water. The inflow of stormwaters into sanitary sewers shall be prohibited.

D. All new development shall provide on-site detention and treatment of stormwater so that the volume of water leaving the site is not increased and the quality decreased as a result of development.

E. Erosion and sediment control plans shall be incorporated into the development plan as approved by the City. Plans shall include best management practices, which are physical, structural, and managerial practices that prevent or reduce erosion.

16.16.110 Sanitary sewer facilities.

A. The subdivider shall install sanitary sewer facilities to all lots in accordance with the American Public Works Association (APWA) Standards, or as required and approved by the City and any other appropriate agencies.

B. Sanitary sewers shall be installed to serve every lot. No individual disposal systems or treatment plants shall be permitted. If sewer facilities cannot practically be installed, a proposed subdivision may be rejected until such time as necessary modifications to the City sewer system are made as will allow for the proper sewer service. As a condition of subdivision approved, the City may require the costs of modifications be borne by the subdivider.

C. No sewer main shall be less than eight (8) inches in diameter unless justified and approved by the City Water/Sewer Superintendent and the Washington State Department of Ecology. In deciding the size of a new sewer main, the planned growth of the surrounding area, as shown in the Comprehensive Plan, shall be used as a reference.

D. All sewer lines shall be laid with straight alignment between manholes.

E. Manholes shall be installed in such a manner as to meet with the approval of the City Water/Sewer Superintendent. The distance between manholes shall not exceed 350 feet.

F. There shall be no physical connection between a public water-supply system and a sewer which will permit the passage of any sewage or polluted water into a potable supply. All parallel water and sewer lines shall be a minimum of ten (10) feet apart.

G. The location of sewer lines in relation to water lines shall be approved by the City Water/Sewer Superintendent, and shall comply with standards specified in appropriate state and federal rules and regulations.

16.16.120 Public utilities and easements.

A. All utility facilities including, but not limited to, gas, electricity, telephone, and television cable lines shall be located underground throughout a subdivision. Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense.

B. All utility easements and alleys, existing and proposed, throughout the subdivision shall be shown on the preliminary plat. Proper coordination shall be established between the subdivider, the City and various utility companies for the establishment of alleys or easements within the subdivision.

16.16.130 Dedication of parks and recreation.

A. The subdivider may be required to dedicate land, or contribute money in lieu of land, for park and recreation purposes in accordance with the following provisions established under RCW 82.02.020:

1. The City may require the dedication of land within the subdivision for park or recreation purposes upon a demonstration that the required dedication is reasonably necessary as a direct result of the proposed subdivision to which the dedication of land is to apply.

2. Voluntary agreements between the subdivider and the City that allow payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed subdivision are permitted; provided, that such voluntary agreement shall be subject to the following provisions:

- a. The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;
- b. The payment shall be expended in all cases within five (5) years of collection; and
- c. Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.
- d. The City shall not require any payment as part of such voluntary agreement which the City cannot establish as being reasonably necessary as a direct result of the proposed subdivision.

B. In the event that the Planning Commission determines that a dedication of land is reasonably necessary as a direct result of the proposed subdivision, such dedication shall be of suitable size, dimension, topography and general character for the purposes determined necessary by the Planning Commission, and shall be shown on the preliminary plat prior to approval.

1. Dedication of Land

a. When land within a residential subdivision is required to be dedicated to the City for park or recreation purposes, such land shall be dedicated in accordance with the following standards:

| <u>Number of Lots Within Subdivision</u> | <u>Area Required to be Dedicated</u> |
|--|---|
| Less than 5 | None |
| 5--10 | 1,000 square feet per lot |
| 11--20 | 1,000 square feet per lot |
| 21--30 | 8 percent of total area of subdivision but not less than 25,000 square feet |
| 31--40 | 8 percent of total area of subdivision but not less than 35,000 square feet |
| 41--50 | 8 percent of total area of subdivision but not less than one (1) acre |
| More than 50 | 8 percent of total area of subdivision but not less than two (2) acres |

b. When the area required to be dedicated is less than two (2) acres, the City may require the dedicated land be located at a suitable location on an edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

