

## ORDINANCE 381-T

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, AMENDING PORTIONS OF THE TOWN OF COUPEVILLE DEVELOPMENT REGULATIONS (TITLE 10), ADOPTED IN ORDINANCE 381 AND AMENDED IN ORDINANCE 381A, PERTAINING TO THE SUBDIVISION AND SHORT SUBDIVISION OF LAND.

WHEREAS these amendments to the Coupeville Development Regulations were initiated by the Planning Commission, and

WHEREAS the Planning Commission provided public notice, held public workshops and public hearings and made recommendations regarding changes to the Development Regulations pertaining to subdivision and short subdivision of land, and

WHEREAS public notice has been given and the Town Council has held public workshops and public hearings on the recommendations of the Planning Commission and considered all testimony given.

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Coupeville that:

### SECTION 1

The entire text of Section 10.40 be deleted and replaced with the following new text:

#### CHAPTER 10.40 SUBDIVISIONS AND SHORT SUBDIVISIONS

##### 10.40.010 PURPOSE

The purpose of this Chapter includes but is not limited to regulating the subdivision of land and furthering the public health, safety and general welfare by:

- A. providing for the subdivision and dedication of land;
- B. providing for safe and adequate access;
- C. providing for safe and adequate streets, walkways, utilities, parks and recreation facilities, schools and other public facilities;
- D. providing for adequate levels of light, air and open space;
- E. implementing the goals of the Comprehensive Plan;
- F. requiring uniform monumentation and description of subdivided land and recording of accurate legal descriptions for said land;
- G. preventing overcrowding of land;

- H. providing for expeditious review and approval of proposed land divisions which comply with this Chapter, the Comprehensive Plan and Chapter 58.17 RCW.

10.40.020 APPLICABILITY AND EXEMPTIONS

- A. All subdivision, short subdivision or resubdivision of land within the town limits of Coupeville is subject to this Chapter, regardless of size of proposed lots.
- B. Exemptions include cemeteries and other burial plots while used for that purpose, divisions made by testamentary provision, the laws of descent or court order, adjustment of boundary lines between platted or unplatted lots or both, which does not create any additional lot or significantly modify drainage, circulation or land use patterns. No exemption, except for cemetery plots or lots dedicated to open space, park, recreational, utility or other similar public uses, shall create a parcel of real property smaller than the size allowed by the ordinances of the Town of Coupeville.

10.40.030 ADMINISTRATION

- A. The Planning Director is responsible for the administrative and coordination responsibilities contained in this Chapter.

10.40.040 CONSENT TO ACCESS

- A. By applying for subdivision or short subdivision approval, the property owner consents to allow, during the duration of the entire application process, access to the land proposed for subdivision. This right to access applies to all governmental agencies and their consultants and contractors considering the proposal, for the purposes of processing and reviewing the application.

10.40.050 PLAT ALTERATIONS AND REPLATS

- A. Replats of recorded plats or short plats shall meet the requirements of this Chapter.
- B. Modifications to plats or short plats which create additional lots or significantly modify drainage, circulation, land use patterns or the original layout or function of the plat or short plat shall meet the requirements of this Chapter and shall be reviewed as provided herein.
- C. Land contained within a short subdivision may not be further divided by short subdivision for a period of five years from date of final approval if the original short subdivision and subsequent short subdivision together create more than four lots.
- D. An applicant may apply for preliminary subdivision approval at any time, regardless of prior short subdivision activity.

10.40.060 PRELIMINARY APPROVAL OF SUBDIVISIONS AND SHORT SUBDIVISIONS

A. REVIEW PROCEDURE

Applications for preliminary subdivision and short subdivision approval shall be processed in accordance with the procedures specified below.

