

B. Findings Required. As part of each ordinance granting a vacation, motion denying a vacation, or resolution of intent to vacate, the city council shall adopt findings and conclusions to support its decision.

C. Distribution. Within five working days of the city council decision, the planning manager shall mail a copy of the notice of decision to the applicant and all persons who submit a written or oral testimony at the city council's hearing. [Ord. 2933 § 1, 1993; Ord. 2493, 1985].

Chapter 20.75

SUBDIVISIONS

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20.75.010 Citation of chapter.

This chapter may be cited as the City of Edmonds Subdivision Ordinance and shall supplement and implement the state regulations of plats, subdivisions and dedications found in Chapter 58.17 RCW.

20.75.020 Purposes.

The purposes of this chapter are:

A. To regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with state standards to prevent overcrowding of land;

B. To lessen congestion in the streets and highways;

C. To facilitate adequate provisions for water, utilities, sewerage, storm drainage, parks and recreation areas, sites for schools and playgrounds, and other public requirements;

D. To provide for proper ingress and egress;

E. To require uniform monumenting of subdivisions and accurate legal descriptions of subdivided lots.

20.75.025 Scope.

This chapter shall apply to all divisions of land for any purpose except those set forth in RCW 58.17.040, including but not limited to:

A. Divisions for cemetery plots or other burial plots;

B. Divisions made by testamentary provisions, or by the laws of descent;

C. Divisions 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 of Edmonds has approved a binding site plan for the use of the land in accordance with this chapter.

Divisions under subsections A and B of this section will not be recognized as lots for building purposes unless all applicable requirements of this chapter are met.

20.75.030 Subdivision defined.

A. "Subdivision" means a division of land

into lots of any size for the purpose of sale. The term subdivision includes all resubdivisions of land, short subdivisions, and formal subdivisions. The term lot includes tracts, parcels, sites and divisions. The term sale includes lease gift or development or any purpose not excepted in this section. When reference to "subdivision" is made in this code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified.

B. "Formal subdivision" means a subdivision of five or more lots.

C. "Short subdivision" means a subdivision of four or fewer lots.

20.75.035 Compliance required.

Any person wishing to create a subdivision or lot line adjustment must first comply with this chapter.

20.75.040 Application.

Applications for subdivisions shall be made to the community development director on forms provided by the community development department. A subdivision application will be processed concurrently with any applications for rezones, variances, planned unit developments, site plan approvals and other similar approvals, that relate to the proposed subdivision, unless the applicant expressly requests sequential processing. The application shall contain the following items in addition to those specified in ECDC 20.95.010:

A. A reproducible copy of the preliminary plat and the number of prints required by the community development department;

B. Title report;

C. A survey map, if required by the community development director, of the exterior boundaries of the land to be subdivided, prepared by, and bearing the seal and signature of, a professional land surveyor registered in the state of Washington. This map can be combined with the preliminary ECDC 20.75.050 plat at the applicant's option;

D. The application fee as set in Chapter 15.00 ECDC;

E. A proposal for dedication of park land rather than payment of “in-lieu” fees, if desired by the applicant;

F. Source of water supply and name of supplier;

G. Method of sewage disposal, and name of municipal system if applicable. Percolation rates and other information required by the public works department shall be submitted if septic tanks are to be used;

H. Other information that may be required by the community development director in order to properly review the proposed subdivision, including information needed to determine the environmental impact of the proposal. [Ord. 2379 § 1, 1983].

20.75.050 Lot line adjustment – Application.

A. Lot Line Adjustment Defined. A lot line adjustment is an alteration of lot lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division.

B. Lot Line Adjustment Exempt from Subdivision Review. Except as otherwise provided in this section, lot adjustments shall not be subject to the provisions of this chapter.