2. When an existing park is located within one-quarter (1/4) mile of a proposed subdivision, the subdivider may be required to contribute money to a park improvement fund in lieu of dedication of land. The moneys contributed shall be used by the City in accordance with the requirements of subsection B of this section. Money contributed shall be based on the following formula:

The assessed value, as determined by the Stevens County Assessor, of 1,000 square feet of undeveloped land suited to homesite development in the area of the subdivision, multiplied by the number of times the total area of the subdivision is divisible by the required minimum lot size of the zone in which it is located, less a credit for land actually dedicated for recreational purposes, if any. Example:

AREA OF LAND DIVISION IN SQUARE FEET:

$$10 \text{ acres} \times 43,560 \text{ square feet} = 435,600 \text{ square feet}$$

AREA DIVIDED BY MINIMUM LOT SIZE IN ZONE:

$$435,600 \text{ square feet} / 7,200 \text{ square feet} = 60.5$$

AREA TIMES ASSESSED VALUE

$$60.5 \times \text{Assessed Value} = \text{Required Money Contribution}$$

3. The provisions and standards in this section are minimum standards. None of the subsections or paragraphs above shall prohibit a subdivider from dedicating land for recreation purposes in excess of the requirements of this title.

16.16.140 Maintenance of incomplete land division improvements.

The City may decline to accept responsibility for the maintenance of streets and utilities until the improvements are completed and accepted in writing by the City Street Superintendent and/or City Water/Sewer Superintendent.

Chapter 16.20

SHORT PLAT

Sections:

- 16.20.010 Purpose.
- 16.20.020 Preliminary consideration.
- 16.20.030 Application.
- 16.20.040 Minimum improvements and dedication of land.
- 16.20.050 Action by Plat Administrator.
- 16.20.060 Resubdivision limitation.
- 16.20.070 Agreements to transfer land.

16.20.010 Purpose.

The purpose of this chapter is to provide procedures for the division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within the City of Colville.

16.20.020 Preliminary consideration.

Prior to the preparation of the short plat, the applicant may consult with the Plat Administrator and other City officials as necessary to determine subdivision, zoning, and other relative requirements.

16.20.030 Application.

An application for a short plat shall consist of the following:

- A. An application form completed and signed by the subdivider or authorized agent, containing at a minimum the following information:
 - 1. Name, address and phone number of the applicant;
 - 2. Agreement of the legal owner(s) of the property to be short subdivided;
 - 3. Legal description of the parcel; zoning certification; and date of application.
- B. A minimum of six (6) copies of the short plat containing the following:
 - 1. A legible map drawn to a scale of 1"=100' feet, or a comparable scale appropriate to the illustration of required detail, showing boundaries of the property, lot area in square feet, rights-of-way, street dimensions, easements, north point, scale and date, name of property owner, and the name and phone number of the person preparing the map(s);
 - 2. Location of any existing structures or other improvements;
 - 3. Location and sizes of existing utilities, including sewer and water, fire hydrants, storm drains, electricity and communication lines;
 - 4. Location of critical resource areas, such as wetlands, geologically hazardous areas, wellhead protection areas, areas subject to flooding, and habitat conservation areas.
- C. A preliminary title report showing the names of anyone with an interest in the land being subdivided.

D. When applicable, an environmental checklist or assessment in accordance with prevailing standards and procedures established under the State Environmental Policy Act (SEPA) and associated guidelines.

E. An application fee in an amount established by the City Council.

16.20.040 Minimum improvements and dedication of land.

Short subdivisions shall be subject to the requirements for dedication of land for public purposes and to the minimum requirements of Chapter 16.16.

16.20.050 Action by Plat Administrator.

A. Upon receipt of a complete application, the Plat Administrator shall distribute copies of the information to each City department, to include as a minimum the City Street Department, Fire Department, Water/Sewer Department, Public Works Director, and Police Department.