1. PRE-APPLICATION CONFERENCE
  - a. An applicant for preliminary subdivision or short subdivision approval may request a pre-application conference with Town staff responsible for subdivision review. The Fire Marshal, Public Works Director, Town Engineer and Planning Director shall attend pre-application conferences.
  - b. The applicant shall provide adequate information describing the proposal at least 10 days prior to the pre-application conference to allow proper review by staff. A fee as specified in Section 10.90.020 shall be charged for each pre-application conference. The fee for one pre-application conference shall be credited to the total fees required, should a formal application be made.
2. PRELIMINARY SUBDIVISION AND SHORT SUBDIVISION REVIEW PROCEDURE
  - a. Within 14 days of receipt of a complete application, the Town shall notify the applicant of the date of official acceptance of the application for processing.
  - b. When a complete application is received and all necessary SEPA processing is completed, including publication of a final EIS if applicable, it shall be accepted and scheduled for Planning Commission review at a public hearing.
  - c. The Planning Director shall submit a written report with recommended conditions of approval, if any, to the Planning Commission and applicant at least 7 days prior to a public hearing on the application. The report shall contain the recommendations, if any, of the Public Works Director, Town Engineer and Fire Marshall. After conducting a public hearing, the Planning Commission shall transmit a written recommendation to the Town Council. The recommendation may include conditions for approval. The Commission shall adopt written findings to support its recommendation.
  - d. The recommendation and findings of the Planning Commission shall be forwarded to the Council within 14 days of Commission action. Upon receipt of the Planning Commission recommendation and findings, the Council, at its next regular meeting, shall establish a meeting date to consider the recommendation of the Commission. Upon consideration of the Planning Commission recommendation at a public meeting, the Council may accept or reject the recommendation of the Planning Commission. If the Council deems a change of the Commission recommendation is necessary, it shall hold its own public hearing to consider such change. Public notice of such a hearing by the Council shall be provided in the same manner as required for a Planning Commission hearing on the application.

**B. PUBLIC NOTICE**

The following public notice shall be provided in association with the review of applications for preliminary subdivision and short subdivision approval:

1. Notice of Application
  - a. Within 14 days of receipt of a complete application for processing, the Town shall post at least one 12" x 18" sign on the property providing notice that an application for preliminary subdivision has been submitted.
  - b. Within 14 days of receipt of a complete application, written notice shall be provided to the Washington State Department of Transportation when a proposed subdivision or short subdivision is located adjacent to the right-of-way of a state highway.
  - c. Within 14 days of receipt of a complete application, written notice shall be provided to the Island County Department of Planning and Community Development when a proposed subdivision or short subdivision abuts the municipal boundary of the Town.
  - d. Within 14 days of receipt of a complete application, written notice shall be provided to the Trust Board of Ebey's Landing National Historical Reserve.
  - e. Notification of application shall include a description of the proposal, the street address or location description other than a legal description, and a vicinity map.
2. Notice of Public Hearings
  - a. Notification of public hearings shall be published in the newspaper of general circulation in the area at least 10 days prior to the hearing date.
  - b. Notification of public hearings shall be sent to the applicant, and all owners of property within 300 feet of the boundaries of the proposed subdivision, as shown in the records of the Island County Assessor. If the owner of the real property which is proposed to be subdivided owns another parcel of real property which lies adjacent to the real property proposed to be subdivided, notice shall be given to owners located within 300 feet of any portion of the boundaries of such adjacently located parcel owned by the owner of the real property proposed to be subdivided. Property owner notification shall be mailed at least 10 days prior to the hearing date.
  - c. Notification of public hearings shall include the date, time and location of the public hearing, a description of the proposed subdivision, and the street address or location description other than a legal description.

C. DECISION CRITERIA AND REQUIRED FINDINGS

1. Upon review of an application for preliminary subdivision or short subdivision approval, the Planning Commission and Town Council shall determine whether:

- a. The proposal is consistent with the Subdivision Design Standards listed in CDR 10.40.070;
- b. the public use and interest will be served by the subdivision;
- c. adequate potable water supplies and sewage collection and treatment facilities exist to serve the proposed subdivision;
- d. the proposal is in conformity with any applicable federal, state and local laws, ordinances, and adopted plans;
- e. appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, sidewalks, and safe walking conditions for school children who walk to and from school.

2. An application for preliminary subdivision or short subdivision approval is not approved until the Town Council makes written findings that the proposal meets the criteria listed in CDR Sec. 10.40.060.C.1, above and passes a motion to approve the subdivision or short subdivision.

D. EFFECT OF PRELIMINARY APPROVAL, EXTENSIONS

- 1. Preliminary subdivision approval shall automatically expire 3 years from the date of preliminary approval unless the applicant has recorded a final plat or made a timely application for extension of approval.
- 2. Preliminary short subdivision approval shall automatically expire 18 months from the date of approval unless the applicant has recorded a final short plat or made a timely application for extension of approval.
- 3. The Council may grant one extension of up to one year for preliminary subdivision approval and one extension of up to 6 months for preliminary short subdivision approvals.
- 4. Applications for extension must be made in writing at least 30 days before the date of expiration of preliminary approval. The Council shall consider applications for extension at a public meeting and may grant an extension by making written findings that there has been no significant change in the application, that the findings and conditions of the approval are still appropriate and adequately protect the public interest, and that there has been a good faith effort to complete the project.