C. Lot Line Adjustment Review. All proposals for lot line adjustments shall be submitted to the Edmonds planning manager or his/her designee for approval. The Edmonds planning manager or his/her designee shall approve the proposed lot line adjustment unless the manager or his/her designee certifies in writing that the proposed adjustment will:

1. Create a new lot, tract, parcel, site or division;

2. Reduce the setbacks of existing structures below the minimum required by code or make existing nonconforming setbacks of existing structures more nonconforming than before;

3. Reduce the lot width or lot size below the minimum required for the applicable zone;

4. Transform a nonbuildable lot, tract, parcel, site or division into a buildable lot, tract, parcel, site or division;

5. Would otherwise result in a lot which is in violation of any requirement of the ECDC.

D. Application. A lot line adjustment application shall be submitted on forms provided by the city and shall at a minimum contain the following information:

1. One copy of dimensioned plans on the official city of Edmonds lot line adjustment form. The dimensioned plans shall be prepared and stamped by a professional land surveyor registered in the state of Washington and shall conform to city of Edmonds survey requirements, as promulgated by the Edmonds planning division. Information on the plans shall include the following:

a. Legal descriptions of the existing lots and proposed lot line adjustment(s);

b. The location of all existing structures on the subject parcel(s), including dimensioned setback information from all existing and proposed lot lines and ingress/egress easements;

c. Locations of all existing ingress/egress and utility easements;

d. Gross lot area for the original parcels and the proposed parcels (gross lot area does not include any lot area devoted to vehicular ingress/egress easements);

e. The existing zoning of the subject parcel(s);

f. Location of all existing driveways on the subject parcel(s); and

g. The lot lines of adjoining properties for a distance of at least 50 feet.

2. A title company certification which is not more than 30 calendar days old containing:

a. A legal description of the total parcel(s) sought to be adjusted;

b. A list of those individuals, corporations, or other entities holding an ownership interest in the parcel(s);

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c. Any easements or restrictions affecting the property(ies) with a description, purpose and reference by auditor's file number and/or recording number;

d. Any encumbrances on the property; and

e. Any delinquent taxes or assessments on the property.

E. Fee. The application fee shall be as set in Chapter 15.00 ECDC.

F. Expiration. An application for a lot line adjustment shall expire one year after a complete application has been filed with the city. An extension up to an additional year may be granted by the Edmonds planning manager or his/her designee upon a showing by the application of reasonable cause.

G. Review. A certified determination of the planning manager or his/her designee shall be reviewable as staff decision under ECDC 20.105.010(A)(1). [Ord. 3211 § 1, 1998].

20.75.055 Lot combination.

A. Lot Combination Defined. A lot combination is the combination of two or more legal, illegal, or nonconforming lots into one or more lots, all of which comply with the provisions of this code in effect at the time of said combination.

B. An application for lot combination shall be signed for by all individuals or entities owning an interest in the property. The application fee shall be the same as the fee established for lot line adjustments.

C. Lot combinations shall be approved as a matter of right unless the development services director finds that the combination of lots would:

1. Not result in legal conforming lot; and/or

2. Not be in compliance with the goals and objectives of the city's comprehensive plan. The director shall, as a part of his decision, determine whether or not the lots, as combined, negatively impact compliance with the city's urban density requirements as estab-

lished pursuant to the State Growth Management Act, comprehensive plan and the Snohomish County planning policies.

D. The director's decision shall be issued in writing and shall be mailed to all properties within 300 feet of the site. Appeal may be taken from the director's decision within 10 days of mailing of the decision and posting thereof in accordance with the provisions of ECDC 20.105.010(A)(10) and 20.105.030. [Ord. 3296 § 2, 2000].