B. Review of a short plat shall be completed within 30 days of the receipt of a complete application.

C. A Preliminary Short Plat shall be subject to a Type I review consistent with Chapter 17.108 of the Colville Zoning Ordinance, except if a short subdivision contains a public dedication or if minimum improvements are required, the Plat Administrator may require a public hearing to be held before the Planning Commission, who shall approve, conditionally approve, or deny the application.

D. The Plat Administrator, without a public hearing but with the assistance of other reviewing agencies, may approve a preliminary short plat, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The proposed short plat conforms to the Colville Comprehensive Plan, the Colville Zoning Ordinance, and the Colville Land Division Ordinance as well as any other applicable plans developed pursuant to law. In addition, if the property, in part or total, abuts a state highway, the proposed short plat is in compliance with any rules of Washington State Department of Transportation.

2. The physical characteristics of the site, including but not limited to topography, soil conditions, or unique natural features such as susceptibility to flooding, wildlife habitat, or wetlands, have been considered in the project design.

3. The proposed lots are served with adequate means of drainage, water supply, sewage disposal, fire and police protection, schools and educational services, streets, pedestrian and bicycle facilities, and other necessary services.

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

5. The public use and interest will be served by permitting the proposed division of property.

6. If applicable, the terms and conditions of the approved subdivision, within which the short plat is located, have been met.

16.20.060 Resubdivision limitation.

Land within a short subdivision may not be further divided in any manner within a period of five (5) years from the date of recording of a short plat with the Stevens County Auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions, except that when the short plat contains fewer than four (4) lots/parcels, nothing in this section shall prevent the owner who filed the original short plat from filing an alteration within the five (5)-year period to create up to a total of four (4) lots within the original short plat boundaries.

16.20.070 Agreements to transfer land conditioned on final plat approval.

If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land prior to the recording of the approved short plat is expressly conditioned on the recording of the approved short plan containing the lot, tract or parcel under this title, the offer or agreement does not violate any provisions of this ordinance. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account, and no disbursements to sellers shall be permitted until the short plat is recorded.

Chapter 16.24

PRELIMINARY SUBDIVISION PLAT

Sections:

- 16.24.010 Purpose.
- 16.24.020 Pre-application conference.
- 16.24.030 Application.
- 16.24.040 Review process.
- 16.24.050 Hearing notice.
- 16.24.060 Effect of preliminary plat approval.
- 16.24.070 Effective period of preliminary plat approval.
- 16.24.080 Agreements to transfer land conditioned on final plat approval.

16.24.010 Purpose.

The purpose of this chapter is to provide procedures for the division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within the City of Colville.

16.24.020 Pre-application conference.

A. A prospective subdivider shall request a pre-application meeting with the City. The pre-application conference shall be by appointment only, shall be accompanied by sufficient information as to define the applicant's intent, and may be subject to fees necessary to offset costs incurred by the City.

16.24.030 Application.

A. Any person, firm, corporation or other entity desiring to divide or redivide land in the City into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership shall submit a complete preliminary subdivision application to the Plat Administrator.

B. The application shall be accompanied by fees in accordance with the fee schedule established by resolution of the City Council.

C. An applicant shall submit with the application a minimum of six (6) copies or prints of the preliminary plat. The preliminary plat drawing shall consist of one (1) or more sheets drawn to a scale of 1"=100' feet, or a comparable scale appropriate to the illustration of required detail. The following shall be shown on the preliminary plat drawing:

1. The name of the proposed subdivision, the name of the subdivider, and the name of the person preparing the preliminary plat;
2. The legal description of all lands included in the proposed subdivision;
3. All land which the applicant proposes to subdivide, and all land immediately adjacent extending 100 feet in all directions from the proposed plat perimeter;
4. All adjacent land owned by the applicant in which future additional plat applications may be submitted, together with general information as to the location and estimated extent of each additional plat which may be submitted;