10.40.070 SUBDIVISION DESIGN STANDARDS

All subdivision and short subdivisions shall comply with the provisions of RCW 58.17.110 and the following standards for design, except as noted elsewhere in this Chapter. These standards shall be incorporated into all applications for



preliminary subdivision and short subdivision approval and shall be used to judge applications.

A. Town Plans and Development Regulations

Proposed subdivisions and short subdivisions shall be in accordance with the Coupeville Development Regulations and adopted plans of the Town, including but not limited to the Comprehensive Plan, Shoreline Master Program, Park and Recreation Plan, Comprehensive Plan of Ebey's Landing NHR, and the South Main Street Study.

B. Community Assets

The design of proposed subdivisions and short subdivisions shall incorporate, where possible, existing site features, including but not limited to drainage ways, shorelines and vegetation, existing structures, and historical sites and their surroundings, as defined in Section 10.30.065 of this Title.

C. Lot Shape, Size and Building Site

1. It is preferred that each lot of a proposed subdivision or short subdivision be generally rectangular in shape. Flag lots and other non-rectangular shaped lots are discouraged, but shall be allowed when warranted by unique site conditions.

2. Lot sizes shall not be less than the minimum size required in the zoning district unless dedicated or restricted by covenant or dedication for open space, park, recreational, utility or other public use.

3. Each lot, unless dedicated or restricted by covenant or condition for open space, park, recreational, utility or other similar use, shall meet the minimum usable area requirements of the Coupeville Development Regulations and be served by utilities and vehicular access with a minimum reasonable amount of grading or site disturbance.

D. Hazard Areas

Where subdivision and subsequent development of land may pose a hazard to the subdivision or other property or nearby resources because of steep slopes, unstable soils or changes in quantity or quality of stormwater runoff, the applicant shall have the burden of presenting evidence satisfactory to the Town that such hazards will be mitigated. In the absence of such evidence, subdivision of such land shall be denied.

E. Natural Vegetation, Vegetation and Features

Clearing of vegetation shall not commence without prior written approval of the Town and shall be limited to the minimum reasonably required to construct the infrastructure associated with the subdivision. Valuable natural and cultural landscape features such as trees, orchards, wetlands, hedgerows and wildlife habitat shall be preserved to the greatest extent feasible. These features shall be shown in preliminary clearing and grading plans at the time of application.

F. Pedestrian Facilities

Pedestrian and bicycle access to schools, parks, shorelines, recreation areas, open space, public facilities and commercial areas shall be provided by walkway where street access is inadequate or where such a separate pedestrian facility would provide more efficient, direct or safe access, or be in accordance with any current pedestrian trail plan.

G. Scenic Corridors, Historic Sites

Setbacks, density modifications, buffers, landscaping or other design features shall be used to maintain the rural, scenic quality of any designated corridors within the Town. Setbacks, density modifications, buffers, landscaping or other design features shall be used to protect the integrity of public views of historic structures and their surroundings.

H. Streams and Natural Drainage Ways

Natural drainage ways shall be kept open, unobstructed and shall not be relied upon for stormwater quality treatment.

I. Future Subdivision

Subdivisions and short subdivisions shall be designed to accommodate the future subdivision of adjoining lands by providing for future access and utility service where appropriate.

J. Street Names

Street names shall be designated by the Town at the time of preliminary subdivision or short subdivision approval.

K. Streets and Utilities

1. The width of constructed streets shall be kept to the minimum necessary to safely serve the subdivision and adjoining area, including anticipated increased traffic volume. Subdivisions and short subdivisions shall be designed to minimize the number of intersections and access points on arterial streets. Design and construction of streets and utilities shall be in accordance with the standards in Chapter 10.50 of this Title, in effect on the date of approval of the preliminary subdivision or short subdivision.

2. Streets should be designed to conform with the topography of the site. Grading shall be minimized by the careful location of streets, utilities and building sites. Shared access driveways should be used where feasible.

