

ORDINANCE 1841 - ATTACHMENT D

DAYTON MUNICIPAL CODE Title 19 - LAND DIVISIONS

CHAPTER 19-01 GENERAL PROVISIONS

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~~5-10-04~~ 19-01.010 Purpose.

The purpose of this ~~chapter title~~ is to provide regulations to promote orderly and efficient division of land, protect the public safety, health and welfare and adequately provide for the housing and commercial needs of the City of Dayton.

~~5-10-08~~ 19-01.020 Exemptions.

The provisions of this ~~chapter title~~ shall not apply to:

- A. Cemeteries and other burial plats while used for that purpose;
- B. Divisions of land into lots or tracts, each of which is five acres or more;
- C. Divisions made by testamentary provisions, or the laws of descent;

~~D. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.~~

~~5-10-12-19-01.030~~ **Definitions.**

"Alteration" is the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in changes to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.

"Applicant" means a property owner, or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

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

"Boundary line adjustment" means the relocation of the boundaries of a lot, which relocation does not result in the creation of any additional lot or lots.

"Boundary line elimination" means the removal of one or more interior lot lines of two or more separate lots with contiguous ownership.

"Building site" means an area of land, consisting of one or more lots or portions of lots, that is capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or is currently legally developed.

"Dedication" is the deliberate appropriation of land by an owner for any general and public use, reserving to himself or herself no rights other than those which are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

"Development engineer" The director of the department of public works or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the department and required pursuant to this title. The Development engineer shall be a professional civil engineer registered and licensed pursuant to chapter 18.43 RCW.

"Easement" is a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes that may include, but are not limited to, road access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space.

"Engineered preliminary drainage plan" is a preliminary plan, consistent with the adopted Surface Water Design Manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required bioswales, wetponds or other water quality facilities.

"Improvements" shall generally mean, but not be limited to, streets, with or without curb or gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees and other items deemed appropriate.

"Public right-of-way" is any defined area dedicated to public use for vehicular and/or pedestrian use.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Final plat" is the final, permanent, reproducible drawing of a subdivision including dedications prepared for filing for record with the Columbia County Auditor and containing all elements and complying with all conditions of approval and the requirements set forth in these regulations and RCW 58.17, amended.

"Financial guarantee" is a form of financial security posted to ensure timely and proper completion of improvements, compliance with the City of Dayton standards or to warrant materials, workmanship of improvements and design. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the director.

"Land surveyor" is an individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

"Lot" means an area of land under single or common ownership, which has been created by any of the various land division methods for the purpose of lease, sale or transfer of ownership, defined by fixed and definite boundaries, and having sufficient area and dimension to accommodate development allowed by the zone in which it is located. As per RCW 58.17.020(9), the term "lot" shall include tracts or parcels. The term shall not include those tracts or parcels which are not buildable, but are created for common or public use, such as road and utility tracts.

"Parent parcel" means all area of each existing lot that is located within the perimeter of a proposed boundary line adjustment application

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

~~A "preliminary Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision prepared for preliminary review by the planning commission, the city council and other interested persons, agencies and city departments. The preliminary plat shall be the basis for approval or disapproval of the general layout of a subdivision.~~

~~A "final plat" is the final, permanent, reproducible drawing of a subdivision including dedications prepared for filing for record with the Columbia County Auditor and containing all elements and complying with all conditions of approval and the requirements set forth in these regulations and RCW 58.17, amended.~~

~~A "short Short plat" is the map or representation of a short subdivision of ~~nine~~ four (4) lots or less, containing all the elements required in these regulations and prepared for city review and approval.~~

"Short subdivision" means the division or re-division of land into four (4) or fewer identifiable lots, tracts, parcels, sites or divisions, any one of which is five acres or less in size and evidenced by a plat approved pursuant to these regulations, for the purpose of sale, lease, transfer of ownership, street dedication or building development.

"Long Subdivision" means the division or re-division of land into five (5) or more identifiable lots, tracts, parcels, sites or divisions, any one of which is five acres or less in size and evidenced by a plat approved pursuant to these regulations, for the purpose of sale, lease, transfer of ownership, street dedication or building development.

"Tract" is land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction.

~~Subdivision~~

~~"Long subdivision" means the division or re-division of land into ten or more identifiable lots, tracts, parcels, sites or divisions, any one of which is five acres or less in size and evidenced by a plat approved pursuant to these regulations, for the purpose of sale, lease, transfer of ownership, street dedication or building development.~~

~~"Short subdivision" means the division or re-division of land into nine or fewer identifiable lots, tracts, parcels, sites or divisions, any one of which is five acres or less in size and evidenced by a plat approved pursuant to these regulations, for the purpose of sale, lease, transfer of ownership, street dedication or building development.~~

~~**Plat Dedication.** A "dedication" is the deliberate appropriation of land by an owner for any general and public use, reserving to himself no rights other than those which are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.~~

~~**Easement.** An "easement" is a grant by the property owner for the use of a strip of land by the public, a corporation, or persons for a specific reason.~~

~~**Improvements.** "Improvements" shall generally mean, but not be limited to, streets, with or without curb or gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees and other items deemed appropriate. **"Public right of way"** is any defined area dedicated to public use for vehicular and/or pedestrian use.~~

~~**Lot.** "Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.~~

~~**Block.** "Block" is a group of lots, tracts or parcels within well defined and fixed boundaries.~~

~~5-10-16-19-01.040~~ **Authoritative bodies.**

- A. ~~Long~~ Subdivisions: For proposed subdivisions of ~~ten~~ five (5) or more tracts, the Dayton City Council, giving consideration to the ~~planning commission's~~ hearing examiner's recommendation, shall have the final authority to approve or disapprove a proposed ~~long~~ subdivision.
- B. ~~Short~~ subdivisions: For proposed subdivisions of ~~nine~~ four (4) or fewer tracts, the Dayton Planning ~~Commission~~ Director shall have the final authority to approve or disapprove a proposed short subdivision.

~~5-10-20-19-01.050~~ **Application and fees.**

Application forms shall be provided by the planning department. Any person desiring to subdivide land within the municipal boundaries of Dayton shall submit an application accompanied by the correct fees to the ~~planning director~~ City of Dayton.