5. Locations of existing features such as roads, streets, railroads, buildings, bodies of water, utilities and utility easements, and other pertinent information;
 6. The location of existing monuments, markers, and boundary lines of the tract to be subdivided;
 7. Location of adjacent and adjoining platted areas and subdivisions showing relationships and match to all connecting streets, rights-of-way, utilities and easements;
 8. Contours of sufficient interval to show the topography of the entire tract, and tentative percent of grades of proposed roads, streets, alleys and easements;
 9. Location of all critical resource areas, including wetlands, flood hazard areas, slopes greater than forty percent, fish and wildlife habitat areas, and critical aquifer recharge areas.
 10. Layout and approximate dimensions of proposed blocks, lots, roads, streets, alleys and other proposed elements, together with the location of any portions to be set aside for recreation areas, parks, or other public and semipublic uses;
 11. Location of existing and proposed utility clearly indicating the distribution of each utility system;
 12. Should the application involve the redivision of any or all of an existing platted area, the original plat shall be shown with dotted lines in their proper relationship with the new arrangements to the proposed plat;
- D. The following information shall also be provided:
1. Name, address and telephone number of all persons, firms or corporations holding an interest in the property;
 2. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed for subdivision, as those names appear on the records of the Stevens County Assessor;
 3. Copies of any proposed restrictive covenants;
 4. Title report on the property proposed for subdivision;
 5. A petition for each variance from the provisions of this title which is anticipated by the applicant.
 6. Mitigation proposed for any adverse impacts to identified critical resource areas.
- E. An environmental checklist or an environmental assessment in accordance with prevailing standards and procedures established under the State Environmental Policy Act (SEPA) and associated guidelines. Environmental checklists shall be accompanied by a fee in an amount established by resolution of the City Council to cover review costs.

16.24.040 Review process.

A. A preliminary subdivision plat shall be subject to a Type IV review consistent with Chapter 17.108 of the Colville Zoning Ordinance, except a preliminary subdivision plat shall be approved, denied, or returned to the applicant for modification or correction within 90 days from date of completeness unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.210.030, the ninety-day period shall not include the time spent in preparing and circulating the environmental impact statement.

B. Upon establishment of a file number and the classification of the application, the Plat Administrator shall promptly forward one (1) copy of the application to each City department, to include at a minimum the City Street Department, Fire Department, Water/Sewer Department, Public Works Director, Police Department, and City Engineer when necessary. A copy of the application shall also be forwarded to each local, state or federal agency determined to have interest in or jurisdiction over the proposal either in part or in its entirety. Where feasible, distribution of the application to city departments and other agencies will occur a minimum of 20 days in advance of a scheduled hearing, and a final date in which a response will be accepted will be indicated.

C. The Planning Commission at a public hearing may recommend approval of a preliminary subdivision plat, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The proposed preliminary subdivision is in compliance with the Colville Comprehensive Plan, any requirements of the N.E. Tri-County Health District, and any other such plans developed pursuant to law. In addition, if the property, in part or total, abuts a state highway, the proposed preliminary subdivision is in compliance with any rules of Washington State Department of Transportation.

2. The physical characteristics of the site, including but not limited to topography, soil conditions, or unique natural features such as susceptibility to flooding, wildlife habitat, or wetlands, have been considered in the project design, and any adverse impacts to these resources have been adequately mitigated.

3. The proposed subdivision is in compliance with all applicable standards in the Colville Zoning Ordinance.

4. The appropriate provisions have been made for dedications, easements, and reservations.

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

6. Appropriate provisions for the following facilities are available to serve the proposed short plat or subdivision before or concurrent with development of the preliminary plat:

- a. public and private streets and roads;
- b. water;
- c. drainage;
- d. sanitary waste collection and treatment;
- e. schools and educational services;
- f. fire and police service; and
- g. pedestrian and bike facilities

7. If phasing is proposed:

a. the phasing plan includes all land within the preliminary plat;

b. each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire plat; and

- c. all road improvements requirements are assured.