L. Cul-de-sacs

1. Generally, through streets, rather than cul-de-sacs, are encouraged. Temporary cul-de-sacs may be designated in a proposed subdivision when it is determined that a through street may be needed in the future.

2. Temporary and permanent cul-de-sacs shall meet requirements for turnarounds and maximum length specified in Chapter 10.50 of this Title.

10.40.080 PUBLIC IMPROVEMENTS

A. Prior to clearing, grading and other ground disturbance associated with the subdivision or short subdivision, construction plans, clearing, grading and drainage plans, utility plans, erosion and sedimentation control plans and street plans shall receive the approval of the Town Engineer.

B. Construction plans, clearing, grading and drainage plans, utility plans and street plans shall comply with Town of Coupeville Standard Construction Specifications for Water Mains, Sewers and Storm Drains and standards specified in Chapter 10.50 Coupeville Development Regulations.

C. Work performed shall conform with approved plans.

10.40.090 DESIGN OR IMPROVEMENT VARIANCES

A. An applicant may request a variance from the requirements of CDR Sec. 10.40.070 (Subdivision Design Standards) and CDR Chapter 10.50 (Development Regulations) at the time of application for preliminary subdivision or short subdivision approval. Such an application for variance shall include all details necessary to describe and support the variance.

B. Public notice for the application for preliminary subdivision or preliminary short subdivision approval shall include notice of any associated application for variance.

C. The Planning Commission and Council shall consider the variance request at the public hearing on the application for preliminary subdivision or short subdivision approval.

D. A variance shall not be approved unless the Council makes written findings that:

1. granting the variance is not in conflict with the provisions of Chapter 58.17 RCW; and

2. granting the variance is in the public interest, and is consistent with the intent and purpose of this Title and adopted plans of the Town, including but not limited to the Comprehensive Plan.

E. In granting a variance, the Council may require conditions that will, in its' judgment, substantially meet the objectives of the standards being modified.

10.40.100 FINAL APPROVAL OF PLATS AND SHORT PLATS

A. REVIEW PROCEDURES

1. FINAL PLAT REVIEW

When a complete application for final plat approval has been submitted to the Town, the staff shall review the application and make a written report and recommendation to the Town Council to either approve or disapprove the final plat. If the final plat complies with the requirements of preliminary approval and the terms of the Coupeville Development Regulations, the



Planning Director and Town Engineer shall sign the final plat, attesting to its compliance. Action by the Council to approve a final plat shall be by formal motion made at a public meeting. Final approval does not require a hearing or public notice. When a final plat is approved by the Council, the Mayor shall sign the plat indicating the action of the Council. Approval shall be effective upon recording of the final plat with the Island County Auditor.

2. FINAL SHORT PLAT REVIEW

When a complete application for final short plat approval has been submitted, the staff shall review the application and either approve or disapprove the final short plat. Action to approve a final short plat shall be administrative and may be appealed to the Town Council in accordance with Section 10.20.035 of this Title. If the final short plat complies with the requirements of preliminary approval and the terms of the Coupeville Development Regulations, the Planning Director, Town Engineer, and Mayor shall sign the final short plat, attesting to its compliance. Approval shall be effective upon expiration of any appeal periods and upon recording of the final short plat with the Island County Auditor.

B. PUBLIC NOTICE

There is no requirement for public notice for consideration of or action to grant final approval of plats or short plats.

C. DECISION CRITERIA

1. Applications for final plat or final short plat approval shall be reviewed to assure compliance with:
  - a. conditions of preliminary approval;
  - b. provisions of Chapter 58.17 RCW; and
  - c. applicable standards and land use controls in effect at the time of preliminary approval.

D. RECORDING REQUIRED

1. Following all inspections and approvals and after all fees, charges, and assessments due the Town resulting from the subdivision development have been paid in full, the Planning Director shall record the final plat with the county auditor. The applicant shall advance the recording fee and shall pay all taxes and assessments required by law.

2. The applicant shall provide the Town with one reproducible copy of the final plat and 2 paper copies, including all recording data and covenants.

E. EFFECT OF APPROVAL

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of 5 years from the date of filing. 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 final

plat approval under RCW 58.17.150 (1) and (3) unless the Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

10.40.110 ENFORCEMENT AND PENALTIES

A. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of RCW 58.17, or any provision of this Chapter or any term or condition of preliminary subdivision or short subdivision approval, the Town Attorney may commence an action to restrain and enjoin such use and compel compliance with RCW 58.17, the provisions of this Chapter, or terms or conditions of preliminary subdivision or short subdivision approval. The costs of such action shall be charged against the violator.