~~5-10-24-19-01.060~~ **Administration and enforcement.**

The city planning director is vested with the duty of administering and enforcing subdivision and platting regulations within the municipal boundaries of Dayton, and may prepare and require the use of such forms as are essential to their administration. The city clerk shall be ex-officio administrator.

19-01.070 Review Process

All applications under this title shall be processed under the provisions of Title 10, Administration of Development Regulations.

19-01.080 Consent to access.

Persons applying for an application for approvals under this title must be provided free access to the land subject to the application, to all agencies considering the proposal, for the period of time extending from the time of application to the time of final approval of the application.

~~5-10-28-19-01.090~~ **Relationship to other laws.**

Whenever regulations or restrictions imposed by this ~~ordinance title~~ are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive, or which impose higher standards or requirements,

shall govern. Regardless of any other provision of this chapter, no land shall be divided in violation of any state or federal pollution control or environmental protection law or regulation.

19-01.100 Public street rights-of-way.

Dedication or deeding to the city of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots within them, under the following circumstances, where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development:

- A. Where the six-year capital improvement plan or transportation needs report indicates the necessity of a new right-of-way or portion thereof for street purposes;
- B. Where necessary to extend or to complete the existing or future neighborhood street pattern;
- C. Where necessary to provide additions of right-of-way to existing city right-of-way; and
- D. Where necessary to comply with city road standards and city road plans.

19-01.110 Limitations within future road corridors.

In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the city may limit improvements within specific areas of a proposed binding site plan, subdivision or short subdivision. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas.

5-10-32-19-01.120 Modifications or variations.

Whenever, in the opinion of the ~~planning commission and/or the city council~~ planning director or hearing examiner, the land involved in a subdivision or short subdivision is of such size or shape, or is subject to such title limitations or conditions, or is to be devoted to such usage that it is impossible or highly impractical in the particular case of the ~~subdivider applicant~~ to conform fully to the regulations herein, the planning director or hearing examiner ~~planning commission~~ may recommend such modification thereof as, in their opinion, is reasonably necessary or expedient. Provided, that in the case of such modification the planning director or hearing examiner ~~planning commission~~ shall first find that a special, individual reason(s) makes the strict adherence to this ~~chapter title~~ impossible or highly impractical of observance and that the modification is in conformity with the purpose of this ~~chapter title~~; provided further, that every subdivision or short subdivision shall comply with the provisions of Washington State law per RCW Chapter 58.17.

5-10-36-19-01.130 Severability.

This ~~chapter title~~ and the various parts, sections, subsections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid it is hereby provided that the remainder of the chapter shall not be affected thereby.

5-10-40-19-01.140 Right of appeal.

Any decision approving or disapproving any plat or short plat shall be administratively and judicially appealable as set forth in Title 10. ~~reviewable for unlawful, arbitrary, capricious or corrupt action or non-action by writ of review before the Superior Court of Columbia County.~~ Standing to bring the action is limited to the following parties:

1. The applicant or owner of the property on which the subdivision is proposed;
2. Any property owner entitled to ~~special notice~~ under of application or hearing in Title 10RCW 58.17.090;
3. Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision or short subdivision;

~~Application for a writ of review shall be made to the court within 30 days from any decision to be reviewed.~~ The cost of transcription of all records ordered certified by the court for such review shall be borne by the applicant.

~~5-10-44-19-01.150~~ **Conformance to the Comprehensive Plan and Zoning development regulations.**

All subdivisions and short subdivisions shall conform to the City of Dayton comprehensive plan and all development regulations, including but not limited to: zoning, critical area, shorelines, International Fire Code and International Building Codes and regulations in effect at the time any plat of a subdivision is submitted for approval. All lots within a proposed subdivision or short subdivision shall be of sufficient area, width and length to satisfy zoning requirements.

19-01.160 Performance requirements.

All subdivisions shall be required to provide, but not be limited to, paved streets, installed curbs and gutters, sidewalks, transit stops, storm drains, city approved ~~sanitary systems or~~ sewers, street lights, water mains and street signs.

~~5-10-52-19-01.170~~ **Performance standards.**

- A. ~~-~~Subdivision lots: Every lot within a subdivision shall be provided with satisfactory access by a city street, a private street built or improved to city standards or by an easement which is permanent and inseparable from the lot served and connects with a city or private street.
- ~~2-~~Subdivision water and sanitary sewer systems: Water supply facilities adequate to provide potable water from a public or community water supply to each lot within a subdivision shall be provided in conformity to the standards of the Columbia County Health Department. ~~With the approval of the Columbia County Health Department and the Dayton Planning Commission an exemption to this requirement may be granted in favor of individual water supply systems to each lot.~~
- B. ~~3-~~ Street construction and improvements: All subdivision street construction or improvements, required or otherwise, shall adhere to the following standards:
- C. Streets ~~and roads~~ shall be located in such a way that they can be reasonably constructed with acceptable grades and alignments. Unless otherwise approved by a "variation to standards" by the planning commission, the maximum street or road grade shall not exceed ten percent;
- D. ~~(B)~~ All streets ~~and roads~~ shall be named;
- E. ~~Road~~Street networks shall provide ready access for fire and other emergency vehicles and equipment and routes of escape for inhabitants;
- F. ~~(D)~~ Major ~~roads~~ streets shall provide for the continuation of existing major ~~roads~~ streets which serve property contiguous to the subdivision or short subdivision. Extensions shall equal or exceed the existing street ~~or road~~ width; All primary access streets ~~and roads~~ within a subdivision or short subdivision shall be paved with surface material approved by the city;
- G. ~~(F)~~ Alleys shall be approved only if evidence is provided ~~to the planning commission~~ that an alley is necessary to the subdivision or short subdivision. All ~~approved~~ alley rights-of-ways shall must be a minimum of 20 feet in width;
- H. ~~(G)~~ The minimum width of dedicated right-of-way, measured from lot line to opposite lot line, shall be a minimum of 50 feet in width for primary access routes within a residential subdivision; in addition, a five-foot utility easement shall be provided along all front and side property lines of lots abutting the primary access street. Streets shall be constructed or improved to a minimum width of 34 feet measured between opposite curb faces.
- I. *Alternative street standards:* Due to differences in various types of developments and the varying degree of resulting traffic generation, the aforementioned standards may prove unreasonable or inadequate to an individual subdivision proposal in which case the ~~planning commission city~~ may use specifications adopted for municipal public works construction prepared by the Washington Chapter of the American Public Works Association, if justified through a ~~The commission may also recommend~~ modifications pursuant ~~to section 5-10-32 to~~ DMC 19-01.120.