D. Not later than 14 days following conclusion of the hearing, the Planning Commission shall submit its written report and recommendation to the City Council. The Council shall review and affirm or modify the Planning Commission recommendations at a public hearing or meeting.

E. Unless an applicant for preliminary plat 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.

16.24.050 Hearing notice.

Notice shall be given in accordance with Chapter 17.112 of the Colville Zoning Ordinance, except notice of the public hearing shall be published not less than ten (10) days prior to the hearing in a newspaper of general circulation. The additional following requirement shall also apply:

A. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this section shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

16.24.060 Effect of preliminary plat approval.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by this Title and any conditions imposed by the Council.

B. Design drawings of all required minimum improvements as shown on the preliminary plat drawing, certified by a licensed professional engineer, registered in the state of Washington, shall be submitted prior to the construction of any of the improvements or filing of the final plat. Said drawings shall be approved by a licensed engineer acting on behalf of the City prior to the construction of any improvements or approval of a final plat.

C. Any costs incurred as a result of review by a licensed engineer acting on behalf of the City shall be borne by the subdivider.

16.24.070 Effective period of preliminary plat approval.

A. Preliminary plat approval shall be effective for seven (7) years following final action by the City Council. A final plat meeting all requirements of this chapter shall be submitted to the City Council for approval within seven (7) years of the date of the preliminary plat approval.

B. An applicant who files a written request with the City Council at least 30 days before the expiration of this seven (7)-year period may be granted a one (1)-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the seven (7)-year period.

16.24.080 Agreements to transfer land conditioned on final plat approval.

If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this title, the offer or agreement does not violate any provisions of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

Chapter 16.28

FINAL PLAT

Sections:

- 16.28.010 Purpose.
- 16.28.020 Final plat application.
- 16.28.030 Final plat review.
- 16.28.040 Review process.
- 16.28.050 Effective period of terms of approval.
- 16.28.060 Final plat document.
- 16.28.070 Final plat certificates.
- 16.28.080 Recording of approved plat.

16.28.010 Purpose.

The purpose of a final plat is to ensure that all conditions of the preliminary subdivision plat approval have been satisfied prior to the recordation of the map.

16.28.020 Final plat application.

Prior to expiration of a preliminary subdivision plat the subdivider shall file a proposed final plat by submitting the following:

- A. A minimum of six (6) copies or prints of an accurate map of the subdivided land, based upon a complete survey, including the following information:
 - 1. All section, including quarter section and quarter quarter section, township, municipal and county lines lying within or adjacent to the subdivision;
 - 2. The location of all monuments, found or set, or other evidence used as ties to establish the subdivision boundaries;
 - 3. The location of all permanent control monuments found and established within the subdivision;
 - 4. The boundary of the subdivision with complete bearings and lineal dimensions;
 - 5. The length of each block and lot line, together with bearings and other data necessary for the location of any block or lot line in the field;
 - 6. The lengths and bearing all straight lines and adequate curve data as required by the licensed engineer reviewing the plat for the City;
 - 7. The location, width, centerline and name of all streets and alleys within and adjoining the subdivision;
 - 8. The location and width, shown with broken lines, and description of all easements, including a statement of their designated use;
 - 9. Lot area in square feet and lot and block numbers when applicable;
 - 10. The location of all adjoining and adjacent existing plats and unplatted property, indicated by broken lines, together with recording data;

B. Whenever a survey of a proposed subdivision reveals a discrepancy, the discrepancy shall be noted on the face of the final plat. Any discrepancy shall be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat. As used in this section, “discrepancy” means: (A) a boundary hiatus, (B) an overlapping boundary, or (C) a physical appurtenance, which indicates encroachments, lines of possession, or conflict of title.

C. The submission shall be accompanied by a title report confirming that title of the land is vested in the name of the owners whose signatures appear on the plat’s certificate or instrument of dedication.

D. The submission of a proposed final plat shall be accompanied by a receipt from the City Treasurer for an amount specified in the subdivision fee schedule established by the Council.