B. Whenever a person, firm or corporation or any agent of any of them sells or transfers or offers for sale or transfer any lot, parcel or tract in a subdivision for which a final plat or short plat has not been recorded, the Town Attorney may commence an action to restrain and enjoin further sales, transfers, or offers for sale or transfer and compel compliance with the terms of this Chapter unless such sales or transfers are in accordance with RCW 58.17.205. The costs of such action shall be charged against the person, firm, corporation or agent selling or transferring the property.

10.40.120 APPLICATION REQUIREMENTS

A. Preliminary Subdivision and Short Subdivision Approval

The following information is required for all applications for preliminary subdivision and short subdivision approval, except as otherwise noted. The Planning Director and Town Engineer may waive specific application requirements determined to be unnecessary for review of an application. All such waivers shall be in writing and cite the reason for the waiver.

1. Preliminary map of subdivision or short subdivision: A preliminary subdivision or short subdivision map shall be drawn at a scale sufficient to show all details of the proposal. A scale of 1" = 50' is preferred, however, other engineering scales may be used if approved by the Town Engineer. Preliminary subdivision or short subdivision maps shall not exceed a size of 22" by 32". Five (5) full size copies and fifteen (15) 11"x17" reduced copies of the preliminary subdivision or short subdivision shall be provided. Reduced copies shall be legible. More than one page may be used to provide all required information. A preliminary subdivision or short subdivision map shall include the following:

- a. The name of the proposed subdivision. Short subdivisions will not be named but shall be assigned a short plat number by the Town.
- b. A legal and common description sufficient to define the location and boundaries of the proposed subdivision.
- c. The name and address of the preparer of the preliminary map.
- d. The name and address of the property owner and applicant.

- e. A vicinity sketch clearly showing the location of the property.
- f. The date prepared or revised, scale, north arrow, quarter section, section, township and range.
- g. Total acreage of the land to be divided and the average land area in square feet of the proposed lots.
- h. Existing zoning and zoning boundaries, if any.
- i. Lot and tract dimensions, areas and numbers or designations.
- j. Setback lines required by the existing or proposed zoning if the proposed lot has unusual shape, steep topography, wetlands or other unusual limitations on its building site.
- k. Any existing property lines within or adjacent to the proposed subdivision and the names and mailing addresses of all adjoining property owners.
- l. Contour lines in areas to be developed shall be at five (5) foot intervals, or as specified by the Town Engineer. Ten (10) 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 topographic relationship of adjacent property to the proposed subdivision.
- m. 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 of the proposed streets and the pavement location of existing and proposed streets. Road profiles may be required as determined by the Town Engineer.
- n. The location of all existing structures within the proposed subdivision and within twenty-five (25) feet of the proposed subdivision.
- o. Spaces to be dedicated to the public for park or open space and spaces to be owned in common by the lot owners, if any.
- p. The location of any known or suspected soil or geological hazard areas, steep slopes, protected species habitat areas, water bodies, creeks, wetlands, and areas subject to flooding or ponding.
- q. Possible future lot lines if any lot is large enough to allow future division.

- r. The location of existing and proposed utility lines, sewer and water mains adjacent to or within the proposed subdivision and the purveyors of utility service.
  - s. The location of all existing and proposed easements.
2. Application Form: A completed application form as specified by the Planning Director (5 copies)
  3. Preliminary Clearing And Grading Plan: A preliminary clearing and grading plan showing the location and boundary of existing tree-covered areas, location and boundary of groups of trees, individual trees over 6 inches in diameter measured 4' above grade, orchards, wetlands, hedgerows, and wildlife habitats. The plan shall note which of these features is proposed to be removed or modified during initial construction of the subdivision and those areas proposed to be open spaces or otherwise subject to clearing restrictions, if any. The plan shall also show where earth is to be removed, imported or relocated on the site.
  4. Preliminary Drainage Plan: A preliminary drainage plan showing existing and proposed drainage and runoff control and treatment facilities for the site and adjacent areas. (2 copies)
  5. Water Consumption Estimate: For each lot proposed to serve a use other than a single family residence, an estimate of the maximum daily demand for each water service connection shall be provided. (2 copies)
  6. A narrative statement of the improvements to be installed including roads, utilities, drainage facilities, recreational facilities and other similar improvements. (2 copies)
  7. Environmental Checklist: A completed environmental checklist. Some short plats do not require submittal of a completed environmental checklist. The Planning Director shall determine if a proposed short subdivision is exempt from SEPA review. (5 copies)
  8. Certificate of Title: The name and address and telephone number of the subdivider and owner of the property and a certificate of ownership from a title company authorized to do business in this State.
  9. Supplemental information that may be needed by the Town Engineer or Planning Director in order to properly review the proposed subdivision, including information required to determine the environmental impact of the proposal.
  10. The name and current mailing address of all owners of property within 300' of the boundaries of the proposed subdivision, as shown in the records of the Island County Auditor. If the owner of the real property which is proposed to be subdivided owns another parcel of real property which lies adjacent to the real property proposed to be subdivided, the name and