19-01.180 Minimum improvements before final recording - exceptions – post of financial guarantee.

A. Except as otherwise provided in subsection B. of this section, before final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans;

1. Drainage facilities and erosion control measures consistent with adopted city standards;
2. Water mains and hydrant installed and fire flow available, sewer mains, laterals and sewer manholes installed, if required;
3. Streets meeting the approved engineering plan's layout drainage, geometric and roadway width requirements and finished with an asphalt treated base. The final surfacing on the roadways may be bonded;
4. Pedestrian facilities complying with the Americans with Disabilities Act; including but not limited to, curb ramps, sidewalks and shoulders, where required;
5. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion before plat recording;
6. Delineation of critical areas and their buffers to be set aside in tracts or easements;
7. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt;
8. Improvements without which the director determines a safety hazard would exist; and
9. All private improvements outside of the right-of-way or road easement and access tracts.

B. The director, in consultation with the department of natural resources and parks, department of transportation, the prosecuting attorney, and other affected agencies, may allow the applicant to post a financial guarantee for any identified noncritical required improvements, as determined on a project by project basis, if:

1. The expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of the improvements before the final recording;
2. The inability to construct the improvements is due to unavoidable circumstances that in no way resulted from the actions or inaction of the applicant;
3. The applicant submits a detailed construction completion timeline and the department determines the applicant will be able to complete the work or improvements to be covered by the financial guarantee within a reasonable amount of time; and
4. Approval of the final plat or short plat before completion of the work or improvement will not be materially detrimental to existing county infrastructure or private properties in the vicinity of the subject property.

C. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A. of this section.

5-10-56-19-01.190 Dedications.

No plat ~~or short plat~~ shall be approved unless adequate provision is made ~~in the subdivision~~ for such storm water, drainage ways, critical areas, shorelines, roads, streets, alleys, sidewalks, easements, parks, playgrounds, schoolgrounds and other general purposes as may be required to protect the public health, safety and welfare. Convenient access to every lot shall be provided by a dedicated road, either private or city or by easement connecting such roads. Plats of subdivisions and short subdivisions containing land adjacent to publicly owned or controlled bodies of water shall contain dedications of access to such waters unless ~~the planning commission determines~~ the public interest will not be served ~~thereby~~. All dedications of land shall be clearly and precisely indicated on the face of the plat or short plat.

19-01.200 Notice on plat and short plat when near resource lands-

All plats and short plats issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands must contain a notice that states: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration." In the case of proximity to mineral resource lands, notice must also state: "Notice is given that

an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals."

~~5-10-60-19-01.210~~ Financial Guarantees~~Performance bonds.~~

Upon approval of a proposed subdivision or short subdivision the applicant may be required to furnish the city with a ~~financial guarantee performance bond~~, satisfactory to the city attorney. ~~If the city agrees that a required improvement(s) may be postponed, are required as conditions of approval.~~ The financial guarantee performance bond shall serve as assurance to the city that the installation of improvements and/or conditions of approval as provided for in this ordinance title will be completed.

~~5-10-64-19-01.220~~ Final plat and short plat filing for record.

Final plats and short plats filed for record must:

- A. ~~-~~Contain a statement of approval from the Columbia County Engineer or by a licensed engineer acting on behalf of the City of Dayton as to the layout of streets, alleys and other rights-of-way, design of bridges and adequacy of sewage and water systems;
 - ~~-~~Be accompanied by a complete survey of the section(s) in which the plat is located made to surveying standards pursuant to RCW 58.24.040;
- B. ~~-~~Be acknowledged by the person filing the plat before the Columbia County Auditor with a certificate of said acknowledgement enclosed or annexed to the plat and recorded therewith;
- C. ~~(D)~~ Contain a certification from the Columbia County Assessor that all taxes and delinquent assessments for which the property may be liable have been paid, satisfied or discharged.
- D. Be accompanied by a check from the applicant to Columbia County for recording and recoded copies of documents.

~~ARTICLE II LONG~~ CHAPTER 19-04 SUBDIVISIONS

~~5-10-68-19-04.010~~ Applicability.

~~5-10-72-Consultation with officials.~~ 19-04.020 Preapplication conference.

~~5-10-76-Application~~ 19-04.030 Preliminary application procedures.

~~5-10-80-19-04.040~~ Preliminary plat.

~~5-10-84-Departmental~~ 19-04.050 Administrative review.

19-04.060 Hearing examiner findings

~~5-10-96-19-04.070~~ Council action.

~~5-10-100-19-04.080~~ Council acceptance or rejection of preliminary plat.

~~5-10-104-19-04.090~~ Preliminary plat approval.

19-04.100 Adjustments of an approved preliminary plat.

~~5-10-108-19-04.110~~ Preliminary plat expiration.

19-04.120 Survey requirements

19-04.130 Release of improvement guarantee.

19-04.140 Final plat review process.

19-04.150 Final plat submittal.

~~5-10-112-19-04.160~~ Final plat filing period.

~~5-10-116-19-04.170~~ Final plat fees.

~~5-10-120-Review by the planning director.~~ 19-04.180 Review of the proposed final plat

~~5-10-124-19-04.190~~ Submission of final plat to council.

~~5-10-128-Final plat approval or disapproval.~~ 19-04.200 City council action of final plat

~~5-10-132-~~

19-04.210 Approval of plat required before filing.

~~5-10-68~~ 19-04.010 **Applicability.**

Any land being divided into ~~ten~~ five or more identifiable lots, tracts, parcels, sites or divisions, any one of which is five acres or less in size for the purpose of sale, lease, transfer of ownership, street dedication or building development.

19-04.020 **Preapplication conference.**

Persons considering making application to short subdivide land are encouraged to request a preapplication conference with appropriate city and agency staff. Preapplication conferences may be requested by filing necessary materials as required by the planning director.