E. Each final plat filed for record with the City shall include the following statements of approval and be accompanied by the appropriate office seal:

1. A certification from the Stevens County Treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied, or discharged;

2. A statement of compliance with the Colville Zoning Ordinance, Comprehensive Plan, and with all terms of the preliminary plat approval, signed by the Chairperson of the Planning Commission;

3. A statement of final approval by the Mayor, which statement shall be attested by the City Clerk;

4. A statement that the final plat has been examined and approved by the City Attorney and City Engineer;

5. A certificate of recording to be signed by and used by the Stevens County Auditor in filing the final plat.

16.28.030 Final plat review.

Upon receipt of a proposed final plat the Plat Administrator shall insure that the proposed subdivision conforms to all conditions and requirements established by ordinance or through preliminary approval. Such review shall include:

A. That the final plat meets all standards established by state law and this title relating to final plats;

B. That the final plat bears all certificates and statements of approval required by this title;

C. That there is a certification from the Stevens County Treasurer that all taxes and delinquent assets for which the property may be liable as of the date of certification have been duly paid, satisfied, or discharged;

D. That the title report furnished by the subdivider confirms that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat’s certificate;

E. That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider will provide a bond in a form acceptable to the City Attorney and in an amount and with sureties commensurate to cover 150 percent of the value of the improvements remaining to be completed securing to the City the construction and installation of the facilities and improvements within one (1) year of the date of approval of the final plat.

F. That the subdivider has provided a maintenance bond in a form acceptable to the City Attorney in an amount equal to ten (10) percent of the actual and/or estimated cost of the improvements, guaranteeing the successful operation of improvements for a period of two (2) years after final acceptance of the improvements by the appropriate City department head. The City shall withhold final plat approval until the improvement bond (if required) and maintenance bond are provided. The City may enforce bonds authorized under this section by all appropriate legal and equitable remedies.

16.28.040 Review process.

A. A final plat shall be subject to review by the City Council.

B. Each proposed final plat submitted for final approval of the Planning Commission shall be accompanied by the following persons' recommendations for approval or disapproval:

1. City Water/Sewer Superintendent, as to the adequacy of the proposed means of sewage disposal and water supply;

2. Plat Administrator, as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication;

3. Licensed engineer acting on behalf of the City, as to the accuracy of the survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other required improvements;

4. Any health department or other local, state or federal agency with jurisdiction.

C. A person issuing a recommendation for subsequent approval shall not modify the terms of his/her recommendation without the consent of the applicant. Any costs incurred as a result of review by any agency or a licensed engineer acting on behalf of the City shall be borne by the subdivider.

D. The Planning Commission shall approve the final plat at a public hearing if all of the following findings of fact can be made in an affirmative manner:

1. The final plat meets the requirements of Chapter 58.17 RCW, other applicable state laws, and all requirements for plat approval in this title.

2. The final plat has met all the conditions and conforms to all terms of the preliminary approval.

3. The Stevens County Treasurer certifies that all taxes and delinquent assessments for which the property may be liable have been duly paid, satisfied or discharged.

16.28.050 Effective period of terms of approval.

A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval for a period of five (5) years, unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

16.28.060 Final plat document.

A. Every final plat classified as a subdivision shall be legibly represented on one (1) or more sheets of mylar with permanent black ink or equivalent approved material. Each sheet shall measure 24 inches by 36 inches, and shall have a marginal line drawn completely around each sheet which leaves an entirely blank left margin of two (2) inches and a margin of one-half (1/2) inch on the remaining edges.

B. Each sheet of the final plat shall contain the subdivision title, description of land as to quarter section in which the subdivision is located, the plat scale, and the north point. The scale in no case shall be smaller than 1"=100' feet, nor greater than 1"=50'. All signatures ascribed to the final plat shall be original signatures, written in permanent black ink.

16.28.070 Final plat certificates.

A. Each final plat shall include a certificate bearing the printed names of all persons having an interest in the subdivided land, signed by the said persons and acknowledged by them before a notary public, consenting to the subdivision of the land and reciting a dedication by them of all lands shown on the plat to be dedicated for public uses.