address of all owners within 300' of said adjacent property shall be provided as well. (1 copy)

11. Fees: Payment of fees as specified in Section 10.90.020.

B. Final Plats and Final Short Plats

The following information is required for all applications for final plat and short plat approval, except as otherwise noted. The Planning Director and Town Engineer may waive specific application requirements determined to be unnecessary for review of an application. All such waivers shall be in writing and cite the reason for the waiver.

1. Plat Map or Short Plat Map: A plat map shall be drawn at a scale sufficient to show all details of the proposal (6 paper copies, 1 original mylar and one reproducible mylar copy of signed original). A scale of 1" = 50' is preferred, however, other engineering scales may be used if approved by the Town Engineer. Plat maps shall be 22" x 32". Short plats shall be 18" x 24". Plats and short plats shall be drawn on mylar material meeting the Island County Auditor's standards for recording. More than one page may be used to provide all required information. The following information is required on all final plats and final short plats:

- a. The full and complete legal description of all land included in the plat.
- b. Location and names, without abbreviation, of all streets, public areas, easements and adjoining streets.
- c. The length and bearings of all straight lines, radii, arcs and semi-tangents of all curves.
- d. Centerline data on streets and easements, including bearings and distances.
- e. All dimensions along the lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any lot line in the field.
- f. Centerline data, width and sidelines of all easements, restrictions, and rights-of-way to which the lots are subject. If the easement is not definitely located, a statement as to the easement or restriction shall appear on the title sheet.
- g. Easements for storm drains, sewers and other purposes shall be denoted by broken lines.
- h. Contiguous plats, by name or if unplatted, so noted.
- i. Town boundaries crossing or adjoining the subdivision.



- j. All lots shall be numbered in sequence and the street address of each lot shall be shown.
- k. Every lot shall be shown entirely on one sheet.
- l. Location and description of all permanent monuments used as ties to establish the boundaries of the plat or short plat.
- m. The location of all permanent monuments within the subdivision.
- n. Accurate outlines of all areas to be dedicated or reserved for public use or to be committed for the common use of property owners with the purpose of the dedication or reservation to be stated on the plat together with appropriate recording references.
- o. All required dedications, endorsements, covenants, affidavits and certificates shall be shown on the face of the plat.
- p. The section, township and range.
- q. Conditions of approval of the preliminary plat as required.
- r. Required Certificates and Statements. The following certificates shall be shown on the plat:
  - i. Surveyor: The surveyor shall place his seal and signature on the plat along with: a statement certifying that the plat was prepared by him, or under his supervision; a statement certifying that the plat is a true and correct representation of the land subdivided; and monumentation and lot corner stakes as required by the Town Engineer have been set.
  - ii. Owner Certification: The owner of any interest in and holder of any lien or encumbrance upon land proposed for subdivision shall provide notarized certification that the proposed plat is submitted with her consent and she has no objection thereto.
  - iii. Dedication: A notarized certificate of dedication by the owner for all areas to be dedicated to the public.
  - iv. Owner Waiver of Claims: The owner shall grant the Town a covenant releasing, indemnifying and holding the Town harmless from any and all claims for damages or injunctive relief of whatever nature from the construction, operation and maintenance of the improvements.
  - v. Waiver of Access: If required by the conditions of preliminary approval, a waiver, by the owner, of direct access to any street from any property.