~~5-10-72~~ **Consultation with officials.**

~~A subdivider, or his surveyor or other agent, should consult with the planning department and public works department prior to submitting the preliminary plat for the purpose of identifying any peculiar considerations and discussing any special requirements which may apply.~~

~~5-10-76~~ 19-04.030 **Preliminary Application application procedure.**

In addition to the requirements for submitting applications as set forth in DMC Title 19, Title 10, and Chapter 5-16 (SEPA), application materials for preliminary subdivision shall include:

- A. Applications for all long subdivisions shall be made through the planning department on forms supplied by that office department.
- B. Application for preliminary plat is a Type IV application under DMC Title 10 and for the purpose of providing notice, review, hearings and approval process.
- A.C. The following must be submitted with an application to be deemed complete including, but not limited to:
 - 1. Filing fees as established periodically by Resolution of the City Council.
 - 2. Names and current mailing addresses of all adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor located within three hundred (300) feet of any portion of the boundary of the proposed subdivision. Application forms as required by DMC Title 10
 - 3. Twelve (12) 24" x 36" copies and one (1) 11" x 17" copy of the preliminary plat

~~5-10-80~~ 19-04.040 **Preliminary plat.**

The ~~subdivider~~ applicant ~~shall~~ must submit, along with the filing fees, a preliminary plat which includes the following and any additional requirements as stated on the subdivision application form:

- ~~A. Is 24 x 36 inches, 11 x 17 inches or 8.5 x 14 inches in size;~~
- ~~B.A.~~ States the name of the proposed subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Columbia County Registry;
- ~~C.B.~~ Provides a legal description of the land to be divided;
- ~~D.C.~~ Identifies the ~~subdivider~~ applicant(s) and the property owner(s) if not the same;
- ~~E.D.~~ Includes a north arrow, the date and a scale of 100 feet to the inch unless some other scale has been approved;
- ~~F.E.~~ Clearly shows the boundaries of the subdivision and, where applicable, the city limits and section lines;
- ~~G.F.~~ Shows in scaled outline existing buildings within the subdivision or immediately adjacent to its boundaries;
- ~~H.G.~~ Shows the location of existing utility lines, wells, drainfields, culverts and other underground structures within the subdivision or immediately adjacent to its boundaries;
- ~~I.H.~~ Shows the location of critical areas as defined in Title 17, and drainage channels, shorelines, floodways, ravines and ~~steep~~ slopes;
- ~~J.I.~~ Designates by block number and lot number each lot or tract and shows for each lot its layout, dimensions and area;
- ~~K.J.~~ Indicates the grade of any street or proposed street which exceeds six percent;
- ~~L.K.~~ Clearly indicates the location, dimensions, and boundary lines of proposed streets, alleys, easements, parks and other public areas, and clearly designates those spaces to be dedicated to the public.

~~5-10-84~~ Departmental 19-04.050 **Administrative review.**

A. Upon receiving the preliminary plat the planning director shall transmit a copy to:

1. The ~~department of public utilities~~ Department of Public Works;
2. The Columbia County Health District;
3. The City of Dayton building official;
4. The Dayton School District;
5. Emergency Services including Fire District 3, Columbia County Ambulance Service and Columbia County Sheriff's Office
6. ~~5.~~ The department of ecology if the proposed subdivision lies within a flood control zone designated pursuant to Chapter 86.16, RCW;
7. ~~6.~~ The state department of transportation if the proposed subdivision is adjacent to the right-of-way of any state highway;
8. ~~7.~~ Any other agencies, tribes or officials which may have an interest in the proposed subdivision.

~~(B)~~ B. The ~~subdivider~~ applicant shall provide a complete environmental assessment pursuant to RCW 43.21C and the department of ecology regulations. The planning director shall provide forms for the environmental assessment and may require additional information if it is deemed necessary. The planning director may require the ~~developer~~ applicant to prepare a draft environmental impact statement.

C. ~~(C)~~ At their option, the consulted departments, officials and agencies make a written report to the planning director on their review of the preliminary plat within the review period provided in DMC Title 10. The planning director assembles the reports from the consulted officials and prepares a summary thereof, along with the environmental impact analysis, for presentation to the planning commission at its hearing of the preliminary plat.

~~5-10-88. Notice of public hearing.~~

~~The planning director shall give notice of public hearing as follows:~~

1. ~~Notice shall be posted on the subject property and published in the official newspaper of Dayton not less than ten days prior to the hearing;~~
2. ~~Special notice of the hearing shall be given to adjacent landowners located within 300 feet of any portion of the boundary of the proposed subdivision. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.~~
3. ~~5-10-92. Planning commission review/recommendation.~~

~~Upon receipt of the application and the affixing of a file number, the planning director shall set a date for a public hearing before the planning commission. The hearing date shall be as soon as is practical considering the meeting dates and work load of the planning commission.~~

19-04.060 Hearing examiner findings

A. The ~~planning commission~~ hearing examiner, upon public hearing, determines whether the proposed subdivision:

1. Serves the public interest, promotes the general welfare and does not deter from the public health and safety of the City of Dayton;
2. Complies with and furthers the purpose of the comprehensive plan, environmental policy, shoreline management policy and zoning codes of the City of Dayton;
3. Makes adequate provisions for:
 - ~~(a)~~ a. Open space and sufficient building sites;
 - ~~(b)~~ b. Public streets, alleys and other public ways sufficient in number and size, consistently named, properly aligned and designed in accordance with city specifications, and the specifications ~~of this ordinance~~ of Title 19;
 - ~~(c)~~ c. Water supply;
 - ~~(d)~~ d. Sewage disposal;
 - ~~(e)~~ e. Surface water drainage, including natural drainage courses;
 - ~~(f)~~ f. Parks, recreation, playgrounds, ~~sites for~~ schools, transit and all other relevant ~~public places~~; facts including sidewalks and other planning features that assure safe walking condition for students who only walk to and from school; and,
 - g. Whether the public interest will be served by the subdivision and dedication.

~~A.~~ B. Not later than 14 days following conclusion of the hearing the ~~planning commission~~ hearing examiner shall submit ~~its~~ his written report and recommendations to the city council. The ~~commission~~ examiner may

recommend that the preliminary plat be approved, conditionally approved pending changes or additions, or disapproved.

5-10-96-19-04.070 Council action.