20.75.060 Required information on preliminary plats.

A preliminary plat is a neat and approximate drawing to scale of a proposed division of land, showing the existing conditions and the general proposed layouts of streets, lots and other information needed to properly review the proposal. The preliminary plat of a short subdivision may be referred to as a short plat. A preliminary plat shall be prepared by a professional land surveyor registered in the state of Washington. The scale used shall be sufficient to show clearly all details of the proposal. A scale of 50 feet to the inch is preferred; other engineering scales may be used, if necessary. Preliminary plats for formal subdivisions shall not exceed a size of 24 inches by 36 inches. Short plats shall be on an 8-1/2-by-11-inch page. The following information shall be shown on the plat:

A. The name, if any, of the proposed subdivision;

B. Sufficient description to define the location and boundaries of the proposed subdivision;

C. Name, address, seal and signature of the land surveyor who prepared the map;

D. A vicinity sketch;

E. Date prepared or revised, scale, north point, quarter section, section, township and range number;

F. Total acreage of the land to be divided, and area in square feet of each proposed lot;

G. Existing zoning, and zoning boundaries, if any;

H. Lot dimensions and numbers;

I. Setback lines required by the existing or proposed zoning, if the proposed lot has an unusual shape, steep topography, or other unusual limitations on its building site;

J. Any existing property lines within, or adjacent to, the proposed subdivision, and the names of the owners of adjacent property;

K. Contour lines in areas to be developed shall be at five-foot intervals, or as specified by the community development director. Ten-foot intervals may be used in areas not to be developed. All contour lines shall be extended into adjacent property a sufficient distance to show the topographical relationship of adjacent property to the proposed subdivision;

L. The location, name and width of all existing and proposed street rights-of-way, or easements within or adjacent to the proposed subdivision, the grade or proposed streets and the pavement location of existing and proposed streets;

M. The location of all existing structures within the proposed subdivision and within 25 feet of the proposed subdivision. Public area or areas to be owned in common by the lot owners, if any;

N. The location of tree-covered areas, with the location of individual trees over eight inches in diameter in areas as requested by the planning director;

O. A preliminary grading plan or profile of proposed roads if more than 500 cubic yards of earth is to be removed;

P. A preliminary drainage proposal as specified in Chapter 18.30 ECDC, showing existing and proposed drainage facilities for the site and the adjacent areas;

Q. A statement of improvements to be installed;

R. The location of known or suspected soil or geological hazard areas, water bodies, creeks and areas subject to flooding;

S. Possible future lot lines if any is large enough to allow future division;

T. Location of existing underground utility lines, sewer and water mains adjacent to or within the proposed subdivision;

U. Other information that may be required by the community development director in order to properly review the proposed subdivision, including information needed to determine the environmental impact of the proposal. [Ord. 3296 § 1, 2000. Formerly 20.75.055.].

20.75.065 Preliminary review.

A. Responsibility for Review. The community development director, or a designated planning staff member, is in charge of administering the preliminary review of all subdivisions. The public works director and the fire department, and other departments if needed, shall participate in preliminary review by appropriate recommendations on subjects within their respective areas of expertise.

B. Notice of Hearing.

1. When the director of community services has accepted a subdivision for filing, he shall set a date of hearing, and give notice of the hearing as provided in ECDC 20.91.010, and by the following for a formal subdivision:

a. One publication in a newspaper of general circulation within Snohomish County pursuant to Chapter 1.03 ECC and posting notice in three conspicuous places within 300 feet of any portion of the boundary of the proposed formal subdivision not less than 10 days prior to the hearing.

b. Mailing to a city if a proposed formal subdivision is adjacent or within one mile of the city's boundary, or the proposed subdivision would use the utilities of the city.

c. Mailing to the county if a proposed formal subdivision is adjacent to the city-county boundary.

d. Mailing to the State Department of Highways if a proposed formal subdivision is adjacent to a state highway right-of-way.

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e. The notice must include a legal description and either a vicinity location sketch or a location description in nonlegal language.

C. Time Limits for Staff Review. Staff review shall be completed within 20 working days from the date of filing.

D. Formal Subdivision Review. The hearing examiner shall review a formal subdivision as provided in ECDC 20.100.010.

E. Short Subdivisions – Staff Review. The director of community services shall review a short subdivision as provided in ECDC 20.95.050 (Staff Decision – Notice Required).

F. Appeal of Staff Decision. Any person may appeal a decision of the community development director on a short subdivision under the procedure set forth in ECDC 20.105.030. [Ord. 3211 §§ 4, 5, 1998; Ord. 3112 §§ 17, 18, 19, 1996; Ord. 2379 § 2, 1983].