B. Should any of the land used for roads, streets, drainage systems, utilities, etc., which is normally dedicated to public use be retained in private ownership, it shall be clearly shown on the final plat and listed in the written data to the effect that the City accepts no responsibility for construction and maintenance of such facilities, and the name of the individual or corporation who shall have such responsibility shall be given.

C. Each final plat shall also include a certificate of the registered land surveyor who made, or under whose supervision was made. The certificate shall be accompanied by the signature of the surveyor under whose supervision the plat was made.

16.28.080 Recording of approved plat.

A. The Plat Administrator shall forward the original tracing of an approved final plat to the office of the County Auditor for recording

B. All approved final plats presented to the County Auditor shall be accompanied by such filing fees as are required by that office, and such fees shall be paid by the subdivider.

Chapter 16.32

BONDS

Sections:

16.32.010 Bonds.

16.32.010 Bonds.

A. In lieu of the completion of the actual construction of any required improvements or monumentation prior to the recordation of a short plat or approval of a final plat, the Plat Administrator or Council may accept a bond, approved as to form by the City Attorney, in an amount and with sureties commensurate to cover 150 percent of the value of the improvements remaining to be completed securing to the City the construction and installation of the facilities and improvements within one (1) year of the date of approval of the final plat or within the period specified by the City and expressed in the bonds. In addition, the City may require the posting of a bond securing to the City the successful operation of improvements for up to two (2) years after final approval.

B. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of the improvements.

Chapter 16.36

MONUMENTATION

Sections:

16.36.010 Monumentation.

16.36.010 Monumentation.

A. All front and rear corners shall be set with monuments, except as provided in subsection B of this section.

B. All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the City, and if the developer guarantees and certifies the interior monumentation.

Chapter 16.40

AS BUILT DRAWINGS

Sections:

16.40.010 As built drawings.

16.40.010 As built drawings.

Upon completion of the installation of all infrastructure improvements, two (2) copies of infrastructure as built plans shall be filed with the City. The maps shall show information required by the City, but not limited to location of all utilities, sewer grades, manholes, fire hydrants, storm sewer main size and location, and catch basin location. The City shall withhold final acceptance of the utility installation until the as built drawings are filed.

Chapter 16.44

VACATIONS AND ALTERATIONS

Sections:

- 16.44.010 Purpose.
- 16.44.020 Application.
- 16.44.030 Review process.
- 16.44.040 Vacation of roads and/or streets.
- 16.44.050 Title of vacated property.

16.44.010 Purpose.

The purpose of a vacation or alteration procedure is to allow for the deletion or alteration of an approved land division, dedicated right-of-way or easement.

16.44.020 Application.

A. Any person, firm, corporation or other entity interested in the vacation or alteration of any subdivision or portion thereof, or any area designated or dedicated for public use, within the City of Colville shall submit a complete application to the Plat Administrator. The application shall be accompanied by fees in accordance with the fee schedule established through resolution by the City Council.

B. An application for a vacation shall consist of the following:

1. An application form, completed and signed by all persons, firms, or corporations holding an interest in the property; legal description of the property subject to vacation; date of application;
2. A minimum of six (6) copies or prints of the plat drawing;
3. An explanation of the reasons for the vacation or alteration;
4. Copies of any restrictive covenants; if the land is subject to restrictive covenants which were filed at the time of the approval of the land division, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the land division or portion thereof;
5. Title report on any portion of the land contained in the subdivision subject to vacation;
6. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed to be vacated as those names appear on the records of the Stevens County Assessor;
7. Location of existing structures and other features such as roads, streets, bodies of water, utilities and utility easements, and other pertinent information.

16.44.030 Review process.

A. A plat vacation or alteration shall be processed as a Type IV application in accordance with Chapter 17.108 of the Colville Zoning Ordinance.