Upon receipt of the ~~planning commission's~~ hearing examiner's recommendation, the Dayton City ~~Clerk Council~~ shall, ~~at its next possible public meeting~~, set the date for the public meeting at which the city council shall consider the proposal and recommendation.

5-10-100-19-04.080 Council acceptance or rejection of preliminary plat.

At the meeting scheduled for considering the preliminary plat, the city council shall, after reviewing the recommendations of the ~~planning commission~~ hearing examiner and other relevant evidence presented to it, ~~either concur in or reject the planning commission's hearing examiner's recommendation~~ or revise conditions based on the facts as presented on the record. ~~If, after considering the preliminary plat at a public meeting, the council decides a change in the planning commission's recommendation approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the council conducts a public hearing and thereupon adopts its own recommendations and approves or disapproves the preliminary plat. Such public hearing may be held before a committee constituting a majority of the council. If the hearing is before a committee, the committee shall report its recommendations on the matter to the council for final action.~~ Every decision or recommendation shall be in writing and shall include findings of fact and conclusions to support the decision ~~of the council or recommendation.~~

5-10-104-19-04.090 Preliminary plat approval.

- A. The Preliminary Plat shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing thereof unless the applicant consents to an extension of such time period or the ninety (90) day limitation is extended to include up to twenty-one (21) days as specified in RCW 58.17.095(3). Provided, that if an environmental statement impact statement is required as provided by RCW 43.21C.030, the ninety (90) day period shall not include the time spent preparing and circulating the environmental impact statement by the Planning Department.
- B. Approval of the preliminary plat shall not guarantee approval of the final plat or subdivision nor constitute an acceptance of the subdivision. 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 chapter and any conditions imposed by the city council. Approval of the preliminary plat does not give the subdivider permission or authority to sell or offer for sale any lot, tract, parcel or site which is part of the subdivision.

19-04.100 Adjustments of an approved preliminary plat.

- A. Minor Adjustments. Minor adjustments may be made and approved by the planning director. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and streets. Such dimensional requirements shall not vary more than 10 percent from the original. The adjustments cannot be inconsistent with the requirements of the preliminary plat approval. The adjustments cannot cause the subdivision to be in violation of this title, the zoning ordinance, any other applicable city land use control, Chapter 58.17 RCW, or any other applicable state law or regulation. Minor adjustments shall be reviewed for consistency with this chapter and the regulations of this title, as well as the following criteria:
1. The adjustment maintains the design intent or purpose of the original approval; and
 2. The adjustment maintains the quality of design or product established by the original approval; and
 3. The adjustment does not cause a significant environmental or land use impact on or beyond the site; and
 4. The adjustment is not precluded by the terms of this title or by state law from being decided administratively; and
 5. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat or short plat approval.

B. Major Adjustments. Major adjustments are those that, when determined by the planning director, substantially change the basic design, layout, open space or other requirements of the plat. When the planning director determines a change constitutes a major adjustment, a new application for a preliminary plat is required and shall be processed as a new and separate application.

5-10-108-19-04.110 Preliminary plat expiration.

Preliminary plat approval shall be effective for ~~24 months~~ 5 years following final action by the council; however, should this time period elapse without the filing of a final plat, upon reapplication by the ~~subdivider-applicant~~, the ~~planning-commission~~ planning director shall review the preliminary plat and if it finds that the preliminary plat then serves the public use and interest and complies with all zoning requirements it may extend its approval for one additional 12-month period. The filing fee for such reapplication shall be one-half the fee paid for the original application. If a final plat of all or part of the area included in the preliminary plat is not recorded within ~~three-five~~ years from the date of original approval by the council, such approval of the preliminary plat shall be null and void.

19-04.120 Survey requirements.

- A. A licensed professional land surveyor shall complete all lot staking prior to the recording of the final subdivision.
- B. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the corners shall be set as directed by the city of Dayton.
- C. When the legal description of the final subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.
- D. All reference monuments used in the establishment of the final subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.
- E. When the final subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.
- F. Whenever a final subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.
- G. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads:
THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.
- H. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb.

19-04.130 Release of improvement guarantee.

- A. If a financial security for the improvements has been submitted and accepted by the city, such guarantee shall only be released upon acceptance by the city of a properly executed bill of sale for such improvements and submittal of adequate record drawings for which the guarantee was submitted.
- B. A portion of the guarantee equivalent to 15 percent of the value of the public improvements guaranteed shall be retained as a maintenance guarantee by the city for a minimum period of one year from the date the city engineer certifies the completion of the plat improvements have been satisfied, to ensure the adequate operation of such improvements, following which any unused portion of such guarantee shall be released.

19-04.140 Final plat review process.

A final plat shall be reviewed in accordance with DMC Title 10 as a Type IVA decision.

19-04.150 Final plat submittal.

An application for final plat approval must meet all requirements of Chapter 58.17 RCW, DMC Title 19 and conditions of preliminary approval. The application shall be submitted in compliance with and on forms approved by the planning director

~~5-10-112~~19-04.160 Final plat filing period.

Any time within the original ~~24-month~~5 year period (or as provided in RCW 58.17.140) following council approval of the preliminary plat or within an approved 12-month extension the ~~subdivider~~applicant may file ~~an original tracing and four copies of the proposed~~ a final plat with the planning director.

~~5-10-116~~19-04.170 Final plat fees.

All applicable final plat fees ~~scheduled~~ shall be paid at the time of final plat filing. ~~Should a final plat not be filed within the original 24-month period and an extension be approved by the council and should changes be made or have to be made in the proposed final plat which require re-examination or additional examination of said plat, the planning director may require payment of an additional fee up to one-half the amount of the original fee.~~

~~5-10-120~~19-04.180 Review by the planning director of the proposed final plat.

- A. The director shall forward the plat to the city engineer and to other city departments and agencies for review, as applicable. The city engineer shall review the final plat and determine if it is in compliance with all applicable city improvement standards and requirements in effect on the date of preliminary plat approval.
- B. The planning director shall either request additional information of the applicant or forward the final plat to the Dayton City Council within 30 days of receipt.
- C. The planning director shall make certain that:
1. The final plat meets all standards established by Washington State Law, this chapter and the Dayton zoning ordinance;
 2. The final plat bears all the certificates and statements of approval required by this chapter;
 3. The surveyor is identified, including his/her registration number, surveying data is correct, complete and in compliance with Washington State law per RCW 58.17.160(2);
 4. The advance property taxes as required by law have been paid;
 5. 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 owner(s) whose signature(s) appear on the plat certificate;
 6. The facilities and improvements required to be provided by the ~~subdivider~~applicant have been completed or; alternatively, that the ~~subdivider~~applicant will provide a bond in a form acceptable to the city attorney and in an amount and with sureties commensurate with improvements remaining to be completed, securing to the city the construction and installation of the facilities and improvements within a fixed time set by the council.