20.75.070 Formal subdivision – Time limit.

The city council shall make its final decision on a proposed formal subdivision within 90 days of the date of filing, unless the applicant agrees to extend the time. Where applicable, additional time needed to prepare and circulate an environmental impact statement shall not be included within said 90 days.

20.75.075 Modifications.

A. Request. Request for a modification to a requirement of this chapter shall be made on the regular subdivision application form. The applicant shall state reasons to support the approval of the requested modification.

B. Notice. The notice of the public hearing at which the applicant's proposed subdivision will be considered shall contain a description of the proposed modification.

C. Consideration. The proposed modification shall be considered in the same manner as the proposed subdivision. The modification may be approved, or recommended for

approval, only if all of the required findings set forth in Chapter 20.85 ECDC (Variances) can be made. [Ord. 3211 § 6, 1998].

20.75.080 General findings.

A proposed subdivision may be approved only if all of the following general findings can be made for the proposal, as approved or as conditionally approved:

A. Subdivision Ordinance. The proposal is consistent with the purposes of this chapter (as listed in ECDC 20.75.020) and meets all requirements of this chapter.

B. Comprehensive Plan. The proposal is consistent with the provisions of the Edmonds Comprehensive Plan, or other adopted city policy, and is in the public interest.

C. Zoning Ordinance. The proposal meets all requirements of the zoning ordinance, or a modification has been approved as provided for in this chapter.

D. Flood Plain Management. The proposal meets all requirements of the Edmonds Community Development Code relating to flood plain management. [Ord. 2466, 1984].

20.75.085 Review criteria.

The following criteria shall be used to review proposed subdivisions:

A. Environmental.

1. Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to minimize significant adverse impacts to the resources. Permanent restrictions may be imposed on the proposal to avoid impact.

2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.

3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied

unless the condition can be permanently corrected, consistent with paragraphs A(1) and (2) of this section.

4. The proposal shall be designed to minimize off-site impacts on drainage, views and so forth.

B. Lot and Street Layout.

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed on the approval which will ensure that the lot is developed properly.

2. Lots shall not front on highways, arterials or collector streets unless there is no other feasible access. Special access provisions, such as shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.

3. Each lot shall meet the applicable dimensional requirements of the zoning ordinance.

4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

C. Dedications.

1. The city council may require dedication of land in the proposed subdivision for public use.

2. Only the city council may approve a dedication of park land to satisfy the requirements of ECDC 20.75.090. The council may request a review and written recommendation from the planning advisory board.

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3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.

D. Improvements.

1. Improvements which may be required, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

2. The person or body approving a subdivision shall determine the improvements necessary to meet the purposes and requirements of this chapter, and the requirements of:

a. ECDC Title 18, Public Works Requirements;

b. Chapter 19.75, Fire Code, as to fire hydrants, water supply and access.

This determination shall be based on the recommendations of the community development director, the public works director, and the fire chief.

3. The use of septic systems may be approved if all of the following conditions are met:

a. It is more than 200 feet, multiplied by the number of lots in the proposed subdivision, from the nearest public sewer main to the nearest boundary of the land to be divided.

b. The land to be divided is zoned RS-20.

c. The public works director and city health officer determine that soil, drainage and slope conditions are satisfactory for septic use and that all requirements of WAC 248-96-090 are met.

E. Flood Plain Management. All subdivision proposals shall comply with the criteria set forth in the Edmonds Community Development Code for flood plain management. [Ord. 3211 § 7, 1998; Ord. 2466, 1984].

20.75.090 Park land dedication.

A. Dedication or In-Lieu of Fee Required. Before or concurrent with the approval of the final plat of any subdivision, the subdivider

shall dedicate land, pay a fee in-lieu of dedication, or do a combination of both, for park and recreational purposes.

B. Proposal of Dedication. Either the applicant or the city may propose dedication of a portion of the land to be divided in order to meet the regulations of this section. Payment of in-lieu fees is required unless dedication is proposed and approved.