B. The Planning Commission at a public hearing may recommend approval of a vacation or alteration request, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The vacation or alteration to the previously approved subdivision is in compliance with the Colville Comprehensive Plan, the Colville Zoning Ordinance, the Land Division Ordinance and the requirements of RCW 58.17 and other applicable state laws in effect at the time of application to vacate or alter.

2. The public use will be served by the alteration to the previously approved land division.

3. The vacation or alteration will not create or render an existing use or structure nonconforming under the provisions of the Colville Zoning Ordinance.

C. A certified copy of said ordinance shall be filed for record with the Stevens County Auditor. All documents presented to the County Auditor for recording shall be accompanied by such filing fees as are required by that office and such fees shall be paid by the applicant.

16.44.040 Vacation of roads and/or streets.

The procedure for vacation or alteration as provided herein shall be used when the application involves the vacation of the plat together with the roads and/or streets, or the vacation of a city street or road only.

16.44.050 Title of vacated property.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the City Council has found that retaining title to the land is not in the public interest, title shall vest with the person or persons owning the property on each side, as determined by the City Council. When the road or street that is to be vacated was contained wholly within the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

Chapter 16.48

APPEALS AND VARIANCES

Sections:

- 16.48.010 Appeals.
- 16.48.020 Variances.

16.48.010 Appeals.

A. Any decision approving or denying a subdivision may be reviewed for unlawful, arbitrary, capricious or corrupt action or non-action by writ of review before the Superior Court of Stevens County. The action may be brought by any person who is aggrieved, provided that application for a writ of review shall be made to the court within 30 days from any decision.

B. Appeals shall be in accordance with Chapter 17.116 of the Colville Zoning Ordinance.

16.48.020 Variances.

If a variance is requested to a design standard or regulation, the variance application shall be processed simultaneously with the subdivision request. Variance applications shall be processed in accordance with Chapter 17.88 of the Colville Zoning Ordinance.

Chapter 16.52

ADOPTION OR AMENDMENT OF LAND DIVISION ORDINANCE

Sections:

16.52.010 General Provisions.

16.52.010 General Provisions. Any amendment of this Title shall be conducted in compliance with Chapter 17.96 of the Colville Zoning Ordinance.

Chapter 16.56

VIOLATIONS AND PENALTIES

Sections:

- 16.56.010 Violation—Penalty.
- 16.56.020 Stop work order.
- 16.56.030 Violation of stop work order.

16.56.010 Violation—Penalty.

A. No person shall transfer, sell, lease or offer for transfer, sale or lease any land subject to the requirements of this title without having a subdivision or short subdivision approved and filed except as provided in Sections 16.20.070 and 16.24.080 (Agreements to transfer land conditioned on final plat approval).

B. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this title is guilty of a gross misdemeanor. Any person convicted of a gross misdemeanor under this title shall be punished by a fine not to exceed \$1,000.00 and/or by imprisonment for not more than one (1) year.

16.56.020 Stop work order.

Whenever any work is being done contrary to the provisions of this code, plat or preliminary plat conditions, or other pertinent laws or ordinances implemented through the enforcement of this code, the Plat Administrator or his/her designee may order the work stopped by notice in writing served on any person shall forthwith stop such work until authorized by the Plat Administrator (or designee) to proceed with the work.

16.56.030 Violation of a stop work order.

A. It is unlawful for any person, with actual or constructive knowledge of the issuance of a stop work order issued pursuant to this code, to construct or do the work prohibited by the order, or to permit or allow the same to be done, or to remove or deface said order, until the Plat Administrator or his/her designee have removed or lifted the order and issued a written authorization for the activity or work to be continued.

B. The Plat Administrator or his/her designee may immediately seek issuance of a citation, or complaint, where there is a violation of a stop work order.

C. Any violator of a stop work order may be subject to arrest if the violation is committed in the presence of an officer per RCW 10.31.100.

D. Violation of a stop work order shall be a gross misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 and/or imprisonment for not more than a year. Each day or part thereof during which any violation is committed or permitted shall constitute a separate offense.