~~5-10-124~~19-04.190 Submission of final plat to council.

The planning director, upon being satisfied that compliance with all the requirements ~~as outlined in the foregoing section~~ have been met and that all applicable fees have been paid, shall forward ~~the original tracing~~ to the Dayton City Council copies of the final plat mylar along with the department report which discusses the conformity or nonconformity of the final plat with: the terms and conditions of the preliminary plat approval; the requirements of Chapter 58.17 RCW and other applicable state laws in effect at the time of preliminary plat approval; and, the requirements of this title and codes in effect at the time of preliminary plat approval.

19-04.200 ~~5-10-128~~ Final plat approval or disapproval. City council action for final plat

- A. The city council shall, at its next public meeting, determine:
1. Whether conditions imposed when the preliminary plat was approved have been met;
 2. Whether the bond, if there be one, assures completion of improvements;
 3. Whether public use and interest will be served by approving the proposed final plat, and

4. Whether the requirements of Washington State law and this chapter have been satisfied by the ~~subdivider~~applicant.

The city council shall thereupon approve, ~~or disapprove~~ or return to the applicant for modification or correction the proposed final plat. If approved, the ~~council mayor~~ shall ~~suitably inscribe and execute~~ its ~~his~~ written approval on the face of the plat. The original final plat mylar shall be filed for record with the Columbia County Auditor and one conformed paper copy shall be filed with the Columbia County Assessor and one conformed paper copy shall be returned to the city. One reproducible copy shall be furnished to the Columbia County Engineer and one paper copy to the Columbia County Assessor.

~~5-10-132-19-04.210~~ Approval of plat required before filing.

The county auditor shall refuse to accept any plat for filing until approval of the plat has been given by the city council and signed by the city mayor. Should a plat or dedication be filed without such approval, the Prosecuting Attorney of Columbia County shall apply for a writ of mandate in the name of and on behalf of the Dayton City ~~Council Mayor~~ directing the auditor and assessor to remove from their files or records the unapproved plat, or dedication of record.

~~ARTICLE III- CHAPTER 19-06~~ SHORT SUBDIVISIONS

~~5-10-136-Applicability.~~ 19-06.010 General provisions.

~~5-10-140-Consultation with officials.~~ 19-06.020 Preapplication conference.

19-06.030 Preliminary short plat application.

19-06.040 Survey requirements.

19-06.050 Development requirements.

~~5-10-144-19-06.060~~ Preliminary short plat.

~~5-10-148-19-06.070~~ Departmental review.

19-06.080 Findings of the Planning Director

~~5-10-164-19-06.090~~ Preliminary short plat approval.

~~5-10-168-19-06.100~~ Preliminary short plat approval—Expiration.

~~5-10-172-19-06.110~~ Final short plat filing period.

19-06.120 Final short plat submittal.

~~5-10-176-19-06.130~~ Final short plat approval or disapproval.

~~5-10-180-19-06.140~~ Final short plat fees.

~~5-10-184-19-06.150~~ Approval of short plat required before filing.

~~5-10-136-Applicability.~~

19-06.010 General provisions.

Every short subdivision shall comply with the provisions of this chapter. Land shall be divided by the short subdivision method according to the provisions of this title, if the following criteria are met:

A. The division will not result in the creation of more than four lots.

B. The original tract being divided has not been created by a short subdivision within the previous five years, except that when the short subdivision contains fewer than four parcels, a revised short subdivision may be filed within the five-year period to create up to a total of four lots within the original short subdivision boundaries.

C. The entire original tract (except adjacent platted or short subdivided land) shall be included within one short subdivision application; provided, that a pre-existing, unplatted adjacent parcel may also be excluded if it is 20 acres or greater in size.

~~Any land being divided into nine or fewer identifiable parcels, lots, tracts, sites or divisions, any one of which is five acres or less in size for the purpose of sale, lease, transfer of ownership, street dedication or building development.~~

19-06.020 Preapplication conference.

~~Persons considering making application to short subdivide land are encouraged to request a preapplication conference with appropriate city and agency staff. Preapplication conferences may be requested by filing necessary materials as required by the planning director.~~

~~**5-10-140 Consultation with officials.**~~

~~A subdivider, his surveyor or other agent, should consult with the planning department and public works prior to submitting the preliminary plat for the purpose of identifying any peculiar considerations and discussing any special requirements which may apply.~~

19-06.030 Preliminary application.

~~In addition to the requirements for submitting applications as set forth in DMC Title 19, Title 10, and Chapter 5-16 (SEPA, as applicable), application materials for preliminary short subdivision shall include all information specified by the planning director in the preliminary short subdivision application forms.~~

19-06.040 Survey requirements.

- ~~A. A licensed professional land surveyor licensed in the state of Washington shall complete all lot staking pursuant to RCW58.09.040(1).~~
- ~~B. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Dayton.~~
- ~~C. When the legal description of the short subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.~~
- ~~D. All reference monuments used in the establishment of the short subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.~~
- ~~E. When the short subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.~~
- ~~F. Whenever a short subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.~~
- ~~G. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads:
THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.~~
- ~~H. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb.~~

19-06.050 Development requirements.