C. Review of Dedications. Dedication proposals shall be reviewed at the same time as the subdivision proposal. Any short subdivision containing a dedication proposal shall be reviewed as if it were a formal subdivision.

D. Factors for Review. Dedication proposals shall be reviewed for consistency with the Comprehensive Plan, the Comprehensive Parks and Recreation Plan, and the Recreational Walks Plan. Other factors to be considered include size, usability and accessibility of the land proposed for dedication, and the possibility of coordinating dedication by owners of adjacent land.

E. In-Lieu Fee. In-lieu park fees shall be as set in Chapter 15.00 ECDC.

20.75.100 Preliminary approval – Time limit.

Approval of a preliminary plat or preliminary short plat shall expire and have no further validity at the end of five years, unless the applicant has acquired final plat or final short plat approval within the five-year period. The five-year period for subdivisions shall commence upon the date of preliminary plat approval by the adoption of a written decision by the Edmonds city council. The five-year period for preliminary plats of short subdivisions shall commence upon the issuance of a final, written staff decision. In the event that either the decision of the city council or the staff is appealed to the Snohomish County superior court, the five-year period shall commence upon the date of final confirmation of the preliminary plat or preliminary short plat decision by the judiciary. [Ord. 3230 § 1,

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1998; Ord. 3211 § 8, 1998; Ord. 3190 § 1, 1998; Ord. 2379 § 3, 1983].

20.75.105 Extensions of time.

Repealed by Ord. 3190. [Ord. 2379 § 4, 1983].

20.75.110 Changes.

A. Preliminary Plats. The community development director may approve under ECDC 20.95.050 (Staff Decision – Optional Hearing), minor changes to an approved preliminary plat, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as the original application. Application fees shall be as set in Chapter 15.00 ECDC.

B. Recorded Final Plats. An application to change a final plat that has been filed for record shall be processed in the same manner as a new application. This section does not apply to affidavits of correction.

20.75.120 Review of improvement plans.

A. Timing. If improvements are required as a condition of preliminary approval of a subdivision, the applicant shall submit the improvement plan to the director of public works for review and approval, allowing sufficient time for proper review before expiration of the preliminary plat approval.

B. Engineered Design. All improvement plans shall be prepared, dated, signed and sealed by a licensed engineer registered in the state of Washington, unless the public works director determines that engineer plans are not necessary.

20.75.130 Installation of improvements.

A. Timing and Inspection Fee. The applicant shall not begin installation of improvements until the public works director has approved the improvement plans, the public works director and the applicant have agreed

in writing on a time schedule for installation of the improvements, and the applicant has paid an inspection fee, as set in Chapter 15.00 ECDC.

B. Completion – Bonding. The applicant shall either complete the improvements before the final plat is submitted for city council approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the director of public works, and shall be processed as provided in Chapter 17.10 ECDC.

C. Acceptance – Maintenance Bond. The director of public works shall not accept the improvements for the city of Edmonds until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance.

D. Short Subdivision – Deferred Installation. If the community development director determines that installation of improvements will not be needed at the time of the approval of the final plat of the short subdivision, the improvements shall be installed or guaranteed by bond before issuance of any development permit for any lot shown on the preliminary plat. This condition shall be stated on the final plat, and shall be binding on all later owners of lots created by the subdivision.

20.75.135 Preparation of final plat.

A final plat is a final, precise drawing of a subdivision which conforms to the approved preliminary plat, and meets all conditions of the preliminary approval and all requirements of this chapter. It shall be prepared in accordance with the following:

A. Surveyor. A professional land surveyor registered in the state of Washington shall prepare, or supervise the preparation of, the final plat.

B. Survey. The surveyor shall survey the land to be divided, and as much of the section(s) in which the land is located as is needed to properly orient the land within the section(s).

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C. Monuments. The surveyor shall set monuments at street intersections, lot and block corners, boundary angle points, points of curbs in streets, controlling corners on the boundaries of the land, and other points as required by the public works director. The type of monuments and the method of setting shall be as specified by the public works director.