- vi.* Private Roads: A statement or other clear indication by the owner if any street is not to be dedicated to the public and specifying the maintenance responsibility.
  - vii.* Town Engineer: A statement to be signed by the Town Engineer stating that the short subdivision complies with requirements of Coupeville Development Regulations.
  - viii.* Town Acceptance: A statement to be signed by the Mayor approving the short subdivision and accepting dedicated areas, if any.
- 2. Plat Certificate: A title report, not more than 30 days old, for the land being subdivided.
  - 3. Restrictive Covenants: A copy of all restrictive covenants proposed to run with the land. (2 copies)
  - 4. Maintenance and Ownership Documents: Documents establishing and delineating responsibilities of a homeowners' association or other documents providing for ownership and maintenance of drainage, stormwater treatment or other facilities owned in common by owners of lots in the subdivision. (2 copies)
  - 5. Performance Bond: If any required public improvements are not constructed at the time of final plat or final short plat approval, executed performance bonds or other security acceptable to the Town Engineer and Town Attorney shall be provided.
  - 6. Maintenance Bond: Executed maintenance bonds, approved by the Town Engineer and Town Attorney, guaranteeing all public improvements built as part of the subdivision or short plat, from any defects caused by faulty workmanship, materials or design or combination thereof, for a period of 2 years from the date of written acceptance of the improvements.
  - 7. Fees: Payment of fees as specified in Section 10.90.020.

## **SECTION 2**

Section 10.10.030 (DEFINITIONS) be amended as follows:

- 1) replace the current definition of PLAT, SHORT found in the Development Regs with the following:
  - 131A) SHORT PLAT: the map or representation of a short subdivision.
- 2) add the definition of PLAT as written below:

- 108) PLAT: a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- 3) add the definition of PRELIMINARY SHORT SUBDIVISION APPROVAL:
  - 108A) PRELIMINARY SHORT SUBDIVISION APPROVAL: approval of the basic design features of a short subdivision, authorizing the preparation and submittal of a short plat for final approval by the Town and recording with the Island County Auditor.
- 4) add the definition of PRELIMINARY SUBDIVISION APPROVAL:
  - 108B) PRELIMINARY SUBDIVISION APPROVAL: approval of the basic design features of a subdivision, authorizing the preparation and submittal of a plat for final approval by the Town and recording with the Island County Auditor.
- 5) retain definition 9A) USEABLE AREA, and delete definition 149) USABLE AREA.

### **SECTION 3**

Section 10.30 be amended to add the following new text:

Section 10.30.021 - Existing Substandard Lots

- A. Conveyance Restricted  
If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the Town Zoning Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by the Zoning Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this title, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this title. Variances pertaining to area, width and yard requirements so specified in the Zoning Ordinance shall be obtained as specified in Section 10.30.095 of this title.
- B. Determination of Ownership  
For the purpose of this section, lots and property shall be considered in the same ownership when owned by the same individual or corporation, or by husband and wife, as tenants by the entirety.

#### SECTION 4

Section 10.90.020 (FEES) be amended as follows:

10.90.020 - Schedule of Application Fees and Public Notice Charges

- |    |   |   |
|----|---|---|
| A) | Zoning Ordinance<br>Amendment or Rezone | \$250.00 plus publication and<br>notification expenses  |
| B) | Variance                                | \$100.00 plus publication and<br>notification expenses  |
| C) | Conditional Use Permit                  | \$150.00 plus publication and<br>notification expenses  |
| D) | Short Subdivision (Short Plat)          |   |
|    | 1) Preapplication<br>Conference         | \$100.00 (cost of one pre-<br>application conference may be<br>applied to preliminary short<br>plat fee |
|    | 2) Preliminary short plat               | \$250.00 plus publication and<br>notification expenses  |
|    | 3) Final short plat                     | \$200.00  |
| E) | Subdivision                             |   |
|    | 1) Preapplication<br>Conference         | \$100.00 (cost of one pre-<br>application conference may be<br>applied to preliminary short<br>plat fee |
|    | 2) Preliminary Plat                     | \$350.00 plus publication and<br>notification expenses  |
|    | 3) Final plat                           | \$300.00  |

#### SECTION 5

This ordinance shall be in full force and effect upon posting and publication.

PASSED by the Town Council and APPROVED by the Mayor this  
14<sup>th</sup> day of February, 1994.

TOWN OF COUPEVILLE

By:

W. L. Jones  
Mayor

ATTEST:

Robin D. Holden  
CLERK