- A. Lot Area and Dimensions. Each lot created by short subdivision shall contain sufficient square footage and lot dimensions to meet the requirements of DMC Title 11. Land contained in access easements, tracts or panhandles shall not be included in lot area or lot dimension calculations for the purposes of this section.
- B. Every lot within a short subdivision shall be capable of being reasonably served by public sewer, water, storm drainage facilities and streets. The city will not approve a short subdivision for which a building permit cannot be issued because of insufficient infrastructure.
- C. Conformance with Adopted Plans. Street, water, sewer and storm drainage facilities adjacent to or within the short subdivision shall be in conformance with adopted city ordinances, standards and policies. Easements for utilities recommended by such plans shall be provided to the city, with the exact location of such easements to be determined by the city engineer.
- D. Floods, Flood Control and Storm Drainage.
1. Where any portion of the proposed short subdivision lies within an area of special flood hazard or regulatory floodway, conformance with adopted city flood hazard area codes, standards and policies shall be required.
 2. A conceptual storm drainage/site grading plan shall be required to be submitted, as part of the short subdivision application, unless waived by the city engineer.
 3. If the proposed subdivision should have one or more new lots in the regulatory floodplain, area set aside as open space through deed restriction, easement, subdivision covenant, or donation to a public agency may be used to calculate density, increasing the density of the development in the portion of the development outside the regulatory floodplain may be increased in accordance with applicable land use and subdivision regulations.
- E. Adjacent Streets. When any public street lying adjacent to the property being short subdivided has insufficient width or for any other reason does not conform to minimum street standards, in accordance with the city design and construction standards, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the applicant to conform the abutting half of the street to such standards consistent with City of Dayton design and construction standards.
- F. Access.
1. All short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street or shall be served by a private street, access easement, tract or panhandle having direct access to such a public street. Where private streets and access easements are provided, they shall be improved or guaranteed to the city of Dayton and be in conformance with the city of Dayton design and construction standards.
 2. All private streets, access easements and panhandles shall be capable of meeting the fire access requirements of Chapter 5-2 and the development standards in code. the Dayton Municipal Code, such as, but not limited to, an adequate surface for access and minimum turnaround requirements on dead-end streets or access easements as specified by the fire department.
 3. All proposals shall ensure that all buildable lots shall have at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the base flood elevation.
- G. Dedication of Streets. Dedication of a public street or streets may be required, whenever the city engineer finds that one or more of the following conditions applies:
1. The general alignment of a proposed private street, access easement or panhandle follows the general alignment of a future arterial as shown in the comprehensive plan; or
 2. The general alignment of a proposed private street, access easement or panhandle can be reasonably modified to provide a desirable through-connection between two or more existing or planned public streets or arterials; or

3. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.

H. Nonmotorized Requirements. In addition to any frontage improvement requirements and compliance with the city's comprehensive transportation plan, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school shall be considered.

I. Fire Hydrants. All lots within a short subdivision shall be capable of being served by a fire hydrant as required by the International Fire Code as adopted by the City of Dayton.

J. The final recorded subdivision plat shall include a notice for one or more critical areas, describing that portion(s) of the property in each designated critical area, as appropriate.

5-10-14419-06.060 =Preliminary short plat.

The ~~subdivider~~ applicant shall submit, along with the preliminary short plat filing fees, a preliminary short plat meeting the requirements as stated on the application and which:

- A. Is 24 x 36 inches, 11 x 17 inches or 8.5 x 14 inches in size;
- B. States the name of the proposed subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Columbia County Registry;
- C. Includes a north arrow, the date and a scale of 100 feet per inch unless some other scale has been previously approved;
- D. Provides a legal description of the land to be divided;
- E. Identifies the ~~subdivider~~ applicant, engineer, surveyor and property owner if not the same;
- F. Outlines the boundaries and includes the dimensions of all proposed lots;
- G. Includes the name and location of existing and proposed public rights-of-way;
- H. Includes the location of existing and proposed easements;
- I. Shows the location of existing buildings and ~~major~~ structures and their distances from property lines;
- J. ~~Indicates~~ Shows critical areas and existing natural features such as streams, rivers, ravines, drainage-ways and steep slopes; and,
- K. The location and size of existing and proposed utilities including water, sewer, storm drains and fire hydrants.

5-10-148-19-06.070 Departmental review.

~~(A)~~ Upon receiving the preliminary plat the planning director shall transmit a copy to:

- A. The department of ecology if the proposed subdivision lies within a flood control zone pursuant to Chapter 86.16, RCW;
- B. The state department of transportation if the proposed subdivision is adjacent to the right-of-way of any state highway;
- ~~B=C.~~ The Dayton City engineer, who shall review the proposed short subdivision with regard to its conformance to the general purposes of adopted traffic and utility plans; adequate provisions for storm drainage, streets, alleys, other public ways, water and sanitary sewer; and conformance to any applicable improvement standards and specifications and compliance with Chapter 58.09 RCW and Chapter 332-130 WAC ~~Department of Public Utilities;~~
- 4. The Columbia County Health District;
- 5. The city building official;
- 6. ~~The Any other agencies or officials which may have an interest in the proposed subdivision.~~ city fire official; and,
- 7. Other city department, utility provider, school district, agency or entity (public or private) as the director deems appropriate.

~~5-10-152 Planning commission review:~~

~~The Dayton Planning Commission shall begin their review of an application at the first public meeting 15 days or more following the date on which the planning department accepts an application as complete.~~

~~5-10-156 Notice of public hearing:~~

~~The planning director shall give notice of public hearing as follows:~~

~~5-10-160 Planning commission approval or disapproval:~~

19-06.080 Findings of the Planning Director

The city shall determine:

- A. If appropriate provisions are made for all provisions in subsection B, and determine whether the public interest will be served by the short plat and any dedications.
- B. A proposed short plat and any dedications shall not be approved unless the city makes written findings that:
 - 1. Conforms to the Dayton Comprehensive Plan, shoreline management policy, environmental policy, Title 17, Critical Areas, and all Dayton Zoning Regulations.
 - 2. Appropriate provisions are made for the public health, safety, and general welfare; open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds schools, school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 - 3. The public use and interest will be served by the platting of such short subdivision and dedication. If it finds that the proposed short subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication.
 - 4. Dedication of land to any public body, provision of public improvements to serve the short subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of short subdivision approval. Dedications shall be clearly shown on the final short plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any short subdivision require a release from damages to be procured from other property owners.
- C. If the preliminary short plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, shall adopt the designated name.
- D. During the planning commission meeting the commission will hear any relevant testimony for or against the proposed subdivision and The planning director shall make a decision approve, approve with conditions or deny the short subdivision based on the proposal's compliance to the provisions and standards of this chapter title and whether the proposal findings of this section.
- ~~1. Serves the public interest, promotes the general welfare and does not deter from the public health and safety of the City of Dayton;~~
- ~~3. Conforms with the Dayton Comprehensive Plan, shoreline management policy, environmental policy and with all Dayton Zoning Regulations.~~

~~5-10-164~~ 19-06.090 Preliminary short plat approval.