D. Standards. The public works director shall set standards for the preparation of final plats.

20.75.140 Final plat – Required certificates.

The following certificates shall be shown on the final plat. Subsections A through G of this section shall be signed by the indicated person before the final plat is submitted for review. Subsection G is required for formal subdivision only.

A. Surveyor. The surveyor shall place his seal and signature on the plat along with:

1. A statement certifying that the plat was prepared by him, or under his supervision;
2. A statement certifying that the plat is a true and correct representation of the land surveyed;
3. A full and correct description of the land to be divided.

B. Owner. The owner shall certify that the subdivision has been made with his free consent and according to his desires. Owners of other interests shown on the title report shall certify that they have notice of the subdivision.

C. Dedications. A certificate of dedication by the owner for all areas to be dedicated to the public, acknowledged by a notary.

D. Waiver of Claims. A statement by the owner waiving all claims for damages against any governmental authority which may arise from the construction, drainage and maintenance of required improvements.

E. Waiver of Access. If required by the conditions of the preliminary approval, a waiver by the owner of direct access to any street from any property.

F. Roads Not Dedicated. A statement or other clear indication by the owner if any street is not to be dedicated to the public.

G. Health Officer. A statement by the city of Edmonds health officer certifying that the proposed means of sewage disposal and water supply are adequate.

H. Director of Public Works. The following statements to be signed by the director of public works:

1. A statement approving the survey date, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water system and other structures;

2. A statement recommending approval of the final plat of a formal subdivision to the city council, or approving the final plat of a short subdivision.

I. Community Development Director. The following statements to be signed by the community development director:

1. A statement that the final plat conforms to the approved preliminary plat and all conditions of the preliminary approval;

2. A statement recommending approval of the final plat of a formal subdivision to the city council or approving the final plat of a short subdivision.

J. City Approval. A statement to be signed by the mayor and city clerk that the city council has approved the final plat of a formal subdivision or a short subdivision with a dedication.

K. Taxes. A statement to be signed by the county treasurer that all taxes and delinquent assessments for which the land to be divided may be liable as of the date of the signing of the statement have been paid.

20.75.145 Final plat – Accompanying material.

The following material shall be submitted to the director of public works with the final plat:

A. Review Fee. A review fee for the final plat as set in Chapter 15.00 ECDC shall be paid for each check or recheck of the final plat.

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B. Survey Notes. Complete field and computation notes of the plat survey showing the original or re-established corners with descriptions and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 5,000 feet.

C. Title Report. A title report showing that ownership and other interests in the land described and shown on the final plat is in the name of the person signing the owner's certificate.

20.75.150 Waiver of survey.

The director of public works may waive the requirement of a survey for the final plat in the following circumstances if there will be no adverse effect on the public interest: if the boundaries of the lot proposed for short subdivision have sufficient existing monuments to define the proposed lot lines.

If the director of public works waives the survey requirements, the applicant shall prepare a final plat that meets all other requirements of this chapter and which contains legal descriptions of each proposed lot. [Ord. 3211 § 9, 1998].

20.75.155 Review of final plat.

A. Submission. The applicant may not file the final plat for review until the required improvement plans have been submitted for approval to the director of public works.

B. Time Limit. A final plat shall be approved, disapproved or returned to the applicant for correction within 30 days of its official filing with the director of public works for review, unless the applicant agrees to extend the time limit. This time period shall not include required environmental review.

C. Staff Review. The director of public works and the community development director shall review the final plat of a formal subdivision. They shall then forward the final plat

to the city council after having signed the statements required by ECDC 20.75.140 or attaching their recommendation for disapproval.

D. City Council Review. If the city council finds that the public use and interest will be served by the proposed subdivision and that all requirements of the preliminary approval in this chapter have been met, the final plat shall be approved and the mayor and city clerk shall sign the statement of the city council approval on the final plat.

E. Acceptance of Dedication. City council approval of the final plat constitutes acceptance of all dedication shown on the final plat. [Ord. 2991 § 1, 1994].

20.75.158 Short plat – Staff review.

The community services director, through his/her designees, the director of public works and the community development director shall conduct an administrative review of a proposed short subdivision and either sign the statements required by ECDC 20.75.140, if all requirements of this chapter have been met, or disapprove such action, stating their reasons in writing. Such administrative action shall be final subject only to right of appeal provided for in ECDC 20.105.010(A). Dedication of any interest in property contained in an approval of the short subdivision shall be forwarded to the city council for formal acceptance on its consent agent; provided, however, that such acceptance shall not stay any approval, time period for appeal or the effective date of the short subdivision. [Ord. 3211 § 10, 1998; Ord. 2991 § 1, 1994].

20.75.160 Final plat – Filing for record.

The city clerk shall file the final plat or short plat for record with the county auditor, and arrange for a reproducible copy to be sent to the public works department and the applicant and a paper copy to be sent to the county assessor and the community development department. The plat or short plat shall not be considered "approved" until so filed with the county auditor.

20.75.165 Effect of rezones.

The owner of any lot in a final plat filed for record shall be entitled to use the lot for the purposes allowed under the zoning in effect at the time of filing for five years from the date of filing the final plat for record, even if the property is rezoned; provided that all requirements of the community development code, other than lot area, are met.

20.75.170 Further division – Short subdivisions.

A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this chapter for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than four parcels, nothing in this section shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of four lots within the original short subdivision boundaries. [Ord. 2623 § 1, 1987].

20.75.175 Court review.

Any decision approving or disapproving any plat or short plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the Superior Court of Snohomish County. The action may be brought by any property owner in the city, who deems himself or herself aggrieved thereby; provided, that application for a writ of review shall be made to the court within 30 days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

20.75.180 Violation – Permits.

No building permit, septic tank permit or other development permit, shall be issued for any lot, tract or parcel of land divided in violation of this chapter unless the applicant for such a permit has applied to the hearing exam-

iner and obtained a ruling from the hearing examiner that the public interest will be not adversely affected thereby; provided, however, the prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

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20.75.185 Penalties.

Any person who violates any provision of this chapter relating to the sale, offer for sale, lease or transfer of any lot is guilty of a misdemeanor and subject to the penalties of ECC 5.50.020. Each sale, offer for sale, lease or transfer of each separate lot in violation of any provision of this chapter shall be deemed a separate and distinct offense. In addition to these criminal sanctions, the city shall have the right to bring an action to restrain and enjoin any subdivision, sale or transfer, compel compliance with the provisions of this chapter and obtain other injunctive relief. The costs of such action shall be paid by the violator and shall include the city attorney's fees.

Chapter 20.80**TEXT AND MAP CHANGES****Sections:**

- 20.80.000 Scope.
- 20.80.010 Procedural and nonzoning related changes.
- 20.80.020 Zoning and planning changes.

20.80.000 Scope.

This chapter sets forth the procedure for amendment to the text and any applicable maps adopted by and within the community development code, but does not apply to other chapters of the Edmonds City Code. Because various provisions of the community development code are adopted under different state regulations, this chapter is divided into two basic divisions as set forth below.

20.80.010 Procedural and nonzoning related changes.

Amendments to the following text materials (and where applicable, maps and other incorporated codes or codifications within them) shall be reviewed and made by the city council and may be adopted in the same manner as any other ordinances. The city council may refer a proposal to the planning advisory board, or other board, commission, committee, staff, or other ad hoc group for its or their nonbinding recommendations.

- A. ECDC 15.00.020, Application Fees;
- B. ECDC Title 18, Public Works Requirements, except Chapter 18.50, Official Street Map;
- C. ECDC Title 19, Building Codes;
- D. Chapter 20.15 ECDC, Environmental Review (SEPA);
- E. Chapter 20.70 ECDC, Street Vacations.

20.80.020 Zoning and planning changes.

A. Review. Amendments to the following text materials (and where applicable maps, and other incorporated codes or codifications within them) before amendment by the city