Approval of the preliminary short plat shall not guarantee approval of the final short plat or subdivision nor constitute an acceptance of the short subdivision. Approval of the preliminary short plat shall constitute authorization for the subdivider-applicant to develop the subdivision's facilities and improvements in strict accordance with standards established by ~~this chapter~~ the City of Dayton and any conditions imposed by the ~~planning commission~~ planning director. Approval of the preliminary short plat does not give the subdivider

applicant permission or authority to sell or offer for sale any lot, tract, parcel or site which is part of the short subdivision.

5-10-168-19-06.100 Preliminary short plat approval—Expiration.

Preliminary plat approval shall be effective for ~~24 months~~ 5 years or as provided in RCW 58.17.140 following final action by the ~~commission~~ city; however, should this time period elapse without the filing of a final short plat, upon reapplication within six months by the ~~subdivider~~ applicant, the ~~planning commission~~ planning director shall review the preliminary short plat and if it finds that the preliminary short plat then serves the public use and interest and complies with all zoning requirements and other current applicable standards, ~~it~~ the director may extend ~~its~~ approval for one additional 12-month period. The filing fee for such reapplication shall be one-half the fee paid for the original application. If a final short plat of all or part of the area included in the preliminary short plat is not recorded within ~~three the time limits of RCW 58.17.140, years from the date of original approval by the council,~~ such approval of the preliminary short plat shall be null and void.

5-10-172-19-06.110 Final short plat filing period.

Any time within the original ~~24 month~~ 5 year period (or as provided in RCW 58.17.140) following ~~council~~ approval of the preliminary short plat, or within an approved 12-month extension, the ~~subdivider~~ applicant may file a ~~an original tracing and four copies of the proposed~~ final plat application with the planning director.

19-06.120 Final short plat Submittal.

An application for final short subdivision approval must meet all requirements of Chapter 58.17 RCW, DMC Title 19 and conditions of preliminary approval. The application shall be submitted in compliance with and on forms approved by the planning director.

5-10-176-19-06.130 Final short plat approval or disapproval.

The planning director shall have 30 days to either request additional information of the applicant or shall forward the final short plat with signature approvals from the Planning Director and City Engineer to the City Mayor ~~planning commission~~ for approval (final signature) or disapproval. The city shall determine:

- A. Whether conditions of preliminary short plat approval have been met;
- B. Whether the bond, if there be one, assures completion of improvements;
- C. Whether public use and interest will be served by approving the proposed final short plat; and,
- D. Whether the requirements of Washington State law and this title have been satisfied.

If approved, the ~~planning commission chairperson~~ mayor shall inscribe approval on the face of the plat. The original final plat mylar shall be filed for record with the Columbia County Auditor, ~~one reproducible copy shall be furnished to the Columbia County Engineer~~ and one conformed paper copy shall be filed with the Columbia County Assessor and one conformed paper copy shall be returned to the city.

5-10-180-19-06.140 Final short plat fees.

All applicable fees ~~scheduled as required by the city~~ shall be paid at the time of final short plat filing. ~~Should a final plat not be filed within the original 24-month period and an extension be approved by the commission and should changes be made or have to be made in the proposed final plat which require re-examination or additional examination of said plat, the planning director may require payment of an additional fee of up to one-half the amount of the original fee.~~

5-10-184-19-06.150 Approval of short plat required before filing.

The county auditor shall refuse to accept any short plat for filing until approval of the short plat has been given by the ~~planning commission~~city. Should a short plat or dedication be filed without such approval, the Prosecuting Attorney of Columbia County shall apply for a writ of mandate in the name of and on behalf of the City of Dayton ~~Planning Commission~~ directing the auditor and assessor to remove from their files or records the unapproved short plat, or dedication of record.

CHAPTER 19-08 BOUNDARY LINE ADJUSTMENTS

Sections:

<u>19-08.010</u>	<u>Purpose.</u>
<u>19-08.020</u>	<u>Procedures and limitations of the boundary line adjustment process.</u>
<u>19-08.030</u>	<u>Final approval and recording required.</u>
<u>19-8.040</u>	<u>Conceptual review.</u>

19-08.010 Purpose.

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes. In no case shall a boundary line adjustment be used to create an additional lot.

19-08.020 Procedures and limitations of the boundary line adjustment process.

Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

- A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in DMC Title 10. The review shall include examination for consistency with the City of Dayton zoning code, Title 11, shoreline master program, applicable board of health regulations and, for developed lots, fire and building codes;
- B. Any adjustment of boundary lines must be approved by the department before the transfer of property ownership between adjacent legal lots;
- C. A boundary line adjustment proposal shall not:
 - 1. Result in the creation of an additional lot or the creation of more than one additional building site;
 - 2. Result in a lot that does not qualify as a building site pursuant to this title;
 - 3. Relocate an entire lot from one parent parcel into another parent parcel;
 - 4. Reduce the overall area in a plat or short plat devoted to open space;
 - 5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
 - 6. Involve lots which do not have a common boundary; or
 - 7. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;
- D. The elimination of lines between two or more lots shall in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title or to DMC 19-08.030. The format and requirements of a minor adjustment under this subsection shall be specified by the department; and
- E. Recognized lots in an approved site plan for a conditional use permit, shorelines conditional use permit, wetland use permit, or other site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development.
- F. Lots that have been subject to a boundary line adjustment process that resulted in the qualification of an additional building site shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional building site.

19-08.030 Final approval and recording required.

- A. A title insurance certificate updated-not more than thirty days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
- B. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.
- C. Final record-of-survey document must be prepared by a land surveyor in accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.
- D. The final map page shall contain the following approval blocks:
 - 1. The Columbia County department of assessments to be signed by the Columbia County assessor and deputy Columbia County assessor; and
 - 2. The Dayton planning department, to be signed by the director.

19-08.040 Conceptual review. Prior to proceeding through the boundary line adjustment process, an applicant may desire to choose to apply for an optional preapplication meeting. At that time the department will perform a conceptual review based upon the information brought in by the applicant.